

## **Why dictators veto: legislation, legitimation and control in Kazakhstan and Russia**

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### **Abstract**

Why do authoritarian presidents still use their legislative power? Although recent studies have argued that authoritarian legislatures are more than “rubberstamps” and can serve as arenas for elite bargaining over policy, there is no evidence that legislators would pass bills that go against presidential preferences. This article investigates this apparent paradox and proposes a theoretical framework to explain presidential activism in authoritarian regimes. It argues that any bills that contravene constraints on policy-making set by the president should generally be stopped or amended by other actors loyal to the regime. Thus, presidents will rather use their veto (1) to protect the regime’s output legitimacy and stability, and/or (2) to reinforce their power vis-à-vis other actors. The argument is tested using two case studies of veto use in Kazakhstan and Russia over the last 10 years. The analysis supports the propositions of the theoretical framework and furthermore highlights the potential use of vetoes as a means of distraction, particularly in relation to international audiences. The article extends research on presidential veto power to authoritarian regimes and its findings contribute to the growing literature on the activities of authoritarian legislatures.

**Keywords:** Authoritarian regimes; dictators; legislative process; presidents; veto power

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## **Introduction**

On 29 December 2016 Russian president Vladimir Putin vetoed a bill introducing an “Electronic Database of Students”; just one year earlier, his Kazakh counterpart Nursultan Nazarbayev used his veto power to send the new Civil Service Act back to parliament. Presidents’ use of their legislative veto is generally one of the most common features of inter-branch competition across political systems. However, Nazarbayev had not used his veto power in almost two and a half years, whereas for Putin it was even the first veto in over four years. Even more importantly, both Kazakhstan and Russia arguably present model cases of contemporary authoritarian regimes – superficially, they possess a modern institutional structure and hold elections, yet in reality they lack genuine competition between political actors.<sup>1</sup>

Scholarship on authoritarian legislatures traditionally assumed that they lack independent decision-making power.<sup>2</sup> From this perspective, Putin’s and Nazarbayev’s vetoes appear illogical. Yet, even if we consider recent studies, which have convincingly argued that authoritarian legislatures are more than “rubberstamps” of executive proposals and have shown that legislators can successfully enact their own amendments and proposals, there is no evidence that legislators would ever knowingly contravene presidential preferences.<sup>3</sup> Hence, Putin’s and Nazarbayev’s decisions to veto remain counterintuitive. Finally, other authoritarian regimes exhibit the same phenomenon – every so often, their presidents still use their prerogative to veto bills passed by the legislature.<sup>4</sup> Consequently, the examples from Kazakhstan and Russia raise a bigger question: why do authoritarian presidents (need to) use their legislative veto power at all?

Research on legislative veto use and its determinants has so far concentrated on democratic political systems where the veto is president’s “primary check” on the

legislature.<sup>5</sup> Theoretical models generally rely on the assumption of mutual independence of political institutions, yet it stands to reasons whether this can also be applied to regimes where mechanisms of democratic governance are suspended or working ineffectively. Moreover, while authoritarian constitutions vest presidents with a vast range of prerogatives, actual “power” is by and large exerted through informal means of governance or executive decrees.<sup>6</sup> Thus, authoritarian presidents’ decision to intervene directly into the legislative process, if only occasionally, and use a power designed as a check-and-balance between independent institutions presents a substantial theoretical and empirical puzzle in want of explanation.

The aim of this article is to extend recent research on elected authoritarian legislatures and to propose a systematic explanation of veto use in authoritarian regimes. To do so, I first review relevant scholarship on legislative veto power, authoritarian presidents, and legislatures in non-democratic regimes, and then discuss the key insights on which I build my theoretical approach. I start from the well-established argument that authoritarian presidents create (or tolerate) elected legislatures to increase regime stability. Further, I propose that presidents may dictate the legislative agenda, but at the same time devolve limited legislative decision-making power to subordinate actors as part of power-sharing arrangements. Thereby, any bills that go beyond the constraints set by the president should usually be stopped or amended by actors loyal to the regime (e.g. in second chambers) *before* they reach the president. Consequently, presidents should only use their veto for two reasons: (1) the protection of the regime’s output legitimacy and stability, and (2) to reinforce or increase presidents’ power vis-à-vis other actors. The arguments are tested in case studies of Kazakhstan and Russia – two electoral autocracies that are not only largely representative of modern authoritarian regimes (particularly in the post-Soviet space)

but also allow for validating the proposed causal mechanisms based on detailed legislative data. The analysis shows that presidential vetoes could largely be attributed to a desire to prevent policy outcomes that threatened regime stability and shift blame to subordinate actors. In addition, it highlights the value of vetoes as a means of distraction, especially with regard to international audiences.

The primary contribution of this study lies in the extension of research on presidential veto power beyond the realm of democratic regimes. On a theoretical level, it complements and extends work on elected authoritarian legislatures and policy-making, chiming in particular with the recent departure from the assumption that they are mere “rubberstamps”. Empirically, it provides novel insights into the hitherto understudied interaction between presidents and elected legislatures as part of the legislative process in authoritarian regimes. Finally, the findings highlight the particular usefulness of legislative vetoes as part of a “rational dictator’s” toolkit.

### **Presidential veto power and policy-making in democratic and authoritarian regimes**

Presidents’ power to veto legislation represents their “most consistent and direct connection with the legislative process”, and equips them with a powerful means to express disapproval, prevent changes in the status quo, or press concessions.<sup>7</sup>

Scholarship on presidents’ engagement with policy-making and veto use has thereby almost exclusively focused on countries with a substantial democratic track record.<sup>8</sup>

Here, veto use is generally conceptualized as a function of disagreements between president and parliament over policy. Game-theoretical approaches predict that vetoes occur when the legislature proposes legislation that is too far removed from presidents’ ideal points – either because of incomplete information or to trigger a “blame-game veto”.<sup>9</sup> Similarly, studies of patterns of presidential activism have found that – across

democratic political systems – veto use is significantly correlated with ideological opposition between presidents and legislative majorities and the size of the governing majority.<sup>10</sup> Notably, both strands of the literature see vetoes as the outcome of conflict between two mutually independent institutional actors.

