

BRIEFING: A New Presidential Constitution for Tatarstan

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Executive Summary:

Young democracies require informed constitutional engineering to succeed in providing free and fair elections, continued stability, economic growth, and human rights. This policy briefing takes into account Tatarstan's unique geography and demographics when arguing that Tatarstan needs a Presidential system to meet these goals. Particularly, it is critical that Tatarstan's new Constitution mandate:

- A nationwide directly elected President as head of state
- A unicameral legislative chamber with two [2] members locally elected by each of the forty-three [43] Tatarstan districts for a total number of eighty-six [86] legislators
- A strict bill of rights ensuring the equality of all of Tatarstan's citizens before the law

Before discussing the necessity for this constitutional design, the relevant factors must quickly be outlined: the majority of Tatars identify as ethnic-Tatars with a sizeable minority of ethnic-Russians and a small (less than 10%) remainder of other ethnic-groups. While historically Tatarstan has been a peaceful, tolerant society – the emergence of a country as a democratic republic is sure to be met with some debate between the two major groups. The reasons for this particular constitutional design are the following: primarily, this structure ensures that the new regime will have a stable government committed to maintaining and leading the independent Republic of Tatarstan without need to compromise with internal or external parties. Second it ensures that the government will be stable enough to carry out necessary and painful economic reforms without derailure because both the President and the members of the legislature will be directly elected, ensuring a public mandate for the subsequent reforms. However, one potential flaw with this design is the ever-present danger presented by Tatarstan's demographics and the resulting legislative divides. A strong system with majority rule and full-minority rights is required for Tatarstan to emerge as an independent nation without compromise.

A HISTORY OF NATIONALISM

The first instance of Tatar nationalist thought in the modern period can be traced to the Russian Revolution of 1905 with calls for a recognition of national culture and equal rights (Wikipedia contributors). Tatar government structures were strong and functioned as the government of an autonomous Tatar-Bashkir Soviet Socialistic Republic that was soon overthrown by the occupying White Army (Wikipedia contributors). The 1920s saw the birth of the Tatar Autonomous Soviet Socialist Republic and the beginnings of Soviet-mandated restrictions on the use of the Tatar language and tolerant Islamic religious culture (Wikipedia contributors). The discovery of petroleum during WWII undoubtedly raised the importance of Tatarstan to the Soviet and subsequent Russian authorities. In 1992 a nationwide referendum counted 62% of Tatars supporting independence and in 1994 a treaty was signed between the Russian Federation and the Government of the Republic of Tatarstan which can be considered a temporary recognition of Tatarstan's independence but in 2002 Tatarstan officials declared themselves to be a part of Russia (Wikipedia contributors). Now, Tatarstan officials have declared Tatarstan to be truly independent.

THE NEW REPUBLIC

The newly independent Tatarstan faces enormous challenges but not impossible odds. The Tatar majority (counted at 53%) supports the declaration and statement of independence almost unanimously while the large Russian minority (40%) naturally holds more ties to the Russian Federation (Wikipedia contributors)¹. A variety of other groups (less than 10%) of the population have historically had close links to the ethnic

¹ I am making this assumption based on the historical presence of nationalist feelings in both Russia and in Tatarstan.

Tatar's (Wikipedia contributors). Based on these statistics the most imperative move for the state is to build a unified, efficient, and stable government that is confident and determined in its decision to continue as an independent nation.

The most immediate danger facing the new nation is double-edged from its opposition both inside and outside its borders. The Russian Federation is occupied for the time being with the conflict in Chechnya and will not interfere directly at this time; but the current policy of non-interference will not necessarily continue in the future unless Tatarstan is strong enough to withstand the Russian Federation. While numbers are unclear and difficult to predict, many Russians may simply return to Russia-proper while others will stay and continue their lives in Tatarstan. Caution of the risk of a potential legislative (and otherwise) fifth column found in the ethnic Russians currently living in Tatarstan is critical for the constitutional engineering of the new nation. For this reason, a strong government based on majority rule with full minority rights is necessary. The work to move towards a more free-market economy alone will not be easy and the government must act decisively to make the change. A strong and united government is necessary for Tatarstan to survive without endless gridlock, compromise, and even collapse back into the Russian Federation.

A NEW SYSTEM

Larry Diamond, in his essay "Three Paradoxes of Democracy" notes many advantages to a parliamentary system but states that "...some countries may be better served by the more decisive character of presidential systems... greater stability of presidential cabinets...the possibility...to elect a single, overarching national leader...that induce...broad constituencies" (117). Tatarstan is one of these nations.

This paper proposes that the optimal government for Tatarstan is a Presidential system with the chief executive elected by nationwide, direct election using a preferential ballot for a five [5] year term; a unicameral legislative body with two [2] members serving two [2] year terms and locally elected in each district from each of the forty-three [43] Tatarstan districts for a total number of eighty-six [86] legislators. The President has the ability to veto legislation passed by the legislature with a simple majority; but the motion will pass if it is returned to the legislature and receives a minimum of 65 votes. The President cannot dissolve the legislature and nor can the legislature remove the President except through the process of impeachment.

