The Reality of Russian Politics

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Political Transition Underway
Q&A

On constitutional reform, government resignation and Medvedev's replacement as prime minister

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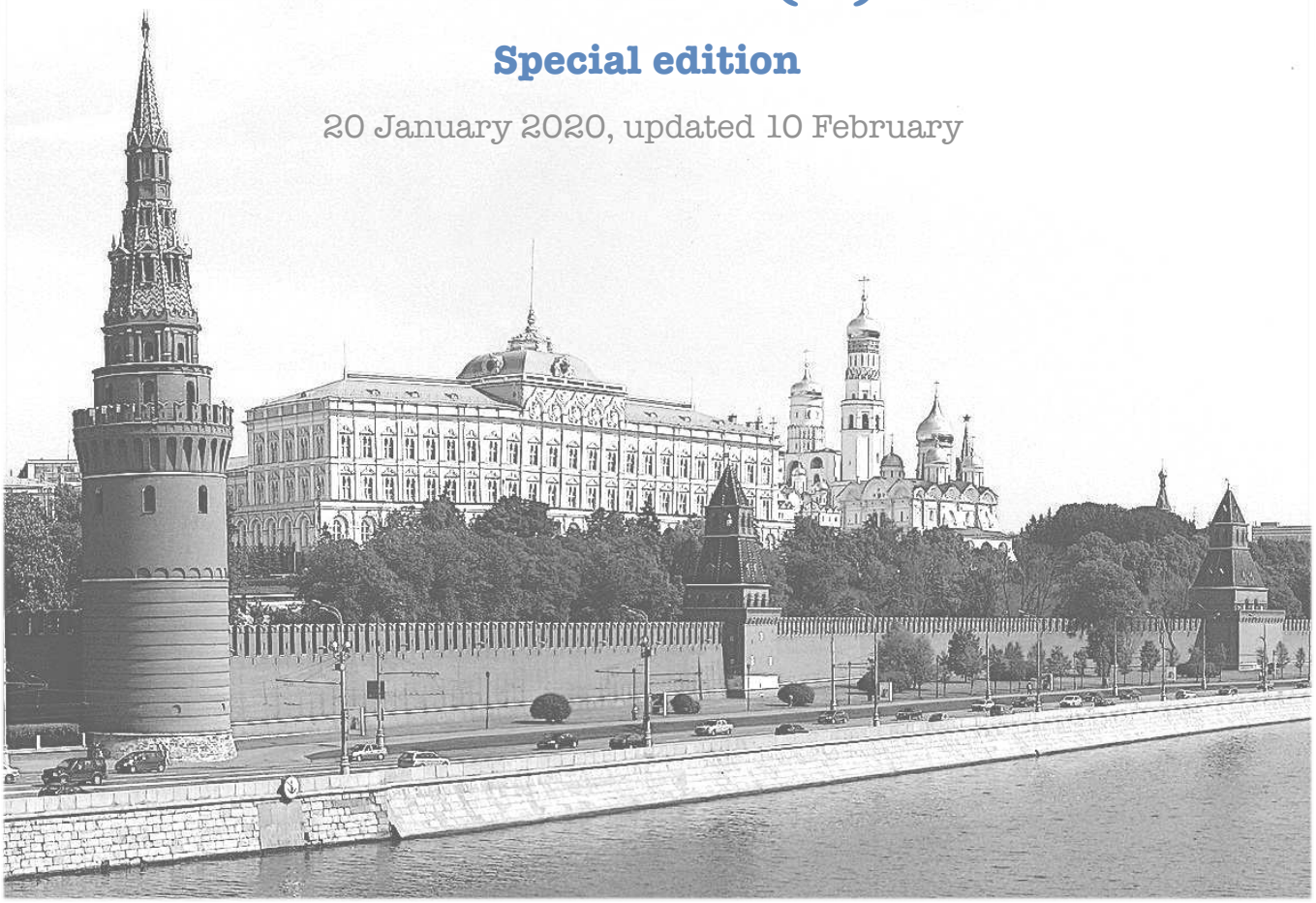

On 15 January, Russian President Vladimir Putin gave his annual address to the Federal Assembly in which he unveiled plans to reform the country's constitution. Hours later, he dismissed the whole government. Below, we look at some of the most important issues to emerge from last week.

Why Now?

There are two broader questions about timing: firstly, why so fast? Secondly, why now? The answer to the first question is clear: Putin wants to cross the finish line as quickly as possible, very much in line with Putin's style: i.e. ruling through 'special operation', implementing decisions in blitzkrieg fashion, with limited, secretive discussions beforehand. The faster everything takes place, the fewer the risks from the opposition or in-fighting among the elite. The second question, about timing, is less straightforward. A source told *Kommersant* that the Kremlin had considered handing the State Duma the right to dissolve itself. However, this does not feature in the draft law. There are three possible answers:

- Putin wants constitutional reform completed before the State Duma elections, which are set to take place in September 2021 (though they could be rescheduled), to make sure the future lower chamber of parliament is in line with a new configuration of power. In other words, Putin wants to shake up parliament and choose a new speaker who will accompany him through the transition process.
- Putin is considering resigning before 2024. There can be only one reason for this: he thinks things may be less stable and more politically challenging in four years time.
- Making his move early means there will be time to test the new system, and that there will be opportunities for fine-tuning ahead of D-Day.