In contrast, research on authoritarian presidents and their relationship with parliaments has largely focussed on the role of legislatures and other institutions in buttressing the regime as a whole (see also next section).<sup>11</sup> Scholarship is typically concerned with how president bypass the legislative process altogether – most prominently by issuing executive decrees or directives.<sup>12</sup> Furthermore, authors have highlighted that modern authoritarian rule relies heavily on (informal) networks and system of patronage within the ruling elite as means to exercise power.<sup>13</sup> Such networks may include “parties of power”, yet these tend to be conceptualized as presidents’ extended arm in parliament and mere means to push through legislation, not as actors with agency.<sup>14</sup> While measures of presidents’ constitutional powers have also been applied to non-democratic regimes<sup>15</sup>, there are hardly any attempts to systematically collect data on their use.<sup>16</sup> Finally, there is a paucity of systematic theoretical accounts of presidential behaviour as most scholars either focus only on a single country and president, or seek to explicate the endurance of authoritarian rule more generally.

Thus, there is no readily available explanation of presidential veto use in authoritarian regimes. In particular, it stands to reason to what extent we can conceptualize authoritarian presidents and parliaments as mutually independent actors capable of disagreement. Unfortunately, the only game-theoretic analysis of presidential veto power that included authoritarian countries failed to address the potentially different working mechanisms of institutions under authoritarian rule.<sup>17</sup> Furthermore, even more general theoretical models of political institutions usually conceptualize

dictators as the only veto players in non-democratic regimes and would not predict legislative proposals that deviate from their preferences.<sup>18</sup> Hence, the key question remains when and under what conditions authoritarian parliaments produce outcomes that necessitate a presidential veto, or whether vetoes are motivated by different factors. Therefore, the next section discusses literature on authoritarian legislatures and considers their potential for independent decision-making.

### **Authoritarian legislatures and bargaining over policy**

Authoritarian legislatures come in different forms – they can be “closed” (non-existent/without lawgiving powers), “appointed” (members selected by the executive), or “elected” (at least formally).<sup>19</sup> Irrespective of such differences, the literature traditionally assumed that “because authoritarian legislatures exist at the discretion of the dictator, they do not have real decision-making power”.<sup>20</sup> Rather, authors highlighted that the mere existence or creation of a (formally) elected legislature can increase regime stability. In particular, it has been asserted that holding regular parliamentary elections helps regimes create a “façade of democracy that enables them to maintain international and domestic legitimacy”,<sup>21</sup> or are meant to present a credible commitment by the leader to other actors in the form of self-restriction (although it is doubtful to what extent such legislatures could actually provide a check on the president).<sup>22</sup> Alternatively, authoritarian legislatures and elections are thought to equip leaders with a cost-effective way to monitor the political opposition – through election campaigns and by allowing deputies to speak freely without fear of retribution, threats can be neutralized quickly and regime stability ensured.<sup>23</sup> Nevertheless, as these approaches generally assume that authoritarian legislatures merely “rubberstamp” presidential proposals, presidents would have little need to engage with the legislative

process (although the occasional use of vetoes may admittedly serve the creation of a democratic façade).

More recently, scholars have explicated the mechanisms by which elected authoritarian legislature ensure regime stability in greater detail, and proposed different conceptualizations of legislatures that are either no longer implicitly based on “rubberstamp” assumptions or explicitly reject them. Most prominently, authors suggest that presidents use legislatures to bridle the opposition and other actors by giving them access to spoils in exchange for cooperation (“co-optation”),<sup>24</sup> or to make credible commitments to other (rival) elites and distribute some power and information among them (“power-sharing”).<sup>25</sup> Quantitative studies have shown that elected legislatures are indeed an effective means to prevent coups<sup>26</sup> and increase the likelihood of autocratic regime survival.<sup>27</sup> Similarly, legislative co-optation – particularly of key opposition figures – helps to decrease and mitigate public dissent, hence decreasing the need for repression.<sup>28</sup>

Unfortunately, scholars have hitherto not explicitly discussed the consequences of co-optation and power-sharing for the law-making function of authoritarian legislatures. However, power-sharing models in particular would theoretically allow for some independent legislative activity by deputies, even if only within parameters set by the president. Furthermore, there is growing empirical evidence that authoritarian legislatures do possess some independent decision-making power; specifically, scholars have demonstrated that budget bills in authoritarian regimes often undergo significant changes.<sup>29</sup> Noble and Schulmann consequently suggest a departure from the conception of authoritarian legislatures as mere “rubberstamps”. Rather, they should be conceptualized as “venue[s] – and the legislative stage of policymaking, more broadly, [...] as an opportunity – for executive, bureaucratic, and other powerful non-legislative

actors to contest their competing policy preferences”.<sup>30</sup> Similarly, Krol asserts that “authoritarian parliaments constitute an arena through which the executive concedes changes in its legislation to its most loyal allies”.<sup>31</sup> Hence, when authoritarian legislatures act independently, this power depends on continued support for the dictator, and amendments are only enacted within the boundaries set by the regime.<sup>32</sup>

The departure from the “rubberstamp” assumption opens the possibility for the use of presidential vetoes according to their original purpose – as a check-and-balance of the president on the legislature. However, authors have so far mostly formulated their theoretical considerations from the perspective of legislators and largely neglected to reflect on the specific role and motivations of presidents in the legislative process. Furthermore, even in approaches that explicitly attribute some independent decision-making power to parliaments, bargaining notably takes place *within* the legislature – i.e. not between parliament and president as posited by existing theoretical accounts of presidential veto activity.<sup>33</sup> To answer the question why authoritarian presidents use their legislative veto power nonetheless, the next section proposes a modified model of authoritarian policy-making. Based on the assumption that decision-making power is selectively devolved to elected legislatures, it explicates the conditions and strategic considerations that determine authoritarian presidents’ veto use.

