NWX-WOODROW WILSON CENTER

Moderator: Maria-Stella Gatzoulis

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Coordinator: …and thank you for standing by. At this time all parties are in a listen-only mode until the question-and-answer session. Today's call is being recorded. If you have any objections, you may disconnect at this time. I will now introduce the conference host, the Honorable Jane Harman, President, Director and CEO of the Wilson Center. You may begin.

Jane Harman: Thank you, operator. And good morning and welcome to those joining from the United States, Russia and around the world. Some of you are in the 10 am time zone. A number of you might be earlier. And those in Europe and Russia are much later. But we appreciate your effort to tune in for the Wilson Center's 141st Ground Truth Briefing.

 No one is missing the elephant in the room - the coronavirus. Times are tough, and we all wish you and your families’ safety and health. The world is facing an unprecedented crisis. And did you know that the coronavirus particle is just 120 nanometers wide? That is small enough to fit nearly 600 of those particles across the width of a human hair.

 So we are battling an enemy we cannot possibly see, but which is wreaking enormous havoc around the world. The long-term consequences are unknown. In the short term, there are also consequences. While everyone focuses on the pandemic -- and rightfully so -- bad actors around the world are making the most of the moment.

 That's why the Wilson Center -- under the leadership of our Kennan Institute, both of which are ranked - the Kennan Institute is part of the Wilson Center, which is ranked the Number 1 think tank in the world for the third year in a row -- are working hard to keep you up to date on the overlooked but critical developments around the world.

 Today we're talking about the Russian Federation and President's Vladimir Putin's moves to extend his 20-year reign by as many as 16 more years. Experts at our Kennan Institute have witnessed an extraordinary two months in Russia. What began as relatively subtle maneuvering to create new leadership roles for Putin once he left the presidency -- such as heading a newly powerful state council -- have quickly morphed into an over-re-writing of the Russian constitution.

 The changes most notably effectively reset the number of terms that Putin has served. So he was expected to stand down as president in 2024. He can now serve two more terms, lasting until 2036. The political reality is that Putin is not going anywhere. To introduce our speakers to assess what this means and what's next for Russia and the rest of us, and to explain this in the context of a world under threat is Matt Rojansky, the vaunted and able director of our Kennan Institute.

 Matt will introduce our speakers and will do this one at a time, so that you can focus on who they are and what their experience is. So please join me in welcoming my colleague, Matt Rojansky.

Matt Rojansky: Well, thank you very much, Jane, and I just want to thank the Wilson Center team and the Kennan Institute team. We'll be saying this a lot over the coming weeks -- I hope it's not months, but it might be -- this is unprecedented, but it wouldn't work as well as it has, the fact that just a few days into this social distancing quasi-quarantine, we're able to continue with our work just as we have done in the many years before.

 And it is testament to our third year in a row as the Number 1 think tank in regional studies, that we can bring together such an incredibly experienced crew to have this conversation this morning. I'm reminded of a comment that our colleague -- Senior Vice President Rob Litwak -- often makes. When a crisis around the world happens, usually the leaders ask for regional expertise. What's happening in that place?

 And even though coronavirus is very much about epidemiology and medicine and health, it is still very much about the places and the countries and the systems and the governments and the societies where this crisis is unfolding. So we're really fortunate to be able to bring you ground truth from those places - both people who are actually there as well as from there and with us here in the United States.

 Before I offer a few introductions in terms of thoughts and also of our speakers, I want to note that this may be our first in the telework Ground Truth Briefing series, but more are coming.

 And on Thursday of next week at 2:30 Eastern Time, same format - we're going to do an event on Russia's military posture in the European Arctic, with Matthieu Boulegue of Chatham House in London, Katarina Ketysova of the European Leadership Network based in Bratislava, and Mike Sfraga of the Wilson Center. So another very valuable Ground Truth international perspective.

 As Jane mentioned, Vladimir Putin has continued to surprise. He appears to be a master of this, even though the momentum of what he's doing all goes in one direction, which seems to be strengthening the power vertical that has been in place for 20 years. What exactly this means will be the subject for our discussion.

 What we do know is that with constitutional court and legislative approval and the approval of all of Russia's regions -- all of which the Kremlin seem to be mobilize with amazing speed despite the corona crisis that's unfolding in Russia as well -- these changes to the constitution are all but final. Nominally, the president has called for a public referendum process set to take place in April with quite a few legal restrictions around it.

 Whether and how this happens amid this crisis is, I think, a very real question. And whether it even matters, given that we are essentially looking at the consolidation of power of a system over two decades that in many respects looks like the consolidation of power in the Soviet Union or in tsarist Russia. But these are all questions that I think our panel is eminently qualified to address.

 And so what I'm going to is -- as Jane suggested -- I'm going to introduce them one at a time, let them speak for about five minutes each, introduce the next speaker, and so on through our four wonderful speakers. And then we'll open up the Q&A round.

 Please know that at any time -- including while our speakers are opening or right now -- you can press Star-1 on your phone, and your name will be added to a questioning queue. So there's nothing rude about doing it. It's not like raising your hand in a live in-person event. Go ahead and press Star-1 if you think you have a question, and we'll see your name pop up.

 So let me start with our own Maxim Trudolyubov, a very well-known voice in the press. He is senior advisor at the Kennan Institute. He edits the Russia File blog for us -- a very widely and well-read publication -- and is Editor at Large at Vedomosti, among many other qualifications as a journalist and political commentator. Maxim, let's start with you for the overview, please.

