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## It's Time to Change the Constitution

By Konstantin Sonin

Next week we will mark the 11th anniversary of the Russian Constitution. Though it has served as Russia's basic law for more than a decade, the time has come to make some changes. Not because the Constitution itself is faulty in some way -- quite the opposite. I'm certain that the changes I am proposing would make it significantly worse in every respect. But a flawed Constitution that actually works is far better than a splendid Constitution that doesn't.

President Vladimir Putin's proposed administrative reforms, now passing through the State Duma, violate a number of provisions in the Constitution, as well as Constitutional Court rulings that -- according to the Constitution -- are not subject to review. The experts have identified precisely which provisions are at risk: Article 73, which states that Russia's 89 subyekty, or constituent regions, possess the full range of state powers not specifically held by the federal government or jointly held by the federal and regional governments; and articles 83 and 84, which spell out the powers and duties of the president.

Elements of Putin's proposals -- the appointment of mayors and dissolution of regional legislatures -- violate half the articles in the Constitution and the very concept of federalism enshrined in our country's official name: the Russian Federation. I don't believe that Putin's reforms are somehow inherently illegal, however. But they will be if the Federal Assembly introduces them without first amending the Constitution.

Instituting proper procedures for the adoption of new laws would be a real change in the Constitution. If a majority of Russian citizens no longer want to live in a federation, there's nothing undemocratic about that. If there is any doubt as to whether Russians want to live in a unified state with appointed mayors, we could hold a referendum on the appropriate amendments to the Constitution. Even if there seemed to be no doubt, we could hold a referendum to make certain.

It's said that holding a referendum, like holding an election, is an expensive business. This is both true and false. On the one hand, any large undertaking like this costs a fair amount of money. On the other hand, decisions taken by our leaders without the benefit of public feedback often end up costing far more. The residents of California and many other states regularly vote in referenda that set policy and make law. These referenda, which are held in addition to elections, are conducted at the state and municipal levels. As a result, politicians don't have to guess where the people stand on a certain issue.

But let's return to the issue of amending the Russian Constitution. I agree that it would be strange to come across a provision such as the following: "The electronic mass media enjoy freedom of speech to the extent determined by the corresponding government agencies." Our Constitution would certainly plummet to the bottom of the world constitution rankings. But at least an amendment like this would help to remove the cognitive dissonance we encounter in the present Constitution. There are limits on freedom of speech, and here's what they are.

Or how about this: "The financing of opposition political organizations is forbidden, except in cases determined by the corresponding state agencies." Honest and to the point. The advantage would be that we wouldn't have to keep two Constitutions in our heads -- the one on paper and the one we actually live by.

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