### **A model of veto use in authoritarian regimes**

Authoritarian presidents can be conceptualized as rational dictators whose ultimate goal is to stay in power.<sup>34</sup> They may value holding office intrinsically, yet it is first and foremost prerequisite for continued access to spoils of the regime and implementing policy.<sup>35</sup> Policy also has primarily instrumental value as it helps authoritarian leaders to overcome their lack of democratic legitimation by ensuring that the regime nonetheless delivers benefits to key actors and the public as a whole.<sup>36</sup> Presidents also have the



power to shape the institutional and political environment, so that they are only restricted by existing institutions insofar as they are used to support their rule.<sup>37</sup> Hence, authoritarian presidents support and create elected assemblies as arenas for co-operation with other (rival) elites and co-optation of opponents to avert rebellion or other threats to their rule.<sup>38</sup> Although the spoils of legislative office may be sufficient for purposes of co-optation, presidents still face the problem of how to share at least some power with other elites.

I propose that presidents devolve some decision-making power to legislatures and executive actors (e.g. ministries) involved in the legislative process to solve this problem and make a credible commitment. Legislatures thus become arenas for inter-elite bargaining and competition over policy.<sup>39</sup> However, capacity for independent action is only granted in selected areas and to the extent that it is absolutely necessary to sustain the president's rule.<sup>40</sup> Legislators and other actors are generally aware of presidential preferences; in non-devolved areas these are articulated more clearly (directly or indirectly/informally) and legislatures will consequently simply "rubberstamp" presidential proposals, or pass legislation within the constraints set by presidential decrees or previous presidential initiatives. However, the more presidents require legislatures as places for co-optation and power-sharing, the broader and the deeper devolved policy areas become. Consequently, presidential preferences are less clearly articulated to make a more credible commitment to legislators and other elites, and authoritarian presidents will accept bills or amendments that are further away from their ideal point.

Authoritarian presidents rely on complex systems of informal politics and loyal actors in other institutions to exert their control. While we can generally expect that legislators will self-censor proposals that contravene presidential preferences, any other

bills which – inadvertently or (less likely) deliberately – go beyond the constraints set by the president should be stopped or amended *before* they reach the president's desk, e.g. by second chambers<sup>41</sup>, “parties of power”<sup>42</sup> or other administrative actors.<sup>43</sup> While these mechanisms may fail and therefore necessitate presidential intervention, vetoes should generally only occur for two reasons: (1) the protection of the regime's output legitimacy and stability, and (2) to reinforce and increase presidents' personal power vis-à-vis other actors.

Authoritarian presidents and their regimes do not receive their legitimation through elections in the same way as democratic governments. Therefore, (economic) regime performance and the associated output legitimacy becomes one of their most important tools.<sup>44</sup> As outlined previously, presidents must ensure that the regime appears to act in the people's interest and serves the actors on whom it relies (i.e. elites and/or the general population) if they want to stay in power and reap any associated benefits. Presidents can accomplish this goal by proactively formulating policies that benefit their constituents<sup>45</sup> or use their informal networks to influence the policy-making process in that direction. Naturally, this also means preventing policies from becoming law that run counter to this aim. However, whether a policy constitutes a threat to the regime's output legitimacy is not always clear in advance, but can vary in response to exogenous factors. Most prominently, sudden changes in socio-economic conditions can affect the foundations of a bill;<sup>46</sup> in fact, presidents may even be forced to veto popular policies if it transpires that the regime will not be able to live up to the bill's provisions. Similarly, policies can provoke unanticipated levels of public discontent and resistance, and implementing them unchanged would have a considerable negative impact on the regime's output legitimacy. Thus, in cases where adverse consequences of bills only become apparent at the very end of the legislative

process, we should expect presidents to veto them to protect the regime's output legitimacy and long-term stability.

Instability at the very top may well spell doom for authoritarian regimes, whereas governments can be dismissed, and parliaments reconfigured without threatening their stability. Therefore, presidents have strong incentives to reinforce their personal legitimacy and power vis-à-vis other actors, whereby vetoes are one of the most visible tools at their disposal. First, they can be used to shift blame away from the president to subordinate actors. If policies initiated by presidents are met with popular discontent, they can easily distance themselves from them and blame parliament, government, or individual cabinet ministers. Likewise, even in case of unpopular policies that are necessary to keep the regime functioning, a veto that only leads to cosmetic changes in legislation can still enhance presidents' power and legitimacy – after all, it was their intervention that softened the impact of the policies in question. Second, presidents can also proactively “disable” failsafe mechanisms (that would otherwise have stopped unfavourable legislation) to create opportunities for self-legitimization and discrediting rivals. Thus, vetoes occur because presidents seek to shift blame or, respectively, as a form of discursive pre-emption – “the staging of political dramas that undermine opponents' efforts to gain popular support”.<sup>47</sup>

Finally, it is important to note that, although conceptually different, a veto can theoretically serve both purposes at once; yet, we should still be able to distinguish their effects based on an analysis of the legislation concerned. More importantly, however, we need to consider that the use of a highly visible tool such as the veto is a double-edged sword. In particular, an occasional veto use may be effective in reinforcing the president's authority vis-à-vis other actors; yet, frequent use may create an impression of weakness or a lack of support among the ruling elite, as the president does not appear

to be able to quell conflict by other means. Thus, even if presidents' last resort is to veto, they should only employ it if they believe that *not* vetoing would be more costly in the long run. Furthermore, overly frequent veto use could potentially be an expression of other phenomena – e.g. a crisis within the ruling elite or move towards greater autocratization – and provoke (or invite) social unrest. It is, admittedly, beyond the scope (and intention) of this framework to account for this – the hypotheses are primarily meant to apply in regimes where the president, rival elites and opposition forces find themselves in a relatively stable equilibrium.<sup>48</sup> Finally, vetoes are naturally not authoritarian president's only tool in dealing with legislatures; yet, given their visibility and institutional effectiveness they are particularly suited for the purposes outlined in this framework.