STRENGTHS OF THE NEW SYSTEM

The greatest benefit that Tatarstan derives from a Presidential system is actually considered a shortcoming in many cases. A Presidential system is almost always a strong, winner-take-all-system that does not require the coalition building ideological and the legislative compromises often so necessary in a parliamentary system. For Tatarstan specifically, a working parliamentary government would be almost impossible to form when a large enough majority (as it stands currently, the ethnic-Russians most likely opposes the independence and in fact very existence of the Republic². Larry Diamond writes in his essay “The Three Paradoxes of Democracy”:

Democratic government and parties must have some autonomy from group demands in order to make and implement tough decisions...[I]f the elected government cannot stand above, reconcile...then that government may be unable to formulate workable policies. Such weakness could produce a regime-threatening crisis of confidence (Diamond 117).

² Based on previous assumption

The advantages both politically and morally of including to the fullest extent possible the political views of the majority of the country are outweighed by the necessity to survive as a nation. For economic reforms to be passed and for Tatarstan to move forward as a nation; the government must be able to act swiftly without having to first compromise on the legitimacy of their nation. All the more dangerous for Tatarstan is its status as an oil supplier; in fact it was a leading source for the USSR in the 1960's (Wikipedia contributors). Tatarstan is crossed by pipelines making its territory all the more valuable and control of it all the more desirable.

Related by the demographics of Tatarstan, is the issue of executive stability in a Presidential system. Presidential systems are often praised for their executive stability: a lack of volatility especially when contrasted with the often-chaotic multiparty parliamentary systems interrupted by votes of no confidence (Liphardt, Arend 11). The dependence of the cabinet on the support of the legislature “makes potential cabinet instability an inherent and inevitable feature of parliamentary systems” (Liphardt, Arend 11). In the case of Tatarstan especially; a nation surrounded by regions loyal to the Russian Federation and with a sizeable number of old-regime hardliner elites; disruption in governing could overwhelm the nation over and over again before it has the chance to even begin the task of governing³. Larry Diamond notes that “[o]ver time, the citizens of a democracy become habituated to its norms and values, gradually internalizing them. The trick, then, is for democracies to survive long enough – and function well enough- for this process to occur” (Diamond 120).

A nationwide, directly elected executive also has the clear advantage of additional

³ I am making the assumption that there are still hardliners loyal to Russia in the country and will be involved in the government at some level.

legitimacy. A new system like Tatarstan is especially strengthened (or weakened) by its real and perceived legitimacy. Even Linz, admittedly a critic of presidential systems agrees with the “democratic value” of the popular election of the chief executive (Liphardt, Arend 13). A parliamentary system lacks this direct process as changes in Prime Minister may take place without any popular input (Liphardt, Arend 13). Additionally, while the legislature in a Presidential system is not beholden to the chief executive, legislature in Parliamentary system must support the cabinet in office to maintain orderly government (Liphardt, Arend 13). With the threat of a government upheaval entailed in voting against the cabinet’s legislative proposal; the legislature can effectively be “blackmailed” into accepting the cabinet’s wishes (Liphardt, Arend 13). In the words of Arthur M. Schlesinger, “while the parliamentary system formally assumes legislative supremacy, in fact it assures the almost unassailable dominance of the executive of the legislature” (Liphardt, Arend 13).

DISADVANTAGES AND METHODS FOR CORRECTION

It must be noted that while the criticisms of the Presidential systems are many, they are based on ideal types and do not take into account unique situations within regions/nations. This is not to say that these criticisms are not valid and constructive advice (indeed many of them are) but to note that for Tatarstan, these complications may be unfortunate but necessary evils.

While earlier in this paper, the strength of the winner-take-all characteristic of a Presidential system was praised for the specific needs of Tatarstan, its disadvantage of making politics “exclusive” rather than “inclusive” (Liphardt, Arend 19) cannot be fully ignored. In an effort to correct this as much as possible, legislators are directly elected by

their local districts and the Presidential election utilized the preferential ballot system. Regardless, the value of compromise from elected parties and individuals is missing in the system, though with its sacrifice comes the stability that would allow for a stronger government. Diamond mentions that locally elected representatives have the advantage of giving “all major territorially backed ethnic groups some control over their own affairs” (121).

The problem of executive-legislative deadlock is often mentioned as a critique of Presidential systems as an “inevitable result” of the existence of two independent bodies that may be in disagreement with a lack of an “institutional method of solving it” (Liphardt, Arend 15). Finally, another cause for concern is the problem of “temporal rigidity” or the lack of flexibility that a fixed term in office can bring (Liphardt, Arend 18). Specifically detailed is the problem of a vice-president who may be chosen for electoral reasons and be the incorrect candidate, or not necessarily the popular choice for dealing with a particular crisis (Liphardt, Arend 18).

CONCLUSION

To succeed, the Presidential system of Tatarstan must value human rights and work to improve the quality of life in Tatarstan. Free speech, freedom of the press, and other rights must be outlined in an enforced Bill of Rights both to speak to world opinion as to the character of this new democracy and to its minority citizens. In *The Magic Lantern*, when discussing the Czech transition and the conflict of “the moral imperative of democracy...political imperative of swift, effective action” a line fit for the hard choices of Tatarstan is recalled “we who fight for democracy cannot ourselves be democratic” (89, 114).

References:

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