Maxim Trudolyubov: Good morning, Matt. Good morning everyone. Can you hear me? Hi, hello.

Matt Rojansky: Yes, go ahead. We hear you. Go ahead.

Maxim Trudolyubov: Okay. So the situation with the coronavirus epidemic shows the states and the nations in kind of a new light. We can see what governments are doing. And governments are reacting in different ways. They're also facing different situation - or different stages of this. And it all started in China, big time. And what the Chinese authorities were facing - they were facing a real outbreak.

 What is happening in Europe - where I am now. I'm actually calling from Europe, because I'm stuck here, cannot move. Most of Europe -- probably with the exception of Italy -- European governments are dealing with expectations. They are dealing with a statistical curve of a possible development.

 They're all looking at this curve and see that without the social distancing -- without the quarantine measures -- it might go up very fast, and then the medical facilities will be under much, much strain, which has already happened in Italy. That's why this extraordinary reaction everywhere. Basically, the entire sectors of the economy are frozen.

 Russia's reaction -- as opposed to the previous two, China and Europe -- is very different. As already pointed - Matthew pointed out, Vladimir Putin, Russia's president, decided not to postpone a national vote that has to happen in mid-April. And basically all other governments in the world did postpone elections or similar ballots. In Russia, it's not the case.

 And in Russia, we don't even know the situation with the spread of the disease, because the statistics - I mean, I know very few people. Basically, I have to say I don't know anyone who fully trusts the statistics that we have from the authorities. The figures that we have are upwards of 100 cases are not reliable.

 The Russian government does not have a reliable testing system. It is still under development. And basically we have only one lab in Siberia -- Siberian city of Novosibirsk -- the one lab that gives final - a conclusion on whether the person is positive or negative on the coronavirus infection.

 So the situation with the virus in Russia is very different from both extremes. The Chinese reaction - which was very aggressive, and it received actually high marks from the World Health Organization. The doctors went there, saw the results. But again, this is an authoritarian government that can lock down hundreds of millions of people.

 And basically they also developed very modern techniques for essentially giving people apps on their smartphones that they use to move around. And if they are positive, they can go about cities. If they're negative, they have to stay home.

 None of the kind is happening in Russia. Basically, people are quarantining themselves if they think that the virus - the threat is real. Or they just go about. Lots of cafes are still open. It's mostly up to them. Even not all schools are closed. A lot of schools are still open. So basically we see a priority.

 Moscow -- the Kremlin and the current president -- clearly prioritize this process of political process that they themselves create, that they think will make Putin's next term legitimate. They clearly prioritize this over quarantine measures. Which, yes, are a strain to the economy, but clearly they don't want to cause any strain to their political process.

 So I think this reaction so far is rather unique - I would actually compare that and maybe ask questions later about the situation in the US, because as we see from the news, there's also a question of availability of tests in the US -- at least the number of tests available -- and the kind of reaction of the White House is not - it does not seem to be fully accepting the scale of the threat, as many Europeans have done.

 As, say, the German chancellor Angela Merkel has done, who when she basically said in one press conference, all the figures that she had from the doctors, and describe the inevitable scale of the pandemic, and basically said that, no, you guys, we have to now accept this and deal with it, and basically quarantine ourselves and be socially responsible.

 None of that happens in Russia. And we see that the political - being politically legitimate is clearly the priority for the Kremlin. And again, the character of that legitimacy is also interesting. If you look at China, you see that the Chinese - they started acting very late, apparently. But then they switched on the full measure of the authoritarian government's resources - essentially concentrating resources very fast.

 And of course, the fear was that they were losing legitimacy from the bottom up - from the grassroots. The Kremlin clearly does not think that way. They don't seem to be threatened or seem to fear that they will lose anything from the grassroots. They just want to keep the political machine running. And they kind of believe that if they manipulate the figures enough, they will win.

 That concludes my remarks. Thank you.

Matt Rojansky: Thank you very much, Max. You really raised a fascinating issue that I absolutely admit I didn't anticipate, and that's this question of, is it not obvious that the greatest source of legitimacy for any government amidst a public health crisis is to deal efficiently with that crisis? And you've raised the question of whether the Kremlin actually sees it that way.

 But we'll have to table that question for the moment, because we have three more wonderful opening speakers. And I promise you that we'll come back to it.

 Next I want to go to Grigory Vaypan, who is Russian but has just arrived -- he had the good fortune or bad fortune, depending how you look at it, to have just arrived to begin his fellowship as a Galina Starovoitova Human Rights and Conflict Resolution Fellow here at Kennan at the Wilson Center.

 Until recently, he was head of litigation at the Institute of Law and Policy in Russia, and has directed strategic human rights litigation before Russia's constitutional court and the European court of human rights. So Grigory, please, the floor is yours.

Grigory Vaypan: Thank you, Matt. I just want to make sure that everyone hears me well.

Matt Rojansky: Yes, absolutely.

Grigory Vaypan: All right, great. Good morning, everyone. So just to follow up on what Max has said about the current situation in Russia. So just yesterday, Russian courts have basically suspended their work because of the coronavirus. And there are no more hearings until April 10, except for the most urgent ones.

 But - so in this context, it's even more interesting to note that this Monday -- three days ago -- the constitutional court passed its opinion on the draft amendment to the constitution giving - basically approving of all the amendments. And it did so just in the span of two days, urgently, with no hearing. And it was given one week to do that.

 So we can see on the one hand, Russian courts are not working. People not getting access to justice. But on the other hand, we see the Russian constitutional court doing in 48 hours - approving of all the complicated provisions of a 68-page document - the document with the amendment to the Russian constitution. Approving of all of that instantly.

