

Putin Rigs Constitutional Amendment to Extend His Presidency Beyond 2024

Featuring Nataliya Bugayova, Mason Clark, and George Barros



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Russian President Vladimir Putin recently enacted a constitutional amendment that will allow him to run for president again in 2024 and potentially remain in power until 2036. This amendment is a critical accomplishment for Putin, as term limits threatened to force him from office in 2024, but it came with a steep price in terms of legitimacy. In this episode of *Overwatch*, Nataliya Bugayova, Mason Clark, and George Barros discuss the nuanced steps Putin took to secure this constitutional change and what the next 16 years of his leadership could mean for the Russian people and US national security.

Jacob Taylor:

This is *Overwatch*, a podcast by the Institute for the Study of War. I'm Jacob Taylor. On July 4th, Russian President Vladimir Putin secured a constitutional amendment that will allow him to remain in power until 2036. This amendment is a critical accomplishment for Putin as term limits threatened to force him from office in 2024. In today's episode, Natalia Bugayova, Mason Clark and George Borrows, the three members of ISW Russia team, will discuss the nuance steps Putin took to secure this amendment and what the next 16 years of his leadership means for the Russian people and US national security. Nataliya, Mason, George, thank you for being here today. I'd like to start with the basics. Could one of you explain why Putin sought this amendment and why he felt the need to change the constitution?

Nataliya Bugayova:

Sure, Jacob. Putin managed to stay in power for 20 years in part because he constantly updated and tweaked the value proposition to the Russian people. So this 2020 constitutional amendments and the promises that Putin made were in my assessment yet another iteration of essentially a social contract that Putin put forward for the Russians. If we go back to 2000, the very first version of Putin social contract was bringing stability to Russia in the aftermath of the USSR collapse in exchange for curbing some of the civil liberties of the Russian people.

The next iteration was essentially a promise to restore Russia's greatness in the world and to make the West respect Russia again, as Putin marketed it. So Putin's illegal occupation of Crimea in 2014 boosted his ratings. So it's important to remember there was conveniently two years after the largest anti-government protests in Russia since early 90's.

So over the next years, this popular support that was bolstered by Crimea has started to wane as economic pressures on the Russians only grew. So by 2020, he needed yet another iteration, and this time he pledged to increase social spending and also promised to kind of solidify what he calls his core Russian values into the constitution. In exchange for even further expansion of the Kremlin's control and powers in Russia, as well as of course, for the potential of him to be able to run for president again in 2024. I would note, one principle difference this time, however, is that the Kremlin has decided to kind of drop all the facade of being legalistic that Putin tried to preserve for the past two decades and openly changed the rules of the game by changing the constitution.

Jacob:

So how did the Kremlin then roll out these amendments? How did it pitch to the Russian people that Putin needed to have his term limits extended?

Mason Clark:

So the Kremlin and Putin himself prepared the amendments in a highly organized and staged way starting in January 2020, actually during his January 15 state of the union address to the Russian parliament and the Russian

people. As Nataliya mentioned, these amendments are part of a broader value proposition shift, including a reshuffled government, increased social spending and Putin's messaging at this point focused on the public's trust in Putin to lead Russia and the need for stability. And that was the main way that the Kremlin introduced this concept of needing to amend the Russian constitution, was preserving that stability and leveraging the public's trust in Putin to carry Russia forwards.

Jacob:

Understood. And so what was the process then for actually enacting these amendments? There was a vote, but also something in parliament.

Mason:

Sure. That's one of the most fascinating parts of this amendment process. There was a long and controlled debate process from January to March 2020, with close to a thousand debated alterations to the constitution. The removal of term limits was not actually introduced until March 10th in a carefully choreographed parliamentary session where a famous member of the ruling United Russia Party, actually the first woman in space, suggested that Putin's term limits be removed, which Putin humbly accepted. And he framed this as not his idea, even though it was a carefully staged managed process. And you brought up the fact that there was both a vote and a parliamentary aspect. This is a very fascinating point. The Kremlin did not need to have a popular vote to enact these amendments. They could have just been passed through a vote by the Russian parliament and they actually were on March 16th. That was all that was needed to actually enact the amendments. The Kremlin, however, promised a popular vote that has been sometimes called a referendum, though it's legally not a referendum since it's non-binding, giving the Russian people, as the Kremlin frames it, a say in altering the Russian constitution. This was entirely a legitimization tactic that Putin wanted so he could demonstrate that these changes and the extension of his rule had popular force.

