

# New law on Russian referendums: crude attack on democratic rights

Vladimir Volkov  
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In his recent annual speech before both houses of parliament, Russian President Vladimir Putin placed particular emphasis on the necessity of creating “a free society of free people.” However, the actual actions of the government are aimed in the opposite direction.

In this regard, a new law on referendums has been advanced that effectively deprives the citizens of Russia of their constitutionally guaranteed right to express their will through such means. The law is outfitted with so many administrative and bureaucratic barriers that the holding of a referendum will only be possible with the full consent and active support of the government.

The requirements stipulated by this law—which was worked out by the Central Election Commission (CEC) and approved by the lower chamber of parliament on June 2—make a mockery of the essence of the democratic process.

According to the law, political parties are no longer able to initiate a referendum. Only private individuals and federal organs of state power have this right at their disposal.

The procedure is ludicrous. To gain permission to initiate a referendum campaign, its supporters must employ no less than 4,500 signature gatherers in 45 regions of the country (with not less than 100 people working in each region). Each of these people must be individually registered with a notary public. Then, over the course of a month, the signature gatherers in each region must register as a group at the regional elections office. After this, the applications submitted by these regional groups are given to the CEC and examined. If all the regulations have been adhered to, the regional groups are registered, after which they are allowed to collect money to support their efforts. The maximum size allowed for such a fund is 250 million rubles (less

than \$30 million).

From this moment onward, the groups can also begin to gather signatures. Two million signatures are needed to hold a referendum.

Once the signatures have been gathered and verified, the president sends the submitted referendum question (or questions, as their quantity, in the spirit of “democracy,” is not limited) to the Constitutional Court (CC), which verifies that they conform to basic law. If in the end the CC gives its approval, the pro-referendum campaign begins, for which one month is allotted. At this time, campaigning against the referendum is also permitted.

There are, however, still more limitations. The law identifies a wide range of issues that cannot be addressed by plebiscite. These include questions relating to the safety of citizens, private lands, taxes and the monetary obligations of the state to the citizenry. Any question regarding the recall of the president before the completion of his or her term in office is prohibited.

The law specifically stipulates that a referendum cannot include a question about the recall of government deputies. The rule, passed in the fall of 2002 and approved by the Constitutional Court last year, mandating that referendums must occur within the first two years after a presidential or parliamentary election, has been made permanent.

And finally, referendums are considered valid only in the event that more than 50 percent of those eligible to vote cast a ballot. (In comparison for example, in many regions of Russia, gubernatorial elections are considered valid with a 25 percent turnout, and some municipal elections are viewed as having a high enough turnout so long as one person casts a ballot.)

The new law is of an openly prohibitive character. It

is designed to legitimatise the current state of affairs, which was created by the Kremlin when, for tactical reasons, it temporarily prohibited the carrying out of referendums in September 2002. This was done after the Communist Party of the Russian Federation (CPRF) attempted to initiate a plebiscite consisting of four questions dealing with the purchase and sale of land, the size of utility bills, and minimum wages and pensions.

The CPRF wanted to use the growing discontent of the working class with their deteriorating conditions to gain political authority before the start of the campaign for the parliamentary elections. This was in large measure a political show, as the CPRF has long participated in the carrying out of the Kremlin's policies and bears responsibility for the social catastrophe unfolding in Russia. It is not accidental that the CPRF obediently submitted to the prohibitions on referendums imposed by the Putin government in September 2002, which in turn played not a small role in the record low votes received by the CPRF in the elections for the State Duma last year.

Justifying the introduction of the new rules on referendums, the defenders of the law make reference to so-called "dubious practices." This is a completely false pretext. As the *Nezavisimaya Gazeta* pointed out in its May 24 issue, "Throughout the 13 years of the existence of the independent Russian Federation we have had all of two referendums—in April and in December 1993. Both were initiated by the central government. Of the conceivable independent attempts, there were also only two...and both were successfully beaten."

In reality, the purpose of the new law on referendums is to preemptively disarm any existing or potential opponents of the government, under conditions in which raising almost any significant question in a nationwide discussion could gain mass support and yield an undesirable result for the powers that be. Putin's government is attempting to protect itself from this danger through a crude manipulation of the law.

The country's constitution clearly gives citizens the right to hold referendums, with the significance of this right regarded as being equivalent to the election of parliament (and the president). The constitution states that the sovereignty of the Russian Federation resides with the people. This power is realised directly through

the organs of state power and local self-government. "The highest immediate expression of the power of the people expresses itself in referendums and free elections" (Article 3). Elsewhere it is stated: "The citizens of the Russian Federation have the right to elect and be elected to the organs of state power and local self government, as well as partake in referendums" (Article 32, Point 2).

The new law, which effectively prevents the conduction of referendums, is an attack on the constitution of the country. In a legal sense, it constitutes a move towards conditions in which the holding of free elections will be proscribed in general.

The actions of the current Kremlin government illustrate that there are few obstacles standing in the way of the liquidation of the basic rights and freedoms of the Russian citizenry, which are increasingly perceived by the state as a hindrance to the realisation of its aims.



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