 So we clearly see the priorities for the Russian judiciary at this time. And we clearly see the Russian constitutional court and this legitimation game. I want to touch briefly upon the most important amendments to the Russian constitution that affect the judiciary and then just a couple of words about the judiciary’s own role in these amendments.

 So as many of you certainly know there is a major amendment to the Russian constitution that changes the grounds and the procedure for the dismissal of many of Russia’s judges. So before the amendments became effective, they’re in the process of becoming effective right now, before that judges of the Russian constitutional court and the Russian Supreme Court could only be removed from their office at the initiative of their peers so it was an internal process.

 Other branches of government had no say in the removal of judges except so Russian constitutional court could be removed by the decision of the upper chamber of the Russian parliament but again upon application by the plenary, by the plenary of the entire constitutional court. So now they have inserted this new provision into the Russian constitution by judges of the constitutional court, the Supreme Court as well as certain other higher courts, appeal courts and causation appeal courts may be removed from office upon request by the President addressed through the Council of the Federation, the upper chamber of the Russian parliament. And this is really extraordinary because it really shows to the judges who their real boss is, and it’s the president of the Russian Federation.

 And many people may wonder well whether there were independent judges in Russia whether there was any independence left. Well we see from this amendment that, you know, inside there might have been some independence but otherwise why would it have been necessary to introduce this new procedure into the Russian constitution? But now, well nothing basically left of the separation of powers as far as removal of judges is concerned.

 There are some other changes too. There’s the decrease in number of judges on the constitutional court from 19 to 11. There’s no explanation from the authors of the amendments why they needed to decrease the number of judges or why this particular number 11 had been chosen. We can talk about that more in the Q&A. And there have been changes in the powers of the constitutional court including its power to assess draft laws which many say, which many feel is in fact the weakening of the court, not its reinforcement.

 But what I’ve been really amazed by the role the constitutional court itself has played in this amendment process because if we read the opinion by the court that was published earlier this week on Monday it’s difficult not to really see that it’s basically a suicide opinion by the judges themselves because it so much affects their own status and the fate of the court that they’re sitting on. And nonetheless, nonetheless, they proceeded with handing down that opinion and they proceeded with approving all of the amendments.

 There were several options several other options from them not only declining to approve the amendment but also certain procedural getaways, I’m sorry certain procedural escapes. So one way was that for them to say that they did not have jurisdiction to rule on this request by the president and there were certain grounds for that but they nonetheless proceeded with approving all the amendments. And I think it shows that, you know, in the current Russia’s political system in order to survive all government actors including judges have to constantly compromise.

 And there’s really no end to it. So once you start compromising it’s really difficult for them to, you know, stop doing that. In 2014 they compromised on Crimea. They approved Russia’s annexation of Crimea. They compromised on many very repressive laws and practices like the foreign agents law for example. Now they were asked to approve amendments to the Constitution that shrinks their own court to almost nothing.

 So and of course there’s always the looming threats, the looming danger of their court being abolished at all like the supreme commercial court was in 2014. So we clearly see this fascinating picture of the Russian judiciary participating in its own self-destruction and we see the Russian judiciary, especially the constitutional court getting much more and more involved in this political process at the expense of its own integrity. So basically I think that’s - that would be my introductory remarks and I’m happy to answer any questions that the audience might have. Thank you.

Matt Rojansky: Well think you very much Grigory. That’s an extremely bleak picture I have to say but it’s a useful level of detail regarding the role of the constitutional courts and judges in general in this change. (Marina Ogle Silva) will speak next. She’s calling in to us from Moscow. She is a former (Galena) Star Voice of a Fellow here. She’s a Russian human rights lawyer and has been with the Human Rights Center Memorial, quite famous for over three years. She works on cases involving enforced disappearances, unlawful killings and detention. So something tells me (Marina) that we’re not about to get a cheerful side of the coin but please go ahead tell us about the situation regarding the constitutional reform and also more broadly how this is fitting into the political climate in Russia.

(Marina Ogle Silva): Thank you (Matt). When I was thinking about my presentation I talked about the constitutional amendments as a good present, a present in the way that to have a good present you need to have the surprise, you need to have the present itself, you have wrapping paper, a stuffing paper and a bow. Well obviously the constitutional amendments were introduced as basically like a (unintelligible) buffet reception which means that anybody can pick something that is good for their personal taste.

 So in the amendment that was introduced by the president obviously there was this human rights aspect. And the human rights aspect that the president introduced was the social or pension rights. I will talk about this a bit later. But if we talk in the more broader - in the broader human rights perspective then we clearly see three aspects here. The first aspect is that before this amendment we had the way the Russia law was functioning was that you have a constitution in the center as in the center of this universe, we call it universe like the sun. And then we have different laws that were circling around in the comments - comets. They were all moving now sometimes (care) but it - this it has been center of the sun, the Constitution.

 And now what they say is that this sun was amended. And it was amended in a very brutal way without any regard to the procedural requirements on how you change the sun. In in my opinion this gave very difficult effect on lawyers on judges as well because before you had the center you had something that was at least stable. Now this stability has been removed and all we have is our evergreen president. So imagining this is the most important aspect of this amendment.

 Second aspect that I wanted to talk was amendment to the Article 79 which is that the decisions of international body that’s (counseled) into the Russian constitution may not be implemented. This is something that was (unintelligible) our human rights lawyer (Stolad) especially in 2016 when the first idea was introduced in a (come) for federal law. And since that time there were few instances when the constitutional courts refused to implement the decision of the European Court of Human Rights.