Does Putin Stay Or Does He Go?

Most observers have interpreted the changes as a way for Putin to continue as undisputed Russian leader, at least informally. This seems misguided. Based on what Putin actually said in his speech, it seems overwhelmingly likely that he will step down as president in 2024 (or earlier). Before then, he will have to find a successor — someone to guarantee policy continuity and political stability. Putin has yet to reveal his own plans, but the way he is acting suggests that he will stay in power (which is not the same as leading Russia). There are two particularly important points:

- Putin is bored with dealing with routine social and economic policy issues, and would prefer to leave such things to the government. This means stripping back the president's responsibilities.
- Putin wants a more 'freelance' status, with fewer direct responsibilities. While this indicates he is unlikely to become prime minister, leading a re-vamped State Council would be more attractive (staying 'in power' without any unnecessary burdens).

After Putin leaves the presidency, **Russia will be governed in tandem**, which will, in any case, limit Putin's freedom for action, forcing him to consider his successor's priorities.

Will Russia Now Have A Weak President?

In short: no. The presidency will remain the dominant political institution in Russia even after the reforms. The president, whoever he is, will remain commander-in-chief; all security agency heads will answer directly to him; and he will retain the right to dismiss

the prime minister and all government ministers. Moreover, Putin has proposed giving the president several new powers. It will provide additional tools in case of inter-institution conflict. There are main additions to presidential power:

- The **right to dismiss the prime minister and ministers on grounds of 'loss of confidence'**, a much more career-ending formulation than is currently available to the president (another reason why Putin is unlikely to become prime minister). The procedure for appointing prime ministers will not change significantly.
- The **right to demand the Federation Council dismiss Supreme Court and Constitutional Court judges** for misconduct. The current procedure to replace judges is highly complex (and has never been used), and the president cannot formally initiate it. This means that the judiciary will become less independent, and (even) more vulnerable to political influence. This provision may have been also designed for imminent use by Putin, who hinted in his speech that some judges need to be removed. At the moment, the judiciary is politically vulnerable: it is highly dependent on the security services, and to an even greater extent on the Investigative Committee and the Prosecutor General's Office. This change means the bond between the executive and the judiciary will become even stronger.
- **The president will have a 'second veto' over legislation**, providing protection against any attempts by parliament to force through new laws. At the moment, the president can veto any law, but the veto is void if the the law is approved by two-thirds of the Federation Council and the State Duma. After the constitutional reforms, however, the president will be able to demand the Constitutional Court check laws to see if they violate the constitution and, depending on the decision, they may be rejected. The president will also be able to stop draft law passed by regional legislatures in the same way (before it is signed off by the governor). The latter is a crucially important point as it gives the president the right to stop regional initiatives.

The Constitutional Court itself will be slimmed down from 19 judges to 11 judges (for now it has just 15 judges as four have just retired after reaching the age of 70). This amendment has been criticised by legal experts, who say a smaller Constitutional Court will be easier to manipulate and take longer to process cases, there will be less room for different opinions, and it will be harder for judges to disagree (something we see already in the Constitutional Court).

The president also will retain tight control over the *siloviki*. However, there are some important changes. The president will have to consult the Federation Council before appointing the foreign minister, the interior minister, the justice minister, the emergency situations minister, and the head of the FSB. This consultation does not mean the Federation Council can block the appointments. In fact, it will not really restrict the president at all in terms of hiring and firing. But it does mean a more open procedure. If the Kremlin has political control of the Federation Council, consultation will be a formality. However, even if the Federation Council is controlled by an opposition party, there will be no mechanism to stop the president.

How Can Putin Ensure Continuity & His Own Security?

The short answer is: he can't. The only real guarantee Putin can have is the loyalty of his successor. All other safeguards are not 100 percent reliable. And Putin seems to be aware of this. One needs only recall how relations soured with Medvedev — a loyal, if uncharismatic, friend with scant popular support — in 2009 and 2010. Future presidents

will be elected for six years (although unable to rule for more than 12 years) and Putin understands that his successor will, inevitably, create and reinforce his own power base and opt for policy that might differ from Putin's own preferences.

Putin is not looking to dominate the system (although he will remain a key player), but rather to find a way to exert influence without risking any dangerous consequences for the state. He will wield influence both by way of informal tools, and a formal status.

