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Belarus' new dubious constitution

While repression in Belarus intensifies, last week's rigged constitutional referendum could ensure Lukashenko's grip on power after leaving office

On 28 February 2022, the results of the constitutional referendum held the day before were announced in Belarus – and it will have significant and sometimes perverse consequences for the country's political system. Belarus's new constitution was a concession, Alexander Lukashenko had said on several occasions: the new constitution was either supposed to be a concession to the ruling class, or to Belarusian society, or to the Kremlin. The basic ideas behind the referendum kept changing, and the result is that the new constitution – adopted through a rigged election – already seems to be outdated.

It was seven or eight years ago that Lukashenko first thought about handing over some of his powers to the government and parliament to broaden the power base of the elites who supported him. However, when many representatives of the ruling class defected to the opposition during the 2020 presidential election campaign, Lukashenko lost faith in the elites – if he ever had any.

He announced the referendum after the rigged presidential elections and the ensuing mass protests – which were ultimately brutally suppressed with Moscow's backing –, selling the constitution as the start of a process of change. Since then, however, Lukashenko's regime has resolutely chosen the path of mass repression; even a sham democratisation was ruled out.

Securing Russia's position in Belarus

Lukashenko wanted to use the referendum to give Russia the opportunity to strengthen its position within the Belarusian system as part of a political transformation. But even this basic idea is outdated: Along with the deeper integration with Russia, Lukashenko has already given Moscow the possibilities of closer control over Minsk, which shows itself not least in Belarus' support for the war in Ukraine.

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In 2021, Lukashenko and Vladimir Putin agreed on a unified 'macroeconomic policy'. Twenty-eight programmes for close economic cooperation were drawn up, including the creation of a single gas market by the end of 2023. The agreements are part of the implementation of a 1999 agreement on a 'union state'. Among other things, this agreement provides for the creation of a common parliament, a common currency, and common state symbols, which Lukashenko has recently opposed.

Business as usual

Moreover, with the referendum Lukashenko wanted to secure a stable power base for himself after he leaves the presidency. Therefore, the new constitution contains numerous amendments concerning him, such as guarantees of immunity, the status of deputy for life in the upper house of the Belarusian parliament, and – most importantly – the constitutional strengthening of the All-Belarusian People's Assembly, of which Lukashenko is presumably to become chairman with extensive powers.

In addition, the updated constitution contains many other provisions that have more of a propagandistic value for the political system: for example, on the politics of historic memory or a conservative family concept based solely on a relationship between a man and a woman.

Another example is the removal from the constitution of a clause stipulating that Belarusian territory is to become a nuclear-weapon-free zone. Even under the old constitution, this was not an unconditional renunciation of nuclear weapons, but only stated as an aspiration. Lukashenko could therefore have introduced Russian nuclear weapons in Belarus earlier if he had wanted to – and if the international community had allowed it. And in a case of doubt, the Lukashenko regime doesn't care about the constitution anyway, so deleting the clause doesn't change anything about nuclear weapons policy in Belarus.

The future of the All-Belarusian People's Assembly

On the one hand, the constitutional amendment does not entail any far-

reaching changes for the existing institutions of power. Only cosmetic changes have been made to the powers of the president, parliament, government, local authorities, and the judiciary. On the other hand, the amendments grant constitutional status to the All-Belarusian People's Assembly. It will thus have extensive powers in the future and can, for example, change the decisions of other state bodies, remove the president from office and investigate the legality of elections.

How this body is supposed to work, however, is unclear and not yet regulated by law. In the past, meetings of the All-Belarusian People's Assembly amounted to nothing more than meetings of Lukashenko supporters and took place during presidential election campaigns. Now, Lukashenko wants to make this the most important body in the country, although it has no plausible basis for its work.

The repression in Belarus has reached such proportions that even organising protest actions has seemed futile.

It is even less clear how the construction of the All-Belarusian People's Assembly will affect the functioning of the system as a whole. Until now, Belarus has had a super-presidential system. If another body with enormous powers is now created, disputes of authority between the president and the chairman of the People's Assembly seem inevitable.

The conflict could be avoided if the president were also the chairman of the People's Assembly. And this is precisely what Lukashenko is aiming for: for a while he will want to hold both offices. But at the latest when he is no longer president, the constitutional reform will serve as a basis for future conflicts within the regime.

Nevertheless, should the incumbent regime take the path of restructuring the system, as the constitutional amendment suggests, this could be of consequence for the future political order in Belarus.

Gigantic repression

There was no open election campaign about the referendum. Lukashenko's regime prevented the opposition from carrying out its planned campaign. The repression in Belarus has reached such proportions that even organising protest actions has seemed futile. The authorities even banned the hanging of curtains on the polling booths in the voting districts so that people could not photograph their ballots. An alternative count was to take place via the Internet platform 'Golos' ('Vote') by using photos of the ballots to reveal the obvious election fraud.

The fact that Belarusians took to the streets once again on 27 February therefore had little to do with the referendum. Thousands of people took part in the protests. According to civil rights activists, around 800 people were arrested nationwide and many of them fined. What drove these people onto the streets was the war in Ukraine: they felt morally obliged to articulate their protest against Russian aggression.

There is much more at stake now, and even if repression in Belarus assumes gigantic proportions, it will hardly be able to stop a renewed politicisation of society.



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