 The first case was (unintelligible) and the (Glasgow) versus Russia which was about the rights of prisoners to vote. And the second was about (horticorski) paid when the constitutional court said that implement and decision of the court of the European Court of Human Rights about violation by Russia of the right to property of - in terms of vehicles would be against Russian constitutional order. So this amendment to the Article 79 is not something that it’s new. This article already have this in place and therefore in my opinion this amendment is like a custom paper because it has only evolved into the amendment and that was - and in my opinion anything needed to the system.

 So now I move to the third aspect which is some interesting amendments to the Article of 67. This article talks about the territory of Russian Federation, about the rights, about seas and all that. But now we have this salad in this article where anybody can find whatever they want. So what I found was that the Russian Federation honors the memory of the defendants of the Fatherland and protects historical truths. Now according to this amendment it is prohibitive to disparage the significance of the achievements of the Russian people while depending the Fatherland.

 So in my opinion again its maybe you can see this as the wrapping paper or bow to some of the groups in the Russian society. And what I see it means that - so this article talks about historical truths, that Russia protects historical truths. In my opinion that means a further encroachment on the freedom of speech. And the freedom of speech situation currently in Russia is a very hot topic and the freedom of speech is limited in many aspects. So I expect a further limitation on the freedom of speech.

 And finally the fourth aspect the economic and social rights which the wrapping paper for this reference. And so basically now Mr. Putin put in the Constitution an amendments thing that the state guarantee so that minimum wage shall not be lower than the poverty line. And the poverty line in Russia is around US $230 per month. Clearly we see that this provision, this amendment caveats poor population for whom this base space is important and it’s producing.

 But to add to this what I find interesting is that in our federal law we already have the same provision named now labor law. So basically this provision is not necessary for the Constitution. I don’t understand why it something in the Constitution but again and as I said it’s an open buffet reception. And many big or different groups were put into this amendment therefore this amendment clearly targets the poor people the government believes will vote for the amendments. And that concludes my opening speech.

Matt Rojansky: Well, thank you very much (Marina). I want to go quickly now to William Pomeranz and then open up for questions as soon as we can after that. And remind everyone who may have a question you can go ahead now at any time press Star 1 on your phone and that will put you on the list to ask a question. We’ll see your name and then you’ll hear me call on you when it’s your turn.

 So Will Pomeranz of course needs no introduction around here. The Deputy Director of the Kennan Institute, an expert on all the complexities of political, economic and in particular legal developments in Russia. And has in fact just completed a magnum opus book on law in Russia and so Will you are the perfect speaker to back cleanup on our opening?

Will Pomeranz: Right. Thanks very much Matt. And some of my points have already been mentioned so I will refer to our other speakers. But I want to follow-up on a point that (Marina) made and that is that a lot of what has been in these amendments don’t really represent fundamental changes. What they do is they take existing legislation that has been put into law and have raised them to constitutional principles.

 I also don’t think that we need to wax idealistic about the current constitution. It has never been fully implemented. It remains largely an aspirational document and often not a description of reality. And finally the Constitution itself has possesses strong status tendencies which Boris Yeltsin relied on and which Putin has expanded. So on a certain level nothing has changed and yet as I - as the other speakers have mentioned everything has changed because I think we have transition from the Yeltsin Constitution to the Putin Constitution not only because of the expanded length of Putin’s reign but because it - the amendments have transformed Chapter 1 of the Russian Constitution on the fundamentals of the constitutional system.

 And as (Marina) and Grigory hinted this has been done in a very non-procedural way. The Constitution has a way to specifically amend Chapter 1 most notably by calling a Constitutional Assembly. This has not been done. This is Chapter 1 has been reformed by amendments to other sections of the Constitution yet it has a significant impact on the fundamentals of the constitutional system.

 I’ll briefly just mention some of these, Article 2 of the original Constitution talked about individuals and their rights and freedoms as a supreme value. (Marina) hinted to Article 67 in the amendments but I think these amendments have raised the notion of the preservation of the Russian state and historic unity of the Russian state as the first and foremost fundamental value. In this regard is not much different from the Soviet and indeed Czarist legal systems. The original 1993 constitution did not confer a special role in the Russian people instead emphasizing the multi-national people should be the bearers of Russian sovereignty.

 We know have this very awkward provision in Article 68 which talks about the Russian language as the language of the state forming people thereby elevating the place of Russians in the Russian Federation. I think this breaks many taboos that have been observed throughout Russian and Soviet history and has bound to upset the national minorities that one must remember makeup 20% of the population. (Maria) hinted to the emphasis on social rights of these amendments. Indeed they really have shifted the balance between social rights and political rights. It’s not as if the original 1993 Constitution did not mention social rights but they have been significantly enhanced through minimum wage, pension guarantees, et cetera, with no really accompanying strengthening of the civil rights and individual rights in the Constitution.

 A few more examples of how the constitution, fundamentals of the constitutional system have been changed, Article 12 in the 1993 Constitution said that local government should be independent. We know have in these amendments something called the Unified System of Public Power to be defined at a later date but it’s quite clear that the target is local self-government. Again the original Constitution spoke of the fact that there could be no official ideology but I think that with these amendments Putin’s conservative patriotism has now been incorporated into the Constitution as (Maria) emphasized about the - that you can’t criticize the achievements of the Russian people in the sense of the fatherland. And moreover, than a traditional marriage consists of a man and woman.

