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Russia's Constitutional Amendment and Nationwide Vote on Amendments to the Russian Constitution and Its Implication on the Korean Peninsula

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Russia carried out a 'nationwide vote on amendments to the Russian Constitution (Общероссийское голосование)' from June 25 to July 1, 2020, asking people whether they are for or against the constitutional amendment. This vote affirms the support of the Russian public, with voter turnout at 67.97%, and 77.92% voting in favor. The international media outlets reported that the result of this vote has enabled permanent terms of office for Putin. If Putin were to serve permanently as the president, albeit hypothetical, how would it affect international circumstances and the Korean Peninsula? First, the passage of this amendment is expected to further distance Russia from other Western countries. Second, Russia will continue to maintain its stance on the Korean Peninsula. Russia has barely shown any changes in its strategy and standing on the Korean Peninsula ever since Putin came into power. Third, North Korea is likely to focus on improving relations with Russia in order to secure its allies in its negotiations with the U.S. and overcome its own economic crisis. Lastly, the maintenance and reinforcement of Putin's diplomacy could put South Korea's diplomacy in a difficult position because it will reveal the new cold war structure of U.S.-Japan vs. China-Russia. The urgent task facing the ROK, therefore, would be to prevent the recurrence of the cold war structure prone to be reinforced on the Korean Peninsula and the surrounding region. To that end, the ROK government should actively utilize all the available diplomatic tools and focus on diplomacy against Russia.

‘Nationwide Vote on Amendments to the Russian Constitution’ Asking the Public Whether They Are for or against the Constitutional Amendment

Russia carried out a ‘nationwide vote on amendments to the Russian Constitution (Общероссийское голосование)’ from June 25 to July 1, 2020, asking people whether they are for or against the constitutional amendment. The amendment contains the following issues: domestic law’s superiority over international law, a ban on territorial division, a ban on same-sex marriage, and a power sharing arrangement among the President, the Federal Assembly, the Justice Department, and the provincial governments. However, the essence of this amendment is that it has nullified the existing terms of office for Putin so that he could be prepared to run for president again for his fifth term in 2024 when his fourth term ends.

This vote, initially scheduled for April 22 and delayed due to the COVID-19, affirms the support of the Russian public, with voter turnout at 67.97%, and 77.92% voting in favor. The international media outlets reported that the result of this vote has enabled permanent terms of office for Putin. The amendment allows Putin to serve two more terms in office, each term for 6 years, and thereby extends Putin’s term until May, 2036, which practically means Putin will serve the presidential office permanently.

In fact, the expression used by a majority of domestic media in South Korea—“an approval of constitutional amendment through referendum”—reveals a lack of understanding of Russia’s politics and its legal system. To get to the bottom of this issue, one needs to understand the difference between ‘revision’ and ‘amendment’ as stipulated in the Constitution of the Russian Federation and the accurate meaning of ‘nationwide vote on amendments to the Russian Constitution.’ In a nutshell, this vote is a constitutional amendment, not a constitutional revision, the former of which does not require a referendum (Всенародное голосование or Референдум) (Article 108, the Constitution of the Russian Federation). The constitutional amendment, which does not require public approval in the first place, was named this time a ‘nationwide vote on amendments to the Russian Constitution’ in Putin’s attempt to gain public ‘confirmation.’

The Constitution of the Russian Federation, enacted in December, 1993, strictly distinguishes constitutional revision (Article 135) from constitutional amendment (Article 136). The term revision (Пересмотр) can be used when a change occurs in Chapter 1, 2, and 9 while the term amendment (Поправки) can be used when there is a change in Chapter 3 to 8. A constitutional change (revision) directly related to the foundation of the state system is subject to complex and strict rules and procedures, including referendum, while an addition or change in relatively simple provisions can be done by a simple procedure and rule. This amendment, which includes the terms of office for president, is not deemed a major change that brings about transformation of the state system and therefore is considered a change related to legal implementation procedure. To that end, the approval procedure for this amendment progressed swiftly right after Putin first raised the necessity for constitutional amendment in his State of the Union Address on January 12, 2020. The procedure for constitutional amendment was already complete on March with the approval of the upper house (the Federation Council) and the lower house (the State Duma) of the Federal Assembly of Russia and the Regional Parliament of Russia.