### **Case selection and data**

Empirical studies of authoritarian regimes are faced with a number of difficulties, one of the greatest obstacles being the lack of governmental transparency, restricted access to documentation, and limited availability of reliable quantitative and qualitative data.<sup>49</sup> Unfortunately, these restrictions likewise apply to historical data on the legislative process and presidential vetoes. Therefore, this study takes a small-N approach to provide a tentative test of the theoretical considerations formulated in the previous section. Specifically, it uses case studies of two post-Soviet authoritarian regimes – Kazakhstan and Russia – that are not only largely representative of authoritarian regimes more generally, but also offer sufficient data availability<sup>50</sup>, making them particularly suited for analysis.

Except for the Baltics, political transition in former Soviet republics has failed to produce Western-style liberal democracies. While some countries still experienced

periods of (limited) political pluralism following the fall of the Soviet Union or, less frequently, developed into hybrid regimes that oscillate between democracy and authoritarianism, others merely transitioned from one type of authoritarian system to the next. Thereby, the majority of countries is characterized by popularly elected presidents as the dominant executive actors who enjoy wide-ranging executive and legislative powers (including a package veto requiring a 2/3 majority for override), and by second chambers filled with members loyal to and (at least indirectly) chosen by the president (see Table 1).

\*\*\*Table 1\*\*\*

Kazakhstan and Russia are largely representative of other post-Soviet hybrid and authoritarian regimes regarding the trajectory of their democratic/authoritarian development and institutional set-up. Both countries can be classified as “electoral autocracies” where regular multi-party parliamentary and multi-candidate presidential elections are held, yet these are neither free nor fair.<sup>51</sup> While V-Dem (Figure 1) and Freedom House (Figure 2) differ in how quickly Russia's level of authoritarianism increased after Putin's first election in 2000, both countries are now clearly authoritarian. Furthermore, their respectively presidential and president-parliamentary regimes provide presidents with extensive leverage over cabinets and the policy-process. Therefore, and given that president-parliamentary and presidential regimes generally exhibit lower levels of democratic performance across the region (cf. Table 1) as well as globally,<sup>52</sup> Kazakhstan and Russia can be considered “typical cases” of authoritarian regimes.<sup>53</sup>

\*\*\*Figure 1\*\*\*

\*\*\*Figure 2\*\*\*

Finally, presidents in both countries still occasionally use their legislative veto power and parliaments have been shown to possess some independent decision-making power. Given the availability of sufficiently detailed legislative data, analysing the two cases allows for tracing and validating (or falsifying) the causal mechanisms proposed previously and thereby promises to produce generalizable findings on authoritarian presidents' use of their legislative veto. The following two sections focus on the period 2007–2018 in Kazakhstan (beginning with the fourth convocation of parliament) and 2008–2018 in Russia (starting with Dimitry Medvedev's election as president); I analyse the circumstances surrounding several vetoes (with a focus on more recent examples), paying particular attention to the potential consequences of the bills in question and the role of intra-elite conflict.

### **Veto use in Kazakhstan, 2007-2018**

Nursultan Nazarbayev ruled Kazakhstan from December 1991 until March 2019, whereby his previous political career (Prime Minister, 1984-1989; Communist Party leader, 1989-1991) proved key to reforming the former Soviet republic into an authoritarian regime with him as the undisputed leader.<sup>54</sup> Constitutional amendments following the country's independence clearly established the presidency's dominance over the executive. In both 1993 and 1995 Nazarbayev subsequently used his informal influence to dissolve parliament and force through new constitutions cementing his powers, including the right to reject the outcomes of parliamentary votes of no-confidence in the government. Furthermore, term limits did not apply to Nazarbayev since 2002.<sup>55</sup> The president's veto power is equally strong – vetoes can only be overridden by 2/3 of members in both chambers of parliament and amendatory

observations are enacted automatically unless overridden by an absolute majority in both chambers.

Despite presenting an almost archetypical case of an authoritarian regime, presidential vetoes still occur from time to time (Table 2). Even since the 2007 constitutional amendments that allow the president to dissolve parliament with relative discretion, Nazarbayev returned bills to parliament on three separate occasions (and used a pocket veto on two further bills). Although the small absolute number of vetoes may partly be attributable to the comparatively low legislative output of parliament, the relative frequency still amounts to less than 0.4% of bills being vetoed. At the same time, evidence points to at least some independent decision-making capacity of parliament – legislators introduced up to a dozen private members' bills per session (usually on economic regulations, civil service, culture and civil society) of which the majority eventually became law. Nevertheless, the Senate – stocked with appointees loyal to the president and his *Nur Otan* party – played an active role in moderating legislative activity; while it is difficult to collate reliable numbers (particularly for earlier years), it sent about half of the bills back to the Mazhilis (lower house) for improvements.

\*\*\*Table 2\*\*\*

The individual vetoes reveal an interesting pattern that tentatively confirms my theoretical model. Nazarbayev's vetoes in 2013 and 2015 corroborate the first hypothesis and illustrate how vetoes were used as a means to protect the regime's output legitimacy and stability. The Law on Pension Insurance was passed in May 2013, yet already caused public discontent during the drafting stage – mostly because it raised

women's retirement age from 58 to 63 starting in 2014 after previous reforms had already reduced mandatory minimums for alimony payments and a lump-sum maternity leave compensation.<sup>56</sup> Nevertheless, the bill passed both Mazhilis and Senate without objections or significant amendments, likely because of the provisions' economic necessity. Following the bill's passage, public pressure on Nazarbayev increased; the threat to the regime's output legitimacy was furthermore amplified by the fact that changes would take effect only one year before the next presidential election. Thus, when Nazarbayev vetoed the bill, used his amendatory observations to delay the implementation of any changes until 2018 (arguably a cosmetic change), and fired the responsible government minister,<sup>57</sup> he did so to protect the output legitimacy and – particularly regarding the upcoming presidential election – stability of the regime.