 There are other examples of wealth. I think the notion of Russia’s secular state has been undermined by the reference to God. (Marina) talked about the questioning about the supremacy of international law under Article 15.4.

 And finally I will just include that these amendments really transform the division of powers in Russia. Again these have been subjects to different interpretations. But in terms of what would be a formal division of powers these amendments significantly undermine them.

 They have as Grigory has emphasized. Weakened the judiciary and they politicized it. We haven’t talked about (procuracy). One of my favorite topics. But in terms of constitutional recognition its supervisory powers and it is indeed the supervision over the implementation of the constitution has now been enshrined in the constitution.

 And finally, as others have mentioned we have a very enhanced presidency in this constitution. I found one of the most interesting changes that have kind of gone under the radar screen is that the president now doesn’t just preside over meetings of the government.

 But the government is now under the general leadership of the president. Thereby really diminishing the distinction that was tried to be made in the original constitution between the president and the executive branch. The president now still points to power ministers. As Grigory said he can now introduce the farming of constitutional judges. And so forth.

 So to conclude, I think something has changed within the Russian constitution. The state and the power vertical has been enhanced. Russian’s theoretical civil liberties has taken another hit. And its intermediary institutions have been diminished.

 Whether these reforms achieved their intended goal, namely increased stability and unity will be immediately tested as (Max) has emphasized in the aftermath of the coronavirus and other issues that accompany that health emergency.

 So with that I will conclude my opening remarks.

Matt Rojansky: All right thanks very much (Will) and everyone. We have loads of questions but please go ahead press star 1 to be added to the queue. I promise we will get to as many as we can and I want to go right to (Jane Harmon) to start us out.

(Jane Harmon): Thank you (Matt). I think after hearing (Will’s) closing presentation you can understand all of you listening on the call and I gather there are 160 of you which is a very high number for us.

 You can understand why we are voted by our peers Number 1 in regional expertise in the world for the third time. I learned a lot on this call and I am sure you did too.

 An observation and a question. My observation is that in case you missed it. It is on Page 20 of our newspapers. While this has been going on, Israel has suspended its court system.

 Bibi Netanyahu has been indicted for various forms of corruption. And the legal proceedings were supposed to start this week. They have been suspended because the court system has been suspended because of the coronavirus.

 And my question is, is what we are seeing in Russia an aberration or is it possibly a trend in the world for leaders. Putin may be a more extreme example. But for leaders to consolidate power and to take advantage of the fact that attention is directed elsewhere.

 And if it is a trend in the world I know you are all Russia experts. But if it is trend in the world shouldn’t we try, we the Wilson Center and those who are commenting on this to call attention to the dangers in the trend. And try harder to call attention to the dangers in this trend.

Matt Rojansky: Thank you Jane. I would like to go to (Max) on that question because I think you really touched on it in your opening. And in particular I find the comparative angle, you know, bringing in Israel. (Max) you had already mentioned China.

 You know kind of compare how this crisis is turning into an opportunity perhaps for authoritarianism?

(Max): Well thank you Jane for the question. Actually this is a very good question. I have been thinking about it myself for quite a while. The nature of the threat clearly is different and I mean just go back a couple of months ago.

 And we will see the kind of threats we have been thinking about and the kind of threats that were on peoples’ minds in the West and in Russia. They were different.

 In Russia we were very often preoccupied with the state’s invasiveness with the authoritarian regimes. In Europe people would think about, you know, their personal data, the private space, the big high tech companies that threaten as they think, you know, their privacy.

 But now we see that the biological threat, the threat that is biological in nature has almost completely supplanted everything else. And in a situation like this people start panicking.

 My impression, well in Europe especially. People are not used to that. They don’t fear for their lives actually. When you live your very comfortable life in a small European town or a big European town you don’t really face the kind of fear that people now have on their minds.

 We in Russia are actually to be honest are quite used to that because we have more threats in our daily lives to a certain degree. Obviously not, you know, it is not that big but you can expect certain things happening.

 So basically it is a trend. And the right-wing movements and right-wing political parties are gaining support right now. And the governments that are in power now because they understand what is expected of them.

 They are acting in unprecedented ways. And as I said before we are - the European governments are dealing mainly with a curve, with an expectation. It is like in a market. You basically price in certain things.

 In most European countries the number of cases is not large. Italy is a huge exception. But basically in many European countries the governments are dealing with something that might happen if they won’t contain the danger now.

 And they have full support from the grassroots. So I think on the on hand, yes there is a danger for us and we have to think about it and investigate this further. That the right-wing thinking, the closure of all borders and full closure of entrance to any migration might gain upper hand.

 But on the other hand, we see that the reaction from governments like let’s say Germany’s government has been to call for national unity. For national support from the grassroots.

 So that people energize themselves and help each other in this situation and contain it as much as they can and as fast as they can so that the businesses could reopen, et cetera.

 So I wouldn’t say it is like a foregone conclusion by now that we are facing a new huge authoritarian wave. I mean a lot depends actually to me I think a lot depends on the European and American reaction to the virus.

 If in the process of this enormous and unprecedented, you know, events. If a lot of the voters retain the understand - keep the feeling of what their governments and the political parties they support were originally for. And they keep remembering that 30 years ago we were all cheering up for borders for being opened.

 Keep remembering that what they enjoyed for those 30 peaceful years of prosperity. I think it is not yet happened. It is a process. I am sort of very cautiously - well cautiously almost optimistic. Well let’s see what happens.

Matt Rojansky: Okay thanks (Max). I want to get to another question right away. Diana Spencer please from the Wilson Cabinet. Diana are you there? No? Do we have Diana on the phone?