Nevertheless, President Putin laid out two conditions when he signed the constitutional amendment on March 14. First is a constitutional judgment of the Constitutional Court of the Russian Federation and the other is gaining a support of a majority of voters in a ‘nationwide vote on amendments to the Russian Constitution.’ Experts estimate that Putin, who was concerned about a falling approval rating, needed a kind of event displaying that an absolute majority of the people in Russian Federation are in support of this amendment.

This exceptional procedure followed at the suggestion of President Putin. The Constitutional Court of the Russian Federation judged the amendment constitutional on March 16 and the ‘nationwide vote on amendments to the Russian Constitution’ was slated for April 22. The preponderance of the opinion behind the voting date of April 22 is that this date marks the 150th anniversary of the birth of Vladimir Lenin, a vanguard of the socialist revolution. However, the spread of the coronavirus delayed the voting. The vote was finally held for a week from June 25 to July 1. At that time, there were as many as over 6,000 confirmed coronavirus

infection cases all across Russia with over 600 people in Moscow alone.

How the voting was done in this nationwide vote on amendments to the Russian Constitution was not the usual procedure this time. Usually the referendum on constitutional revision makes voters choose support or opposition for each of the clauses. However, this nationwide vote on amendments to the Russian Constitution asked voters whether they are for or against one packaged amendment. The clause related to presidential terms was mixed up with other clauses and put on the ballot. The result of the vote, as stated, suggests that President Putin got more than he expected.

Constitutional Amendment Enabling Permanent Terms of Office for Putin

This constitution amendment received international media attention because it reinforces the possibility of President Putin serving permanently in presidential office. The Constitution of the Russian Federation initially contained a clause that banned three consecutive terms of office for the president. Putin came into office in 2000, served two terms of 4 years for each, and served as prime minister for four years after the Constitution terminated his terms of office. Putin's successor, then elected president Dmitry Medvedev, used to serve as the prime minister under the Putin regime and was considered to be in Putin's closest circle, sharing the same circle of friends and academic connections. Therefore, the dominant view on Medvedev's rule was that it was tantamount to 'regency by Putin, as an influential prime minister practically ruling the country from behind the veil.' In 2012, Putin ran for president again and won, embarking on his third term. Before the presidential election, the law was already revised extending presidential terms of office from four years to six years. That is how Putin, who got elected for the fourth time in 2018, is still serving and will continue to serve as president until 2024.

The international attention has been on how Putin would continue his power after 2024 because the Russian Constitution banned three consecutive terms of office. There has been a heated debate on whether he would give his power to his

loyal successor and continue the regency by establishing a separate power organization of his own as President of Kazakhstan, Nursultan Nazarbayev, did in the past or if he would finally step back from the political world and retire and live his remaining years rather peacefully. However, the situation rapidly turned around ever since he came up with the constitutional amendment card last January.

In fact, the draft of this constitutional amendment appeared to block the possibility of long-term rule for a specific individual by eliminating the wording “consecutive” from the existing clause of the Constitution, which stipulated “The same person cannot consecutively serve the presidency more than two times.” However, on March 10, Valentina Tereshkova at the second deliberation of the State Duma suggested adding a special clause, which states “the existing presidential terms of office is not subject to this change.” In other words, the special clause was basically set as “the terms of a person who is either currently serving the presidency or served in the past are not subject to the clause that sets the terms of the same person as not exceeding over two times” and finally passed. After this, an impediment to Putin’s long-term rule, which could possibly amount to over 30 years, had been removed.