A similar picture emerges with regard to Nazarbayev's veto of the Civil Service Act. Passed by parliament in October 2015 on the government's initiative, the Act established a new overarching structure for the civil service and stipulated a mandatory retirement age for civil servants.<sup>58</sup> However, it differentiated between administrative and political civil servants, whereby the retirement age did not apply to the latter. It appears that government and legislators generally tried to follow presidential preferences in adding the exception (explaining why other loyal actors did not intervene in the process). However, as there would also be no set retirement age for political civil servants appointed by government ministers, it gave them a small, yet significant source of additional power. The president's subsequent veto – restricting the exception to political civil servants appointed by the president, who could extend their period of service by up to five years<sup>59</sup> – thus served to maintain the power balance and removed a potential threat to Nazarbayev's grip on the system. While blame-shifting was a welcome side-effect, it was not the dominant reason for the veto.



In contrast, the veto from March 2009 lends particular support for the hypothesis that authoritarian presidents use vetoes to reinforce their personal power vis-à-vis other actors. Parliament had passed a private member's bill with the government's support that – ostensibly following up on a remark by the president in a 2008 speech – extended the state holiday for the Kazakh New Year celebration (Nauryz) from one to three days, although only as a one-off. The bill was swiftly vetoed by the president, yet not because he opposed its general content (which enjoyed considerable public support). Rather, the veto must be interpreted as a warning shot against high-ranking elites in government and parliament. The government had used the bill to distract attention from its failures in the realm of economic reforms and counteracting the effects of the financial crisis<sup>60</sup> – as noted previously, this was one of the areas in which there appears to be some capacity for independent policy-formulation. Thus, Nazarbayev used the veto and the accompanying statement to shift blame to the government and reinforce his personal power. Furthermore, one month later he signed a new version of the bill into law that – on his suggestion – made the extension of Nauryz permanent.

Although not a veto as such, the issue of the “Leader of the Nation” bills also highlights a logic similar to that of the second hypothesis. In 2010 the “Law on the First President” (providing Nazarbayev with immunity and extensive privileges) was extended to provide additional spoils as well as the title “Leader of the Nation”.<sup>61</sup> Although clearly following presidential preferences, Nazarbayev refused to sign the two bills – a move that was widely interpreted as an attempt to downplay the issue and show humility.<sup>62</sup> However, he did not formally return the bills to parliament; rather, this procedure triggered a constitutional failsafe against “pocket vetoes”, meaning that they were signed into law by the prime minister and the speakers of Mazhilis and Senate, and thus entered into force nonetheless. By using a pocket veto, rather than sending the bills

back to parliament, Nazarbayev ensured that the bills would still be implemented and increased his personal power.

### **Veto use in Russia, 2008-2018**

In contrast to Kazakhstan, Russia enjoyed a period of (limited) political pluralism in the 1990s (see Figures 1 and 2) and the country saw not only one but three presidents in power since the collapse of the Soviet Union – although some may argue that Vladimir Putin never really left the presidency during his hiatus as prime minister, 2008-2012. However, since Putin's first election as president in May 2000, democracy has taken a downward turn and the country is almost unanimously classified as an authoritarian regime from 2004 (the year of Putin's first re-election) onwards. The presidency is still based on the constitution pushed through by its inaugural holder Boris Yeltsin in 1993 and names the president, not the government, as the dominant executive actor. However, the presidency has since granted itself additional powers through various decrees and extended its informal reach through "streamlining" of decision-making across institutions.<sup>63</sup> This was always supplemented by a strong veto power, requiring 2/3 of members in both chambers for an override. However, in contrast to many other post-Soviet presidents it is only a block veto without the possibility for amendatory observations (see Table 1).

Patterns of veto use in Russia align closely with democracy indicators. After extensive veto use and frequent clashes between president and parliament during the 1990s,<sup>64</sup> presidential activism quickly subsided after Putin's first election in 2000 – it has continuously fallen since with a particularly noteworthy decrease coinciding with his re-election in 2004. Since the election of Dimitry Medvedev in 2008, vetoes have become continuously less frequent (Table 3). At the same time, several authors have shown that the Duma still enjoys at least some freedom in law-making and show

examples of successful initiatives by individual deputies,<sup>65</sup> which lends credence to the assumptions of my theoretical model.

\*\*\*Table 3\*\*\*

Following a decreasing, yet still regular veto use by Vladimir Putin during his first two terms Dimitri Medvedev only used his veto on four occasions. Yet, even this is remarkable given that many analysts have largely negated his potential for deliberative action. Nevertheless, the vetoes still corroborate my hypotheses and highlight a noteworthy additional aspect of presidential veto power in authoritarian regimes – the veto as a means of distraction, particularly for international audiences. Most prominently, in October 2010 the State Duma passed a bill amending the Law on Assemblies, Rallies, Demonstrations, Processions and Picketing that significantly curtailed citizens' rights. The bill had raised no objections in the Federation Council, yet was criticized both domestically and internationally for its restrictiveness. Medvedev subsequently vetoed the bill for the same reasons, although many doubted that he genuinely opposed it.<sup>66</sup> Rather, the veto served to protect the regime's output legitimacy and stability. Given that similarly restrictive measures were implemented at a later date, the veto also served another purpose – it signalled that appropriate action had been taken at which point external audiences lost interest and pressure quickly diminished, allowing the regime to carry on as before.

Since Putin's return to the presidency in 2012, he only used his legislative veto power on two occasions; thereby, each veto supports one of my two hypotheses. Putin's most recent veto of amendments to the laws on local government and education appears to have been motivated by protecting the regime's output legitimacy. The bill foresaw

the introduction of an electronic “Student Body Information System”. Putin particularly criticized that the bill did not include a list of what information would be included and who would have access to it.<sup>67</sup> Interestingly, the same criticism had already been voiced by the Liberal Democratic Party when the bill was debated in the Duma (its deputies still voted unanimously in favour of the bill in all three readings) but had not led to any changes. The bill was likewise approved by the Federation Council. It appears that it was only then that public opposition (channelled through a *Just Russia* MP) began to build and Putin vetoed the bill. Thus, shifting social conditions changed the assumptions underlying the bill, requiring a last-minute intervention by the president.

