

Lukashenka's 'legacy': a step towards the collegial governance

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On 9 May Alyaksandr Lukashenka signed a decree on the 'defence of sovereignty and the constitutional system' which lays out the principles of the transfer of presidential competences in case of the president's death following an assassination, terrorist act, external invasion or other violent acts. As the document stipulates, should such events occur, all state bodies would function based on decisions to be made by the Security Council of the Republic of Belarus, which has eight permanent members. The council's sessions will be led by the prime minister and a state of emergency or martial law will immediately be declared in the country. This will determine the council's further measures, including the possibility to limit the freedom of movement, to ban or to impose restrictions on mass events and strikes, to introduce a curfew and to step up protection of individuals and buildings. Following the takeover of power by the Security Council, it will be incumbent for it to decide on a presidential election, together with the governors of all the six oblasts. All decisions made by the council will be approved in a collegial manner, in a secret ballot, with a majority of at least two thirds of the vote.

Commentary

- Already on 24 April Lukashenka announced that he would sign the decree and justified his decision by referring to the necessity to regulate the issue of how power changes hand following the revelation of an alleged 'military putsch' which involved plans to assassinate the president. The decree limits the competences of the prime minister who, according to the constitution, takes over presidential competences until a new presidential election is held. The introduction of the primacy of collegial governance with the Security Council as its central body guarantees that the privileged position of the security sector in the state will be maintained (six members of the Security Council come from law enforcement ministries). At present it has the most impact on the president and the decisions he makes. This solution also constitutes a reassuring signal towards Russia, meaning that even if there were to be a vacancy for the position of the head of state, high-ranking officials from the ministries of internal affairs and defence (who have permanent working relations with Russia) will ensure continued close cooperation in military and security areas.
- The adopted organisational solutions which determine the new role of the Security Council have raised serious legal concerns. The content of the decree is hardly compatible with the Belarusian constitution, which does not allow for such extensive

competences of the Security Council or limitations of the role of the prime minister in case of the president's death or resignation. Publicly available Belarusian legal documents do not include a document which regulates the competences of the Security Council in detail – the constitution describes it only as a body subordinate to the president. However, the constitution enables Lukashenko to introduce new measures in the state's political system by means of decrees to be approved by the parliament (even though this is a formality).

- The decree was signed and published on 9 May, during the celebration of Victory Day, when Lukashenko reiterated the slogan he had been repeating for several months about the danger of external forces destabilising Belarus. The decree has thus become part of Belarus's communication policy of creating a state of alleged threat from the West and the Belarusian regime has been using it to justify the necessity to continue repression inside the country.