However, it would be too early to judge if the voting result favorable to President Putin would necessarily lead to his permanent terms in office. One possibility cannot be ruled out: Putin might have had a different intention and scenario in mind when he ignored the COVID-19 situation and usual practices and went out of his way to proceed with voting. It might epitomize Putin’s political skill as someone who is known for breaking from common diplomatic practice and outmaneuvering the other party. That was evidenced by Putin’s remarks below on the possibility of running for re-election in 2024 at Russia-1, a state owned Russian television channel, on June 21.

I will be completely honest. If that (possibility of re-running for president) becomes out of the question, I can tell you from my experience that there will be movement here and there within the regime to start looking for a candidate as my successor within a couple of years, instead of focusing on usual and

heavy tasks. We should do the work rather than wandering around looking for a successor.··· I have not decided anything. I will not rule out the possibility of running for president again as long as the Constitution allows me to do so. Let's see what happens.¹⁾

What is affirmed in these remarks is that Putin is worried about being a lame-duck. It is a common phenomenon that leadership dissipates even before the presidential terms end, when the regime change appears to be a done deal. It looks as though Putin may leave open the possibility of running for reelection, even though it is still four years away until his fourth term ends on May 2024, so that he could avoid a potential power vacuum and prevent the power struggle from happening that could be triggered by a competition for the successorship. Those remarks also illustrate that upon a closer look, a variety of elite groups with conflicting interests have achieved a nuanced balance and make up the power relations in Russian politics even though it may seem like a sole Putin-led politics. Experts said that Putin's outstanding political skills in adeptly adjusting the interests of various elite groups are attributed to his consolidated standing at the peak of the power over the last 21 years from 2000 up to this date.

Tatyana Stanovaya, Russia's political scientist, categorized Russia's elites into five groups: first, the closest aides to Putin, including his security guard; second, his close friends and conglomerate politicians known as oligarchs; third, technocrats in charge of policy-making within the government; fourth, conservatist theorist groups in support of the current regime; and fifth, people who implement policy at the federal and provincial government levels. Stanovaya pointed out that among them in particular, a power struggle is happening between conservative theorist groups in support of the current regime and technocrats.²⁾ Putin, known as having absolute power, 'went out of his way' out of the necessity to show off the public's support

1) Quoted from this video clip at <http://russia.tv/article/show/article_id/83932/> (date accessed: July 17, 2020).

2) Татьяна Становая, "Пять путинских элит на фоне транзита," *Московский центр Карнеги*, February 27, 2020, <<http://carnegie.ru/2020/02/27/ru-pub-81158>> (date accessed: July 16, 2020).

and trust for him probably because of his serious concerns about a power vacuum or power struggle as well as the vulnerable reality facing Russia's politics. If Putin were to adeptly coordinate and manage the interests of elite groups and choose a solid successor within his remaining terms by 2024, there is no need for him to run for re-election. While it is true at this moment that the prospect of Putin serving permanently sounds more convincing, it is also too early to make a projection on 2024 so it is better to wait and see with consideration for unfolding situation both in Russia and abroad and a variety of related variables.

Meanwhile, as a percentage of voters who were in opposition to the constitutional amendment, over 20%, illustrates, not all Russians unilaterally are in support of Putin's long-term rule. Anti-Putin protests are still underway in some parts of the country. It warrants our attention that anti-government protests are increasingly spreading, especially over the replacement of the governor for the Khabarovsk region.

Anti-Putin sentiment is expected to increase as Putin's rule prolongs. Putin's own governing style of appealing to 'patriotism' will be reinforced to weather through this unfavorable situation. This constitutional amendment contains the following clauses: President's terms of office, a ban on the division of the territory, a principal of prioritizing domestic law, reinforcement of Russia's sovereignty, and conservative issues such as a ban on same-sex marriage. A commemorative event at Russia's Victory Day (a day in commemoration of the victory of World War 2), which had been put off by Putin due to the coronavirus pandemic, was held in a more grand and lavish manner than in any other time in major cities nationwide on June 24, before the voting started. This is indicative of the essential ideology of Putin's ruling, patriotism.

