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## **Constitutional and political manipulations in post-Soviet countries: the success and failure of the ‘tricks’ of regimes**

*MIREES’ Open Lecture*

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On October 7, 2016, professor Oleg Ivanovich Zaznaev (Kazan Federal University) held a workshop on “Constitutional and political manipulations in post-Soviet countries: the success and failure of ‘tricks’ of regimes”. The focus of the lecture was on the delicate issue of constitutional manipulations, which is a widespread phenomenon in authoritarian regimes and, among them, in post-soviet countries. He explained that such changes are quite common in those political systems which strive to modernize, but at the same time try to maintain some past privileges. Consequently, manipulations of the local Constitution or international laws represent a tool to preserve personal interests, hiding this reality under the veil of common good, stability and security of people. As a result, according to professor Zaznaev, the real objective of this process is to “impress”, especially if it has clear effects on people. For instance, he referred to the case of Kazakhstan, whose presidential system underwent some transformations in the last years: among other changes, the duration of the presidential mandate has been reduced from 7 to 5 years, in order to spread the image of the country as being a mature democracy. Yet, all these situations can be represented as forms of imitative democracy or democratic “camouflage”, using Zaznaev’s terminology. As a matter of fact, although recognizing such democratic tools as referenda, the rule of law, the separation of powers, many leaders often violate or simply ignore the legal framework, according to their own interests and actions. For instance, in 2007, the Uzbek president Islam Karimov was re-elected for the third time, ignoring the Constitutional limitation of a maximum of two consecutive mandates. As a result, it is clear that a seriously problematic situation exists at the core of these systems: even if leaders usually respect, at least, some basic principles and laws, they have the power to change them easily, since the Constitution only depends on individual presidents and legitimacy results to be an external factor.

In post-Soviet countries, the most common Constitutional manipulations seem to be linked to the terms of the current Presidency. Different tools can be implemented in order to legitimize the presidential power. First of all, Zaznaev referred to the adoption of a new Constitution or the approval of amendments to the current one. Such a process is based on the introduction of a new law, allowing canceling the previous mandate, so that the President has the possibility to stay in power for another term. This happened in Kazakhstan in 2005, when the 4<sup>th</sup> term of Nazarbayev was not counted or in Uzbekistan, as stated above, where President Karimov was granted another

term. Another trick to overcome the limit of two consecutive terms is represented by the creation of exceptional cases. Even referenda can become an instrument of manipulation: they are used instead of popular elections, in order to create the illusion of people's support. Direct elections are also impeded by the institution of "succession", clearly undemocratic. In Azerbaijan and Turkmenistan some amendments to the Constitution were approved in order to ensure the succession of power to certain figures, eliminating competitors.

Considering all these aspects, most post-Soviet countries face a great political limit due to the huge power granted to the President by the Constitution. Indeed, Zaznaev explained that this role is usually expanded in the triangle of "president-government-parliament", so that he has the possibility to interfere in some areas, which should not be of his competence. For example, in Kazakhstan, the President can even take decisions on fundamental issues without taking into account the opinions of the Parliament. This may happen in the military field: since the President is also the Supreme Commander of the Armed Forces, he can establish a state of emergency or martial law on some areas, or activate the armed forces, independently from the Parliament's decisions. On these occasions, he only has to inform them. Thus, if parliaments are weak, the President can implement some legal manipulations in order to protect his power, for example in case of governmental resignations. Once again referring to Kazakhstan, Zaznaev explained that, while in the past a vote of no confidence depended on a joint session of the two parliamentary chambers, now the President can easily ignore parliamentary decisions.

Obviously, the President can have the reassurance of an obedient Parliament if he directly chooses some of its members. Such a process, which is typical of monarchies and traditional regimes, has been recently recognized in Kazakhstan, Tajikistan, and Uzbekistan. Nevertheless, in the last few years, another tendency has been developing in post-Soviet countries: parliamentarization, namely the recognition of a greater power to the Parliament rather than to the President. As Zaznaev underlined, although this might appear as a positive development from the past autocracy towards democracy, most of these reforms are only superficial. In 2007, both Uzbekistan and Kazakhstan tried to increase the power of political parties, but still the President had a greater role in the legislative and executive area. Thus, what should be ensured is a certain balance in the relationship between President, Parliament and Government.

However, most post-Soviet countries show a completely different situation, which has been defined as "pulling the blanket". This process is the outcome of contrasting political forces, the Government, the Parliament and the President, which defend different interests. On the one hand, the President tries to reinforce his power even more, while on the other, the Parliament strives to prevent it. Kyrgyzstan experienced these tensions for many years: constitutional changes oscillated between presidential and parliamentary predominance, until in 2010 President Bakiyev was overthrown and a new Constitution approved towards a "parliamentary form of government". This aimed to avoid a concentration of power in the hands of either the President or the Parliament and Government. Yet, despite these important changes, the situation is still unstable, considering the possibility to manipulate the legal framework quite easily.

Finally, Zaznaev referred to two other mechanisms of false democracy. The first one is based on the transformation of some institutions in order to increase the leader's power: for example, the Prime Minister of a country could be the outgoing President; thus, the development of a parliamentary system instead of a presidential / semi-presidential one would ensure him a more prominent role. This tool was typical of Soviet Union and was discussed in Ukraine and Armenia. The second mechanism instead is based on the recognition of democratic rights but only formally. In 2007, in

Uzbekistan, the right of political opposition was approved, but it is likely that any attempt to do this will be impeded by some authorities.

In conclusion, Zaznaev showed how post-Soviet countries generally use Constitutional manipulations as a tool to prevent any political conflict, but also to preserve personal interests, which represents a huge obstacle in the process of democratization of the country. Indeed, although some forms of democracy are recognized, these are generally used to strengthen the existing regimes, for example through extremely difficult processes of registration of new political parties, high electoral thresholds, or the use of force against competitors. However, despite all their negative features, constitutional manipulations are stimulating processes towards the democratization of the country, since they allow identifying possible flaws of the political system and consequent options to resolve them.

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