Jacob:

Okay. So then what happened between the March process and then the vote on July 1st? Is there a disconnect there? Is it related to the pandemic breaking out? You mentioned that the vote was mainly for legitimization, but what made that strictly necessary?

Mason:

So the reason the Kremlin has pushed for this is essentially to give itself a cover and show that the Russian people supports Putin's changes as a lot of his legitimacy and his support amongst the Russian people has been based on this social contract that we were discussing earlier. And he wanted to be able to show that, that continued and was effectively a contract and that people actually supported him. However, he originally wanted to push the vote through quickly to capitalize on the goodwill of the social spending that he announced earlier in the year. And the vote was originally going to happen on April 22nd. This was delayed due the COVID-19 pandemic in late March. Putin waited until really late in the process to actually delay the vote itself, well after it was clear that Russia was going to need to shut down due to COVID-19.

There was a period throughout April and May, and June, where it was unclear exactly when the vote was going to happen, but the Kremlin heavily prioritized it. And the vote was finally rescheduled for July 1st with remote voting occurring in the two weeks leading up to it, which we will discuss in a bit in early June. Even this was rushed and the Kremlin forced most crucially Moscow's mayor to open the city earlier than planned to aid voting, which will likely have public health consequences for Russia. This delay during which Putin's popularity dropped to its lowest point since 2014, due to the Kremlin's bad response to COVID and economic troubles, imposed additional costs on the Kremlin to falsify the vote. As it may have actually been more popular if it had been held on the intended

date before these costs added up.

Jacob:

Can you explain a bit what you mean by costs? I mean, it seems like this was essentially a power grab. So are we talking about protests by the Russians? Did the Russians protest it? And then what was the outcome of the vote in the end?

George Barros:

So essentially when we're talking about costs, we are referring to one of the key pillars of stability for the Putin regime, which is the perception of public support for Putin's Russia. But really Putin is trying to avoid the situation where he experienced the large protests in Russia in 2011 and 2012, when Dmitry Medvedev basically stepped in, in a Kremlin orchestrated change of power that really preserved Putin's regime by getting around the legal requirements of when Putin then, for the first time, hit his two year consecutive term limit. This resulted with the largest protests in Russia since the 90's. So basically with this July 1st vote and the constitutional amendments, they're designed to have the Russian people feel as if they participated and they could express their agency and in doing so legitimize Putin's power grab going forward into the future.

Jacob:

Now, I think Mason already touched on this, but Russia is not known for its voting integrity. So what voting irregularities were observed with this referendum?

George:

There were massive voting irregularities in the July 1st vote, multiple precincts exceeded turnout rates of over 100%, which is a common occurrence in Russian elections. For example, during Putin's last presidential election in 2010, there was over 100% voter turnout in multiple precincts. Russian and independent election observers also observed many problematic issues at polling places. Many observers witnessed ballot stuffing. They witnessed Russian citizens voting for their families, double voting, and there was also a Kremlin pushed campaign for actually trying to maximize voter turnout. So for example, state employers incentivized employees to go and participate in the vote and even bring a family member or a friend and take photographed images of yourself at the polling place. Some employers even threatened their employees to withhold their annual bonuses for not participating in the votes. Election observers, observed at polling places, when they did observe these issues of ballot stuffing very frequently, the election officials at the polling place would not invalidate or otherwise nullify the double votes.

There was a lot of that going on, which definitely speaks to the highly falsified nature of the vote. Going to the actual numbers, independent Russian statisticians have estimated that there were approximately 22 million falsified votes, which is in comparison to there being only an estimated 10 million falsified votes for Putin's 2018 presidential election. So this is falsification in Russia on an unprecedented and massive scale. Also, with regards to the turnout effort, it wasn't exclusively Russians who were voting inside these elections. There were a special charter buses from the occupied parts of eastern Ukraine where the residents of the Donetsk and the Luhansk people's republics, the so-called Kremlin proxies, were actually taken to Rostov across the border to then vote in the election, likely in order to just increase the turnout rate, which the ultimate end goal, of which is to make it seem like a lot of Russians participated in this and therefore Putin has this legitimate public support.

Mason:

I just want to add in briefly to make clear how big of an effort this was for the Kremlin. Local government officials and politicians falsified an estimated 22 million votes in the constitutional amendment popular vote compared to

only 10 million in the 2018 presidential election. So this was a major effort and was actually far more falsified than the last presidential election.