In contrast, Putin's veto of the law on the innovation centre “Skolkovo”, a Silicon Valley-style industry hub championed by Medvedev during his presidency, corroborates the second hypothesis. When Putin vetoed the bill in December 2012 (seven months after returning to the presidency), he essentially criticized the project in its entirety. Putin not only raised doubts over the legitimacy of the project's exemption from certain planning laws but also claimed that the bill failed to introduce any indicators to assess its economic, social and scientific results.<sup>68</sup> Later developments, such as the opening of criminal investigations, censure of government ministers who spoke in support of the project, and public criticism by Putin himself,<sup>69</sup> suggest that the bill was set to fail from the start (a form of discursive pre-emption). Failsafe mechanisms that would have stopped it before passage were deliberately disabled by the presidency in order to re-establish Putin as the leading political figure and reinforce his power vis-à-vis other actors.

### **Discussion: common trends and diverging strategies**

The findings from the analysis of presidential veto use in Kazakhstan and Russia generally align with the theoretical considerations made in this study yet also add some

qualifying insights. First, Nazarbayev's vetoes of the pension reform and Civil Service Act and Putin's veto of the establishment of an electronic student database highlighted how presidents used their veto power to avoid public discontent and sought to ensure a stable output legitimacy of the regime. In contrast, the vetoes of the bills on Nauryz and the Skolkovo innovation centre illustrated how presidents used blame-shifting strategies to reinforce their own power – subordinate political actors were blamed for ill-informed choices (even if they originated in the presidency), while presidents took credit for averting (or delaying) unpopular outcomes. Interestingly, the Kazakh case showed that the latter could not only be achieved by sending bills back to the legislature but also by using a pocket veto. While vetoes can arguably serve both the regime's and the president's legitimacy at once (see Nazarbayev's veto of the Civil Service Act in particular), the analysis has shown that we can still identify the dominant motivation.

Second, the analysis suggests that presidential vetoes serve a very specific publicity purpose in authoritarian regimes. Although assertions that dictators' support for legislatures is a means to legitimate their rule nationally and internationally are contested, vetoes may provide a particular way of appeasing international audiences and distract them from the substantive nature of the regime. Both Medvedev's veto of the demonstration law amendments and Nazarbayev's veto of a controversial press law in 2004,<sup>70</sup> responded more to international than national pressure, and sent a signal that action was taken (and the laws stopped). The later implementation of repressive measures by other means consequently failed to cause the same uproar.

Last, in Russia the frequency of vetoes declined just as authoritarianism increased. While Kazakhstan never experienced the same degree of political pluralism, Belarus – another post-Soviet authoritarian regime – shows interesting similarities. In the two years after Aleksander Lukashenko's first election as president in 1994 he

vetoed more than half of all bills, yet once he had consolidated his position veto use quickly subsided (only using it three times in the last 10 years, i.e. 0.28% of bills).<sup>71</sup> Overall, this could mean that overly frequent veto use is indicative of a move towards greater autocratization; subsequently declining veto may however not only be the result of presidents' increased grip on the legislature but could also go hand-in-hand with legislators "learning" to interpret presidential preferences better over time.

## **Conclusion**

The legislative process in authoritarian regimes, particularly the interaction between presidents and (formally) elected legislatures, still remains understudied. In seeking to explain why authoritarian president still use their legislative veto, this study addressed this shortcoming in several ways. The proposed theoretical framework synthesized and extended existing scholarship on the functions of elected authoritarian legislatures, explicating in particular the conditions for any independent decision-making by legislators. The results of the analysis not only largely supported these theoretical expectations and added valuable new empirical insights, but thereby also contributed to the growing evidence that authoritarian legislatures are more than mere "rubberstamps" of executive proposals. Finally, the study has provided the first investigation of presidential veto use beyond the realm of democratic regimes and highlighted their particular value as part of a "rational dictator's" authoritarian toolkit.

Sharing the difficulties underpinning research on authoritarian regimes, the results of this study are naturally limited to a certain extent.<sup>72</sup> Reliable data and background information are hard to acquire in such information-poor environments, meaning that techniques to increase validity used in case studies of democratic presidents, such as the analysis of counterfactuals,<sup>73</sup> cannot be applied as easily. To validate the results of this study future studies will need to gather additional data on a

more diverse range of cases, in particularly those that do not exhibit such a stable power equilibrium as the countries analysed here. The latter would also help to ascertain to what extent overly frequent veto use is associated with (further) autocratization, or indicates intra-elite struggle that invites public mobilization against the regime. Hereby, particular attention should be paid to other tools for presidential intervention in the legislative process that can be used in tandem with or instead of vetoes. These limitations notwithstanding, the article at hand presents an important first step in providing a comprehensive answer to the question of why dictators veto.