Putin's **formal status** will be shaped by the post he eventually takes — too much speculation on this count is unhelpful yet. But whatever powers Putin has, he will be unable to bring the president to heel: the president will have the last word over new laws and the most strategically important appointments.

His **informal power** will consist of three pillars:

- Broad electoral support (Putin's approval rating remains high and new social handouts are aimed at reinforcing his popularity in the coming years). This means that, without Putin's support, it will be difficult for anyone to win federal or regional elections.
- A network of loyal officials in key positions (this will be true for at least the new president's first term; similar to 2000-2004 following Putin's deal with his predecessor, Yeltsin).
- Putin will continue to support United Russia. Putin led the ruling party in 2008-2011 and may well return to this position (whatever future form the party may take). The need to maintain United Russia's popularity is a major challenge for the regime.

Will Parliament Get A Bigger Policymaking Role?

No. At least, not while the regime remains strong. The proposed reforms do not mean the State Duma will have the power to form a party-based government. United Russia will remain the party of power (meaning it is beholden to the Kremlin) and will continue to depend on Putin, as its formal or informal leader. The party will not choose the prime minister or ministers, but will implement choices made by Putin and his successor.

The procedure for appointing prime ministers will not change significantly. According to existing procedures, shortly after being sworn in, the president submits a candidate for prime minister to the State Duma. The State Duma then either approves or rejects the candidate. As a result of the reforms, the State Duma will 'confirm' candidates — little more than just a shift in semantics. Putin confused observers when he told the Federal Assembly that the president would be powerless to object to the State Duma's decision. It was made to sound as if the State Duma would chose the prime minister, but this is not the case. At the moment, the State Duma has a week to approve, or reject, the president's pick. If the president's candidate is rejected three times, the lower chamber is dissolved - this procedure will not be changed. In other words, the State Duma either accepts the president's choice or it faces new elections. The reforms do not alter this procedure.

The proposed changes are not about beefing up parliament's status in the political system, but are a way to compel the future president to act carefully and will make it harder for him to go against the wishes of the ruling establishment.

Parliament will have three new points of leverage:

- The State Duma will confirm the deputy Prime ministers and the ministers. Exactly what happens if the State Duma rejects these candidates remains unclear. But the

Kremlin is banking on keeping control of the State Duma via United Russia. And this means all members of a future government will require Kremlin approval, and any vote in the State Duma will remain a rubber-stamping exercise.

- The president will have to consult the Federation Council before appointing the foreign minister, the interior minister, the justice minister, the emergency situations minister (so called 'presidential ministers').
- The president will have to get agreement from the Federation Council to dismiss Supreme and Constitutional courts judges for misconduct, as it was mentioned above.

This is not enough to be able to talk about a strengthening of parliament. In addition, the regime is becoming more conservative, and the separation of powers is being watered down.

What Is The State Council And How Will It Evolve?

The State Council is an advisory body created in 2000 to compensate regional governors for being ousted from the Federation Council. For 18 years, it has played an insignificant political role, although it gave governors direct access to the president. In 2018, the situation began to change, as the domestic policy overseers in the Kremlin began to transform it into a platform to bring together members of the elite to coordinate socio-economic policy and the implementation of the National Projects. To be honest, this has not brought impressive results, and it cannot be said that the State Council is now a 'supra-institutional' body. But it has become a place where Putin can gather those needed to discuss major policymaking initiatives — from ministers, to Presidential Administration staff, governors, experts, and CEOs. It is an extremely flexible tool that can bypass the government — though it does not have the power to implement decisions.

The Kremlin has yet to make public the legislation revealing how the State Council will be appointed and how it will function but it will not have supremacy over the president and the government. Putin's constitutional reform bill states that the State Council will be formed by the president and "**facilitate coordination between state bodies to determine** key areas of domestic and foreign policy, and social and economic priorities".It is a painfully vague description. However, according to Article 80 of the constitution, it is the president who "**determines** key areas of domestic and foreign policy" — and this will not change.

After the reforms, the State Council will serve the president. If Putin does head the State Council, as has been discussed, the main challenge will be avoiding conflict between Putin's staff and the Presidential Administration (who currently control the State Council). This will be harder in the future as any new leader will want to bring in loyal staff. It is also unclear how the State Council will interact with the government.

Will Putin Head The State Council?

This is the most probable scenario. However, Putin is well-versed in surprising (and misleading) and, until confirmed, this should be seen merely as one of several options. Many sources are still unaware of Putin's plans, which is logical — the president is unlikely to reveal his plans in advance.

How Fast Will Reforms Be Implemented?

As fast as possible. There are plans to have them completed by 1 May.