Jacob:

So what kind of impact did these issues and just outright falsifications have on the final vote numbers? I know you both mentioned the 22 million falsified votes versus 10 million, but what about in this election without those votes what do Putin numbers on the referendum look like?

George:

This is actually a really interesting and fascinating point that you've brought up Jacob. So independent Russian statisticians estimate that the actual voting results were 42% turnout with 65% popular support with 35% of Russians against. And then of course the manipulated ones being a 60% turnout with 70% of Russian's in support. Notably, in both of these examples, even in the falsified and in the assessed real results, it's still a Kremlin victory. The amendments passed in both with popular support. Really this goes back to Mason's point that this wasn't about a legal procedure to actually pass the amendments. That's not required by Russia law. This was really a campaign orchestrated by the Kremlin to maximize turnout, to reinforce this domestic information operation to achieve Putin's desired public perception of popular support.

Jacob:

So that being said, it seems difficult to argue that the numbers don't matter if the amendments received majority popular support, even without the Kremlin's manipulation, you've touched on the scale of the support, but why go to this effort? Or what does the scale of the effort tell us about the Kremlin or even Putin's perception of the importance of this vote?

Mason:

As George discussed, it's really important because it's about perception management of popular support, and that's what the Kremlin was really banking on in this vote, is to show that they had the support of the Russian people, both internationally as well as to the Russian population to suppress any sort of potential discontent and maintain Putin's legitimacy. It's also really key to separate out that unlike the Kremlin's framing, which treats this as basically a vote in favor of Putin, to turn the numbers around, even in the Kremlins falsified numbers, a substantial proportion of Russians don't even think Putin should have the ability to run for president again, much less support him or not support them. So the Kremlin likely, actually, wanted this to be even more of a landslide and was impeded by COVID-19 and Putin's declining trust and support amongst Russians and all of the inflections that we saw across 2020, and may not have even gotten the overwhelming victory and legitimization of Putin running and staying on as president potentially till 2036 that it wanted.

Jacob:

So let's talk then about the substance of these amendments. Obviously they extended Putin's potential tenure in office. What else did they include?

Mason:

Sure. So the amendments covered a number of things and actually the extension of Putin's potential term is an interesting point. The previous Russian constitution maintained that Russian presidents could hold only two consecutive terms, but they can repeat that, which is how Putin was able to hold two terms, Medvedev held one and then Putin held two more terms. He's currently in his fourth term as president. And what the new amendments do is they limit Russian presidents to two terms as a whole, but reset the term count of Putin and Medvedev, the legal argument being that the changes to the Russian constitution in these amendments are so fundamental that

essentially their term limits need to be reset. So Putin has the opportunity of running for two more six year terms, potentially keeping him in the presidency until 2036. The other changes of the amendments fall largely in three buckets.

First, there was a number of economic changes. The most important being indexing Russian pensions to the cost of living to draw in public support, essentially promising the Russian people that their pensions will be adjusted even if the Russian economy collapses or has a downturn. The second bucket focuses on the Kremlin's preferred state identity and conservatism. This actually contradicts a number of other parts of the Russian constitution the amendments didn't touch such as stating that Russian orthodoxy is a core of the Russian identity and the Russian language is the language of the quote "state-forming people". These directly contradict other parts of the Russian constitution that say that Russia does not have a single main language, and it is a secular state. And the Russian constitutional court, which is controlled by Putin, found no problem with this. The third is a number of very granular governance changes, largely further consolidating control of legal structures under the Kremlin, instead of amongst the parliament or various local authorities.

Jacob:

So going big picture, what do you all forecast will be the impacts from this development?

Mason:

Sure. So Putin and the Kremlin got what he wanted from this vote, a popular legitimization of changes to Russia's constitution as part of the revised social contract as Nataliya discussed, but it was costly. Literal in terms of the expense of holding the election, especially with the delays due to COVID-19 and having to hold it remotely as well as probably more impactful, the legitimacy hit. And this is a very interesting thing that often gets forgotten in the West is that Putin is still legitimately popular in Russia and still has legitimacy to lose. It's easy to see from our perspective that all of the elections are doctored and altered by the Kremlin, but he still has a lot of trust to lose. Case in point, at the start of this year, Putin's trust ratings were around 60% and in early July, they were down to 30%. So there was still ground for him to lose. And this likely is the long-term costs that he has incurred to be able to reshuffle the constitution and run again in 2024, is the risk that this loss of legitimacy might lead to protests or the simple undermining of his regime down the road.