 Okay looks like we lost her. I want to go then to…

Diana Spencer: I am on. Can you hear me?

Matt Rojansky: Diana please go ahead.

Diana Spencer: Okay great. I was going to say very informative information. As challenged really like Russia is becoming more of a police state. My question is with Russian lowering the oil prices which will necessitate higher taxes. How will this bode for Russians? Will they rebel?

((Crosstalk))

Matt Rojansky: So for context, you know, thank you Diana for the question. And for context it is interesting that we managed to have four plus speakers on this topic who have not mentioned the background crisis which Russia is either fully in or will be within some estimates are three months to six months. Which is an oil price that cannot possibly sustain the Russian state budget.

 So if I can actually I would like to go to Grigory. You know you talked about how essentially the president now has all the power. Does that not also mean the president all the responsibility? And as (Will) mentioned, the president is now in charge of the government.

 So he can’t really scapegoat for any of these problems including the low oil price and potentially the collapse of the state budget and the ability to pay all these social payments. Is Putin in a sense, you know, writing his own demise here with these changes?

Grigory Vaypan: Yes well I think that is true to a great extent. But I don’t think that the constitution really decides that. I mean the overall political system has brought us to where we are in Russia at this time with so much power concentrated in the Kremlin.

 I think we should look at the recent amendments to the Russian constitution as kind of a - actually a short haul - yes basically a short haul solution, a short term solution.

 So Number 1 to ask would be to preserve - keep Putin as president for the next 16 years. So that is why they made all those provisions about him being able to be reelected once again.

 With certain restrictions on other branches of government to keep them in check like I said to show who the boss is. But then otherwise it is mostly a propaganda exercise because if we look at so many of the amendments we see they are mostly symbolic in nature.

 The ones that (Will) has mentioned and (Marina) has mentioned. Amendments on the role of religion, God, the role of the Russian people as historically the basic people in Russia, restrictions for certain officials, restrictions on taking office. They cannot have any banks, any property abroad.

 Things like emphasizing continuity with the USSR. Emphasizing patriotism. Things like social solidarity. Duties of citizens. And then of course all the social rights.

 So I think that to a great extent this is an exercise in really symbolic pronouncements that could - that would convince the majority of people that, you know, countries moving in the direction they would like it to see.

 If the government says now there would be minimum wage up to a certain amount then there would be minimum wage of a certain amount. That does not necessarily mean that it would be in fact. In six months, in one year or in two years.

 But for now in the short term it kind of - the government is sending out that message to keep people more confident. Irrespective of the actual perspectives.

 And also on this procedural level, the nationwide vote that they are planning for April 22nd is also kind of a Russian - it is kind of an authoritarian way to show to the people that there is some political participation going on.

 Look you have a voice. And people start thinking well, maybe we might have a voice. Whereas in fact they are only rubberstamping the decision that has already been taken.

Matt Rojansky: Right. Let me take the opportunity. Go ahead.

(Will): I do want to - (Matt) this is (Will). I do want to kind of just expand on Grigory’s answer for one minute.

Matt Rojansky: Yes.

(Will): And that is I think that Putin will pursue the strategy that he pursues in 2014/2015 in the aftermath of the introduction of sanctions. So therefore, I don’t think he is going to spend his hard currency reserves which are more than $500 billion on stabilizing the Ruble.

 I think that was one of the important aspects of the 2014/2015 crisis. It did not stabilize the Ruble and therefore everyone’s standard of living was reduced significantly.

 So I think he is going to be judicious as to how he spends this $500 billion especially because of the collapse of the oil prices. And it will be very interesting to see if the social contract that the proposed in 2014/2015, i.e. no real bailouts is what he pursues today.

Matt Rojansky: Right I just really quickly on this economy and oil prices point. I want to go to (Marina). Not so much in your capacity as a lawyer and constitutional expert but because you are on the ground in Moscow.

 I mean we have seen a one third collapse in the Ruble. The oil price is at a historic low. And you probably all the signs tells us that even if Russians are slow to react they will have to go into full quarantine or social distancing mode soon which means all of the consumer businesses, restaurants and stores and things are going to have to close.

 Are you already seeing Russians suffering economically in a way now more than they were a year ago? Or is it basically kind of the same still for now?

(Marina): Thank you (Matt) for the question. Well in my opinion the way how I see things. The quarantine now it is something in place only for three days so we don’t really experience the negative consequences of the quarantine yet.

 But going to the questions asked (unintelligible) I don’t think that is (unintelligible). And the reason I think they will not result is that a lot talking to people on the streets. Putin referred to them as ordinary people. So a lot talking to ordinary people and see which way they are going.

 So the ordinary people on the streets perceive the situation and then they compare the situation with the baseline. And the baseline is what happened in the 90s which is famine, salary not paid for one year. So big poverty.

 So unless the (unintelligible) equals to the baseline Russians will not rebel. And I don’t think that is even in the (unintelligible) experience oil price, (unintelligible), quarantine crisis. I don’t think that we will go to this level. Instead we’ll -- in my opinion -- the Russians will not rebel in any (observable) future.

Matt Rojansky: All right we have plenty more questions. Let me go - let’s try to do this as quickly as we can in just a few minutes remaining. (Daniel Galporovich) from Voice of America please.

(Daniel Galporovich): Hello, I hope you hear me.

Matt Rojansky: Yes.

(Daniel Galporovich): Thank you everyone for this brilliant explanation of institutional amendments. My I have two questions to whoever wants to answer. First, what impacts from this constitution amendments in extending of Putin’s power is for Russian foreign policy? What do you expect it will go (unintelligible)?