Formal Procedure

It is important to separate out formal procedure. The procedure, at present, is that the president should submit a draft law on constitutional change to the State Duma where it goes through three readings. During its second reading — the most important step — the legislation may be amended. This is the moment when it can be meaningfully altered. The constitutional reform bill passed its first reading on 23 January. The second reading is scheduled for 14 February. Constitutional changes are officially approved if they win the backing of two-thirds of State Duma deputies. The bill then passes to the Federation Council where it is approved if it gets a three-quarters majority. The president then signs the law within 14 days. Although it enters force as soon as it obtains the approval of two-thirds of all regional legislatures. A source close to the Kremlin told *RBC* that the reform bill must pass all stages by 1 May.

Searching For Popular Legitimacy

The Kremlin's initial idea was to find a way of legitimising the reforms. For that, Putin intended to use two tools. Firstly, a working group to bring together different parts of society to discuss the changes. With 75 members, this group was created just hours after Putin's annual address. Secondly, a nationwide vote. Initially, many thought the Kremlin was planning on holding a formal referendum, even though this was not constitutionally necessary. But the Kremlin eventually explained that it wants to hold a form of advisory referendum to secure additional political support and give the reforms legitimacy. Putin is against holding a formal referendum (which the constitution allows for) as it could trigger political in-fighting, mobilise the opposition, and tarnish the image of the reforms. The Kremlin even wants to avoid the use of the word 'referendum' proposing 'poll' instead.

What Happens To Medvedev?

Sources close to the president and the government confirm that Medvedev was informed about the changes just a few days before Putin's announcement, prompting a tense discussion between the two men. There is contradictory information about how events unfolded. Some say that Medvedev himself resigned — his way of disagreeing with Putin's vision of constitutional reform. Others say it was Putin who took the decision to dissolve the government. The second explanation seems more credible, though Medvedev may well still have been irritated by Putin's plans. That disagreement could have accelerated the decision to replace the government.

Why did Putin sideline Medvedev? This was supposed to have happened in May 2018 after the last presidential elections, but it was decided to extend a deal that they struck in 2011 (Medvedev agreed to step down from the presidency in 2012 to become prime minister with a guarantee that he could keep the position until 2018). But Putin has taken his time to pick a way forward. Medvedev has long been a burden: barely respected by the elite, deeply inefficient, widely mocked, resented by those in Putin's inner circle and disliked by ordinary Russians. After May 2018, Putin could have dismissed him at any moment — respecting their deal — but the problem was where to put him. Moving Medvedev to any 'real position' (as head of a state company or the Supreme Court) might have caused conflict (not only does the former prime minister have a long list of enemies, he also tends to make decisions that cause problems). So, as soon as Putin fired the starting gun on the transition period, he dumped Medvedev unceremoniously, paving the way for a more accommodating, technocratic, and professional government.

In his new role as deputy head of the Security Council, Medvedev will answer directly to the president — who heads the Council — and will be ranked above Security Council Secretary Nikolay Patrushev. Making Medvedev responsible for defence and security is easily explained: he will be directly attached to the president, with zero autonomy to embark on independent policymaking. For Putin, this is the best way to guarantee Medvedev is kept under tight control. It also provide the former prime minister with a sufficiently heavyweight position to shield him from attack.

Why Mishustin?

The key challenge for Putin's domestic agenda, besides securing his own future, is the National Projects, which are on the brink of the failure. Putin needs a professional who will engage in developing the National Projects and repair the government's damaged reputation. One of the factors that compelled Putin to act more decisively was his rapprochement with Aleksei Kudrin, who met more regularly with the president in late 2019 and was pivotal in convincing Putin that the National Projects will not work if nothing changes. According to a source close to the Kremlin, the Presidential Administration tried to stop Kudrin from publishing a report that was highly critical of the National Projects — but Putin personally gave the green light.

Mishustin, 52, is reputed to be a highly-effective technocrat, modern and progressively-minded (he speaks several languages and willingly adopts foreign best-practice in the areas under his control). He will be a very convenient prime minister for Putin.

Is Mishustin Putin's Successor?

Mishustin is seen by observers as a technocrat. First of all, that means he is not involved in public politics, does not share his political views, does not have a wider agenda beyond his official responsibilities, and is not a public figure. However, the term ‘technocrat' often implies political weakness, which is not the case with Mishustin. The new prime minister is a 'strong' or 'political' technocrat. There are two main reasons for labelling him this way. First of all, he has a politically important ‘mission’ - to achieve economic growth, implement the president's social spending promises, and make progress on the National Projects. Secondly, he is the first prime minister to be able to pick deputies — a privilege not even afforded to Medvedev. Mishustin is expected to bring results, which are vital for Putin to be able to secure a smooth transition.

However, much will depend on how he develops, and whether he can become a more political prime minister. The question is: does Putin need a political prime minister? The two men considered as possible presidential successors in 2007 — Dmitry Medvedev and Sergei Ivanov — were both deputy prime minsters. And they were observed for several years in those positions (against the background of a technocratic prime minister)

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