George:

And another thing that the Kremlin managed to succeed in achieving during this period is that Putin got to test a bunch of brand new societal control tools in preparation for the vote. These tools unfortunately will likely continue to exist after the vote. And even though most of these were introduced under the pretext of the Kremlin's Coronavirus pandemic response, they will likely continue on past the Coronaviruses ebbing as well. These fit into three main buckets. The Kremlin empowered the law enforcement and police of Russia, tightened the control over Russia's information space to contest Western journalists and arguably most importantly, pursued a really vast implementation of digital surveillance inside Russia. I'll talk first about police and then I'll finish with the digital control tools. The Kremlin granted brand new powers to Russian police by increasing their budgets, their scale of work, and also their social benefits for Russian security service members. The Kremlin instigated and instituted a mandatory polygraph tests for the Russian National Guard in March.

And these changes are likely intended to increase the National Guard's loyalty and status as a politicized internal security force in Russia. The National Guard also conducted its first country-wide deployment starting in March and going all the way up until now in certain regions with regards to quarantine enforcement, and Russia's legislature expanded criminal codes to simplify prosecution for protests targeting the constitutional amendments.

Russia's Supreme Court equivalent also reinterpreted some existing laws to further restrict the ability for Russians to engage in public protests. Moving on, I'll now talk briefly about the various digital surveillance tools that the Kremlin introduced under the pretext of the Coronavirus. But we asses, were really to increase the Kremlin's ability to control descent and Russia. So Russia, the Kremlin actually for the very first time, used facial recognition technology in conjunction with the National Guard deployments and the use of smartphone geolocation technology to enforce a quarantine all across Russia.

In addition to all of these combined measures, Russia's Department of Education also reportedly decided to equip all 43,000 Russian schools with a unified facial recognition surveillance system, which if it's successfully implemented, will collect close to 100% of Russian's youth's faces, age six through 18, and this will enable the Kremlin to have a facial recognition database of practically all of its citizens within two generations. Also, in June, Putin enacted a law creating a unified register of information for Russian citizens. And this database will store approximately 30 types of information, including things like passport data, marital status, taxpayer identification codes, family relations, and other information. Putin, also in May, enacted a law allowing for remote voting in presidential and parliamentary elections using just regular old snail mail and the internet. Now this will not increase the Kremlin's capability to further manipulate election data. However, it will enable the Kremlin to even better monitor individual's voting records, to identify who supports the Kremlin and who doesn't and better conceal evidence of the Kremlin's manipulation of Russian elections. Election observers won't be able to witness ballot stuffing when it happens from the comfort of someone's apartment over the internet.

Jacob:

So I think that brings us to long-term implications from these amendments and specifically, barring a sudden election loss that the Kremlin doesn't seem inclined to let happen in any case or I guess, a personal health issue. I assume we're looking at 16 odd more years of Putin's leadership in Russia. What does that look like? And what do we see happening in Russia under his presumed leadership during that time?

Nataliya:

Sure. I think I would like to point out two major long-term implications that I see. So first Putin will become increasingly authoritarian. He will just have to. His actual value offering to the Russian people will continue to decline, in my assessment. Putin acknowledges and even tries to fix some of Russia's underlying issue such as the economy and the demographic crisis. The problem is that his regime is actually antithetical to the very reforms he likely would like to pursue. Over his tenure, he greatly empowered security services within Russia and allowed them to control business climate in order to reward them. And this is one of the key impediments to both investments and entrepreneurship inside of Russia, as people have fear that their business can be taken away at any moment and time by the security services and I do not see that changing in the longer term.

I think that the current amendments and the way that Putin openly decided to change the constitution, despite him repeatedly saying in over the past year that he would not do so, suggests that he just doesn't have the luxury anymore to be as legalistic. And that will necessitate him becoming increasingly authoritarian over the years in order to keep his power. I think secondly, I would also add that he will increasingly rely on the ability to maintain the perception that alternative to his rule is either worse or it's too costly to fight for. And we will see in this regard an increasing expansion of the Kremlin's control over Russian information space.

Jacob:

And with that, I'd like to thank you all for being here today. I have no doubt that we'll be covering a number of the issues you've brought up in greater detail on subsequent episodes of this podcast.

Kim Kagan:

Thank you for listening to this episode of Overwatch. We look forward to your feedback on this episode and previous one's. Visit www.understandingmore.org to learn about ISW's work and to sign up for our mailing list.

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