## Notes

- <sup>1</sup> Cf. Rivera, “Authoritarian institutions and State Repression”, 2190; Nurumov and Vashchanka, “Constitutional Development of Kazakhstan”; Remington, “President-Parliament Relations”.
- <sup>2</sup> See e.g. Brancati, “Democratic Authoritarianism”; Schuler and Malesky “Authoritarian Legislatures”.
- <sup>3</sup> Cf. Krol, “Legislative performance”; Noble, “Authoritarian amendments”; Noble and Schulman, “Not a rubberstamp”; Remington, “President-Parliament Relations”.
- <sup>4</sup> E.g. Belarussian president Lukashenko used his veto in March 2019 for the first time in six and a half years, Naviny.by, “Лукашенко вернул два законопроекта”.
- <sup>5</sup> Shugart and Carey, *Presidents and Assemblies*, 134.
- <sup>6</sup> Helmke and Levitsky “Informal Institutions”; Carey and Shugart, *Executive decree authority*; Haspel et al. “Lawmaking and decree making”.
- <sup>7</sup> Shugart and Carey, *Presidents and Assemblies*, 134.
- <sup>8</sup> E.g. Alemán and Schwartz, “Presidential Vetoes”; Cameron, *Veto Bargaining*; Hammond and Miller, “Core of the Constitution”; Köker, *Presidential Activism and Veto Power*; Tavits, *Presidents and prime ministers*.
- <sup>9</sup> Presidents may also use threats to extract concessions from the legislature; Cameron, *Veto bargaining*; Cameron and McCarty, “Models of vetoes”; Groseclose and McCarty, “Politics of Blame”.
- <sup>10</sup> For an overview see Köker, *Presidential Activism and Veto Power*; see also Cameron, “Veto bargaining”.
- <sup>11</sup> E.g. Gandhi and Przeworski “Survival of autocrats”; Magaloni, “Credible power-sharing and longevity”; Boix and Svobik, “Limited authoritarian government”.
- <sup>12</sup> Carey and Shugart, *Executive Decree Authority*; Protsyk, “Ruling with decrees”; Haspel et al., “Lawmaking and decree making”; Prempeh, “Imperial Presidency in Africa”; Remington, *Presidential Decrees in Russia*.
- <sup>13</sup> Prempeh, “Imperial presidency in Africa”; Arriola, “Patronage and Political Stability”; van Cranenburgh, “Restraining executive power”; Willerton, “Presidency and Executive”.
- <sup>14</sup> See e.g. Remington, “President-Parliament Relations”; Reuter and Turovsky, “Dominant party rule”.
- <sup>15</sup> The veto and other legislative prerogatives are thereby important drivers of high scores across authoritarian regimes; cf. van Cranenburgh, “Big Men Rule”; Elgie and Moestrup, *Semi-Presidentialism*.



- <sup>16</sup> E.g. Noble and Schulmann, “Not a rubberstamp”, present data on presidential vetoes in Russia, 1996-2015, yet combine them with bills returned by the Federation Council, discussing only the latter.
- <sup>17</sup> Tsebelis and Rizova, “Conditional Agenda-Setting”.
- <sup>18</sup> Tsebelis, *Veto Players*.
- <sup>19</sup> Cheibub, Gandhi and Vreeland, “Democracy and dictatorship revisited”; Bove and Rivera, “Elite co-optation in autocracies.”
- <sup>20</sup> Bracanti “Democratic Authoritarianism”, 317; see also Schuler and Malesky “Authoritarian Legislatures.”
- <sup>21</sup> Kendall-Taylor and Frantz, “Mimicking democracy”, 76; Levitsky and Way, *Competitive Authoritarianism*; Knutsen et al. “Autocratic Elections”; nevertheless, given associated costs and widespread awareness of election rigging, generating legitimacy cannot be their only function, see also Malesky and Schuler, “Elections without opposition”.
- <sup>22</sup> Wintrobe, *Political Economy of Dictatorship*; Aron, “Growth and institutions”; Wright and Escribà-Folch, “Authoritarian institutions and regime survival”; see also Brancati “Democratic Authoritarianism”.
- <sup>23</sup> Boix and Svobik, “Limited authoritarian government”; Gandhi, *Institutions under dictatorship*; Gandhi and Przeworski, “Cooperation, cooptation, rebellion”; Wintrobe, *Political Economy of Dictatorship*; however, even semi-competitive elections in authoritarian regimes are rarely sufficiently free to produce high-quality information, casting doubts on this line of argument, see Brancati, “Democratic Authoritarianism”.
- <sup>24</sup> Gandhi and Przeworski, “Cooperation, cooptation, rebellion”; Gandhi, *Institutions under dictatorship*; Bove and Rivera, “Elite Co-optation in autocracies”; Reuter and Robertson, “Legislatures, cooptation, and protest”; Rivera, “Authoritarian institutions and State Repression”.
- <sup>25</sup> Svobik, *Politics of authoritarian rule*; Magaloni, “Credible power-sharing”; co-optation and power-sharing may even happen at the same time, although this is not explicitly discussed by the authors.
- <sup>26</sup> Bove and Rivera, “Elite cooptation in autocracies”; Magaloni, “Credible power-sharing”; Gandhi and Przeworski, “Cooperation, cooptation, rebellion”;
- <sup>27</sup> Wright and Escribà-Folch, “Authoritarian institutions”.
- <sup>28</sup> Reuter and Robinson, “Legislatures, cooptation, and protest”; Rivera, “Authoritarian institutions and State Repression”.
- <sup>29</sup> Baumgartner et al., “Budgetary change”; Noble, “Amending Budget bills”; see also Noble, “Authoritarian amendments”.
- <sup>30</sup> Noble and Schulmann, “Not a rubberstamp”, 51.
- <sup>31</sup> Krol, “Legislative performance”, 451.