 And second question, you know, what I see now in social media when people discuss these amendments, they say so why do they do it including constitutional court judges? It’s not the (start in) time, so they don’t have this level of threats under which they could make the decisions. So what do you think - what is really the level of threats to Russian decision makers like this in the constitutional judges if they don’t obey Putin’s will? And - or it’s just the result of negative selection within 20 or less years that this guy’s don’t have to be told what to do - thank you.

Matt Rojansky: Okay those are actually fantastic questions (Daniel). I will see if we can get to both of them. Let’s actually take the second one first if we can. I’m curious - Grigory, do you have a sense about what the threat - I mean you talked about the judges basically issuing a suicide opinion. You know, kind of make it more concrete. You know, what exactly is in their minds? What exactly are they afraid of if they couldn’t be fired by the President before and now they’ve made it so that they can be fired by the President. Walk us through that thought process.

Grigory Vaypan: Right so it’s difficult to get into the minds of constitutional court judges, but if we look at who they are actually we’ll see that out of 15 judges that there are right now on the court, 11 of them are Putin’s appointees. So the selection process for Russian constitutional core judges works in a way that the president proposals and then the upper chamber of the Russian parliament approve.

 And of the remaining four out of 15, one is (Zorken) who is the chair of the constitutional court and he has just been reappointed as chair of the Russian constitutional court. And amendments that were introduced several years ago made the appointment of the chair of the court not an internal matter for the court itself. So - but again - yes the matter for President and the Federation Council.

 So many - most - in fact most of the judges on the court are Putin’s appointees and I think many of them - some of them at least - maybe even support the amendments and they certainly think that the amendments themselves won’t really hit at them. They think they’re really secure as long as they’re loyal.

 And then for the rest of certainty, I think there are judges who don’t like what’s going on. But for them, I think they’re participating in this kind of appeasement policy. So they think, well if we let the Kremlin do this then they will safeguard the space that left for us to do good things and protect certain people and to decide certain case of the right way. The problem with that line of policy is like I said in the beginning, you never know how far your space - this space will shrink.

 And of course judges like good salaries that they have. They ride the cars that the government provides them and everything else. The judges of the constitutional court are fully government supported from cars to housing. So yes, they’ve got no incentives - yes.

Matt Rojansky: No, that’s very helpful Grigory. I want to ask (Maria) if you think about the broader elite under the Putin system, both those who are in official state power and those who simply enjoy privilege in the system, is there actually more to lose by uncertainty about what comes after Putin or whether Putin stays, then there is by extending Putin’s power and vertical indefinitely the longer that it’s there, the more secure it is, the better it is for the entire elite. Is that a fair statement in terms of their psychology?

(Maria): Thank you (Matt), actually I’ve been thinking about that looking at the different interviews of our members of the policy. I was looking at them and I was watching his interviews and I was actually thinking about that that they are standing by the status quo - business status quo - and whether they are not having any sort of ambition to become something more and they need to develop more.

 So I - to me it’s included that maybe that some people who want more and who are not happy with the status quo. But unfortunately, these people are clearly in minority and the majority of people who are afraid to lose what they already have. And we experienced this kind of internal crisis where a person (unintelligible) looking who used to be - who is actually still a Liberal - and he was among the people who founded (Memorial). He was a Russian (Ambassador) for them as one time and he voted for the amendments.

 So then there was this huge discussion about why he voted for the amendments. Well it turns out that he was appointed by the government for one question state and that state voted - instructed him to go to this certain way. And instead of presenting to be sick or taking a leave or whatever, he voted for the amendments.

 So because I believe he was afraid to lose what he already had and also Grigory mentioned that he understands that now while being in power, he can help people who are in need like, you know, (Memorials) some of like (descendants) and other people (unintelligible).

Matt Rojansky: Okay.

(Maria): So he tries to stay in power and that’s what he voted for.

Matt Rojansky: Yes.

(Maria): For the amendments.

Matt Rojansky: Okay, that’s actually a very interesting example (Maria). But (Unintelligible), who is not only the Human Rights (unintelligible) and the Co-founder of Memorial and a member of the parliament and a Liberal - so called Liberal Fraction - but also if I’m not mistaken a former ambassador to the United States - the lead representative for Russia in the Ukraine negotiations in February 2014, so quite an important figure as well in foreign policy.

 (Max), can you address the other part of (Denilia’s) question about whether there will be any impact on Russian’s foreign policy from these constitutional changes? Or for that matter, from anything else going on right now like Corona?

 (Max), are you with us?

(Will): I can jump in here (Matt).

Matt Rojansky: Yes, go ahead (Will).

(Will): Okay so just on the foreign policy question, in terms of the constitutional amendments, I found it very interesting that one amendment -- I think it’s Article 69 to the constitution - says that Russia can provide assistance and support to its fellow nationals abroad. And then 79 - the Amendment 79 -- said that Russia would not permit any internal interference in domestic affairs.

 So I think that really is - gets to the nub of Russian foreign policy at least in terms of Russia and its near abroad that it will continue to support what it perceives as foreign nationals but will not tolerate any sort of interference in domestic affairs.

Matt Rojansky: Yes, I think, you know, if I can - (Max), are you back with us? No, I guess we’ve lost (Max). So but if I can suggest, I mean, I think the core message - the core lessons from the constitutional reforms so far - is that stability in a strategic sense is prized over uncertainty and if we see surprise, it will be on the tactical level. It seems to me that that works as a metaphor on Russian foreign policy as well. In order words, we’re not going to see a strategic realignment of Russian foreign policy. The gravitation towards China is unlikely to change because it appears to be in the interest of the Kremlin to move into that direction nor is the hostility and the tension between Russia and the greater west -- that is the United States and Europe -- nor is that likely to transform.