International Circumstances and Implications on the Korean Peninsula

If Putin were to serve permanently as the president, albeit hypothetical, how would it affect international circumstances and the Korean Peninsula?

First, the passage of this amendment is expected to further distance Russia

from other Western countries. This alienation will go beyond a simple different diplomatic line. Rather, the Western countries' sense of difference and frustration over Russia's tendency of becoming authoritarian in terms of value will be amplified. A series of instances already point to the value-oriented conflicting aspects between Eurasia's authoritarian system and the Western democratic system: Western countries' enforcement of economic sanctions against Russia since 2014; U.S.-Russia relations on the brink of hitting rock bottom; Putin's opposition to holding China accountable for the COVID-19 pandemic crisis; and Russia's endorsement for the National Security Law in Hongkong. Putin's long-term rule is likely to continue Russia's diplomatic isolation and strengthen the anti-American coalition with China.

Second, Russia will continue to maintain its stance on the Korean Peninsula. Russia has barely shown any changes in its strategy and standing on the Korean Peninsula ever since Putin came into power as follows: balanced diplomacy between South and North Korea; resolution of the Korean Peninsula, not through force but through diplomacy; a focus on multilateral consultation in addressing North Korea's nuclear issues, involving Russia; opposition to the U.S.-led unification; and North Korea's security guarantee by international law. Russian Foreign Minister Sergey Lavrov made a remark on North Korea's recent announcement of a halt on inter-Korean relations and its bombardment of the Inter-Korean Liaison Office: "We call for both South and North Korea to show restraint and responsibility on what is happening on the Korean Peninsula and to maintain stability in the region" and went on to say "Russia will not immediately play a role in the situation on the Korean Peninsula," suggesting that the issues of regional peace and stability in entire East Asia could be dealt with within the framework of the six-party talks.

Third, North Korea is likely to focus on improving relations with Russia in order to secure its allies in its negotiations with the U.S. and overcome its own economic crisis. A spokesperson of North Korea's Foreign Ministry answered a question of a reporter from the Korean Central News Agency (KCNA) on July 4 that "We are pleased to see the passage of the Russia's constitutional amendment through the vote and respect the choices of the Russian people," adding that "this vote holds significance in that it will consolidate Russia's sovereignty and territory,

cement political stability, and contribute to its social and economic development” and that “we value friendly relations with Russia and wholeheartedly wish that the Russian people are able to make bigger achievements in building a strong Russia under the leadership of President Putin.” North Korea is highly likely to attempt to establish an anti-American coalition with China and Russia once the U.S.–China confrontation and the U.S.–Russia conflict go beyond a simple economic issue and expand into a competition for value. Still, there exists a limited influence of Russia on North Korea. And not enough progress has been made on Russia–North Korea cooperation compared to the magnitude of North Korea’s dependence on China.

Lastly, the maintenance and reinforcement of Putin’s diplomacy could put South Korea’s diplomacy in a difficult position because it will reveal the new cold war structure of U.S.–Japan vs. China–Russia. As pointed out above, the confrontation and conflicts of geopolitical nature between the two blocs are expanding into a value-wise competition. New cold war-style conflicts between the blocs could bring about tensions surrounding a plethora of issues on the Korean Peninsula and East Asia and will make the ROK government’s efforts to resolve North Korea’s nuclear issues and make peace and prosperity on the Korean Peninsula all the more difficult. The urgent task facing the ROK, therefore, would be to prevent the recurrence of the cold war structure prone to be reinforced on the Korean Peninsula and the surrounding region. To that end, the ROK government should actively utilize all the available diplomatic tools against Russia as follows: building trust with Russia and holding the ROK–Russia summit on a regular basis; expanding quantitatively and qualitatively the areas for cooperation, such as economy, trade, IT, medical sector, and tourism exchange; and enhancing the ROK–Russia consultation and coordination on resolving issues on the Korean Peninsula. ©KINU 2020

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