 But there are likely to be continued moments of tactical surprise. The more the Kremlin is able to international actors reacting rather than setting the agenda are the more that empowers the Kremlin to set its agenda and that’s going to be especially true of course in its neighborhood where its biggest interests are that is the nearest foreign countries and the former Soviet region.

 I want to try - I know we’ve gone over by a few minutes - we’ll go over just maximum another five minutes if we can. So I want to bring in one more question.

 (Jeffrey Ellis), are you still on the line from State Department?

(Jeffrey Ellis): I am - yes.

Matt Rojansky: Please go ahead.

(Jeffrey Ellis): So I guess my question is actually very similar to Jane Harman’s question at the beginning. But I’m looking at the former Soviet Union space and I’m wondering if I’m sitting in Central Asia in particular and Turkmenistan or (unintelligible) where aging authoritarians still remain in power. What lessons they and perhaps others in the former Soviet Union’s space might be taking from these changes underway in Russia?

Matt Rojansky: That is a fantastic question (Jeff) and if I can take the opportunity to add on not only the lessons for other former Soviet leaders from what Putin has done, but maybe the lessons for Putin from what other former Soviet leaders have done. Much has been made of (unintelligible) supposed transition within the last year whether that had any influence on the way that Putin has handled this. Who wants to jump in on that?

(Jeffrey Ellis): Well I’ll just say that’s it a shame that (Max) is no longer connected unless he’s jumped back in because he’s talked about the problems of transitions - not only in Russia but in the entirely post-Soviet space - and he’s emphasized the question not only of power but of great wealth that these are the two twin issues that is focusing the transfer of power in the post-Soviet space.

 And so clearly what we thought a month ago is that Putin was moving towards a (unintelligible) type solution and there was lots of speculation about the state council and how he would head it and how he would interact indeed if he was head of it with the President and the other political institutions and so forth.

 That speculation has now died away and that it is clear that in terms of Russia’s attitude towards succession, the need to maintain state power and to remain a head of a formal state institution is the way that they’ve decided to go. And so we will see if we look at kind of the twin examples of Russia and Kazakhstan whether it is necessary to actually maintain state power and be head of states in order to consolidate your political power and to facilitate this great transition of wealth or whether it can be done by an informal institution but headed by a strong leader - ex-leader as well.

Matt Rojansky: Thanks, well any final thoughts in 30 seconds from (Maria) or Grigory or (Max) if you’ve come back on?

(Marina): Well I just wanted to add to (unintelligible) So with the (unintelligible) Doctrine Russian experience, when the President of (unintelligible) also proposed amendments of the constitution allowing him to stay in power forever, then what’s the constitution courts or Russian constitutional courts that said no to us? However, then this court has been completely - so the judges were fired. They were impeached and I do believe that the Russian judges when they were replaced with Putin’s amendments, they also saw this lesson and they considered this experience as well.

Matt Rojansky: Grigory, any final thoughts?

Grigory Vaypan: Well, I have one point that’s not necessarily related to the one previous but just discussed. But I have this feeling that - I want to come in on the stability issue that was mentioned. So it looks like, you know, everything looks stable, Putin’s in power, everyone’s in check, but there’s one problem. They’ve reopened - they’ve opened the Pandora Box.

 For many years, they kept saying they won’t touch the constitution. They won’t alter anything in the constitution to in a fundamental way. And now, they keep saying - they still keep saying that the constitution is the same. There’s no need for the new one. But they’ve rewritten so many things in there and they’ve introduced so many ad hoc provisions like a special provision for Putin to stay in power that one has the feeling that instead of the stability, we now have a wholly unpredictable legal system and we have potentially - potential unpredictabilities in the political system.

 So I’m not really sure that this game of rewriting the constitution won’t play back after certain time and won’t hit back at those who are now in the business of doing that.

Matt Rojansky: You know, one of the temptations for those of us who follow fundamentally unpredictable human affairs is to extend out the current curb indefinitely. It’s always the easiest thing to do to say, “Well, we’ll see more of what we’ve seen,” and probably some of that is true. But in the case of Russia - as in many cases - I think the lessons of history are our friends and that is that even in the most seemingly stable periods of Russian history, seemingly the longest reigns of the most powerful consolidated sovereign regimes - whether under the Czars or under the Soviets - the very roots of the biggest changes were being planted at those times.

 So we need to pay attention to all of the factors - everything that’s going on-- even when it seems like there’s only one big story. There are always more stories and we’re going to continue bringing them to you through Brown Truth Briefings, through our Russia File Blog, and other content that will bring you on the Web and in virtual formats as long as we are in social distancing mode.

 I apologize to that questions that we didn’t get to. We’ve gone far enough over time. I’m afraid I have to cut it off here, but I invite everybody to join us next Thursday, March 26th at 2:30 pm. Call details will be on the Wilson Center Web site for Russian’s Military Posture in the European Arctic. And I want to thank our speakers, (Max), (Maria), Grigory and (Will). Thank you so much for joining us. Thank you to my wonderful colleagues at the Wilson Center for making this possible and everybody stay health out there. We’ll talk to you again soon. Bye-bye.

Coordinator: This concludes your conference and you may disconnect. Once again, your conference has ended and you may disconnect. Thank you for joining.

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