- <sup>32</sup> Krol, “Legislative performance”; Remington, “President-Parliament Relations”.
- <sup>33</sup> Neither are other elites conceptualised as additional veto players, cf. Tsebelis, *Veto players*, 77.
- <sup>34</sup> Cf. Bove and Rivera, “Elite-cooptation in autocracies”, 461.
- <sup>35</sup> Gandhi, *Institutions under dictatorship*, 82.
- <sup>36</sup> Desai, Olofsgård, and Yousef. “Logic of authoritarian bargains.”; von Soest and Grauvogel, “Identities, prodecures, performance”; Wintrobe, *Political Economy of Dictatorship*; N.B. scholars generally assume strong *intrinsic* policy motivation in democratic systems; see e.g. Cameron, *Veto bargaining*; Köker, *Presidential Activism and Veto Power*.
- <sup>37</sup> Brancati, “Democratic Authoritarianism”.
- <sup>38</sup> Gandhi and Przeworski, “Cooperation, cooptation, rebellion”; Gandhi, *Institutions under dictatorship*; Svulik, *Politics of authoritarian rule*; Magaloni, “Credible power-sharing”.
- <sup>39</sup> Noble and Schulmann, “Not a rubberstamp”; Krol, “Legislative Performance”.
- <sup>40</sup> A similar argument has been made with regard to delegation of topics for public debate, see Schuler, “Public Debate in Single-Party Legislatures”.
- <sup>41</sup> Baturo and Elgie, “Authoritarian bicameralism”; Noble and Schulman, “Not a rubberstamp”.
- <sup>42</sup> Remington, “President-Parliament Relations”; Reuter and Turovsky, “Dominant party rule”.
- <sup>43</sup> Willerton, “Presidency and Executive”.
- <sup>44</sup> Desai, Olofsgård, and Yousef. “Authoritarian bargains”; von Soest and Grauvogel, “Identities, prodecures, performance.”
- <sup>45</sup> Gandhi, *Institutions under dictatorship*, 112; Desai, Olofsgård, and Yousef. “Logic of authoritarian bargains”.
- <sup>46</sup> Noble and Schulman, “Not a rubberstamp”, 71.
- <sup>47</sup> Schatz, “Soft Authoritarian Tool Kit”, 207.
- <sup>48</sup> Cf. Gandhi, *Institutions under dictatorship*, 73ff.
- <sup>49</sup> Goode, “Redefining Russia”; Ahram and Goode, “Researching authoritarianism”.
- <sup>50</sup> While this study presents the most accurate record available, official statistics oftentimes still deviate from reference data in academic or journalistic publications.
- <sup>51</sup> Kailitz, “Classifying political regimes”, 43.
- <sup>52</sup> Sedelius and Linde, “Democracy and government performance”.
- <sup>53</sup> Seawright and Gerring, “Case selection”; N.B. Putin and Nazarbayev have held power continuously for close to two, respectively three decades (Putin not only as president but also as prime minister), which is overall less characteristic of many authoritarian regimes; nonetheless, it ensures comparability and holds variation in factors related to individual incumbents relatively constant.
- <sup>54</sup> Brill Olcott, “Nazarbayev as a strong president”.
- <sup>55</sup> Nurumov and Vashchanka, “Constitutional Development of Kazakhstan”.

- <sup>56</sup> Tengri News, “Назарбаев может отложить”; Nuttal, “Protest over retirement age”.
- <sup>57</sup> Trud.ru, “Назарбаев уволил министра”.
- <sup>58</sup> Government of Kazakhstan, “О государственной службе”.
- <sup>59</sup> Tengri News “Президент Казахстана подписал закон”.
- <sup>60</sup> Mavlonii, “Казахстане хотят праздновать Наурыз”.
- <sup>61</sup> Nurumov and Vashchanka, “Constitutional Development of Kazakhstan”.
- <sup>62</sup> Toguzbaev, “Неожиданный шаг Назарбаева”.
- <sup>63</sup> Willerton, “Presidency and Executive”.
- <sup>64</sup> Ca. 25% of bills were vetoed; Haspel et al., “Lawmaking and decree making”.
- <sup>65</sup> Krol, “Legislative performance”; Noble “Authoritarian Amendments”; Noble and Schulmann, “Not a rubberstamp”.
- <sup>66</sup> New York Times, “Medvedev Vetoes Curbs on Protests”; Shakirov, “Президентское вето”.
- <sup>67</sup> Kremlin, “Президент отклонил закон”.
- <sup>68</sup> Kremlin, “Президент отклонил Федеральный закон”.
- <sup>69</sup> Meyer, “Kremlin Intrigue”.
- <sup>70</sup> Not discussed above; BBC, “President blocks media law”.
- <sup>71</sup> East European Legislative Monitor, “Belarus”; own calculations based on data from <http://www.pravo.by>.
- <sup>72</sup> Cf. Goode, “Redefining Russia”; Brancanti, “Democratic Authoritarianism”; Ahram and Goode, “Researching authoritarianism”.
- <sup>73</sup> Cf. Köker, *Presidential Activism and Veto Power*, 93-185.

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Table 1. Presidential veto power in post-Soviet hybrid and authoritarian regimes.

Country <sup>a</sup>	Regime type	Freedom House (2018)	Block/Partial Veto	Amendatory observations	Override majority
Armenia (2015)	parliamentary	Partly Free (4.5/7)	(no veto power)	–	–
Azerbaijan (1995)	president-parliamentary	Not Free (6.5/7)	Yes/No	No	$\geq 2/3$ ; $\geq 3/4$ members <sup>b</sup>
Belarus (1996)	president-parliamentary	Not Free (6/7)	Yes/Yes	Yes	$\geq 2/3$ members, both chambers
Georgia (2013)	premier-presidential	Partly Free (3/7)	Yes/No	Yes	$\geq 3/5$ members
Kazakhstan (1995)	presidential	Not Free (6/7)	Yes/Yes	Yes	$\geq 2/3$ members, both chambers <sup>c</sup>
Kyrgyzstan (1993)	premier-presidential	Partly Free (5/7)	Yes/No	Yes	$\geq 2/3$ members, both chambers
Moldova (2016)	premier-presidential	Partly Free (3/7)	Yes/No	No	$\geq 1/2$ votes; $\geq 1/2$ members <sup>b</sup>
Russia (1993)	president-parliamentary	Not Free (6.5/7)	Yes/No	No	$\geq 2/3$ members, both chambers
Tajikistan (1994)	presidential	Not Free (6.5/7)	Yes/No	No	$\geq 2/3$ members, both chambers
Turkmenistan (2003)	presidential	Not Free (7/7)	Yes/No	No	$\geq 2/3$ members, both chambers
Ukraine (2014)	premier-presidential	Partly Free (3/7)	Yes/No	Yes	$\geq 2/3$ members <sup>c</sup>
Uzbekistan (1992)	presidential	Not Free (7/7)	Yes/No	Yes	$\geq 2/3$ members, both chambers

Note: <sup>a</sup> Year of last relevant constitutional change; <sup>b</sup> for constitutional acts; <sup>c</sup> 1/2 members to adopt presidential amendments.

Source: Country constitutions; Elgie and Moestrup (2016); Freedom House (2018); Tsebelis and Rizova (2007).

Table 2. Legislative output and presidential vetoes in Kazakhstan, 2007-2018.

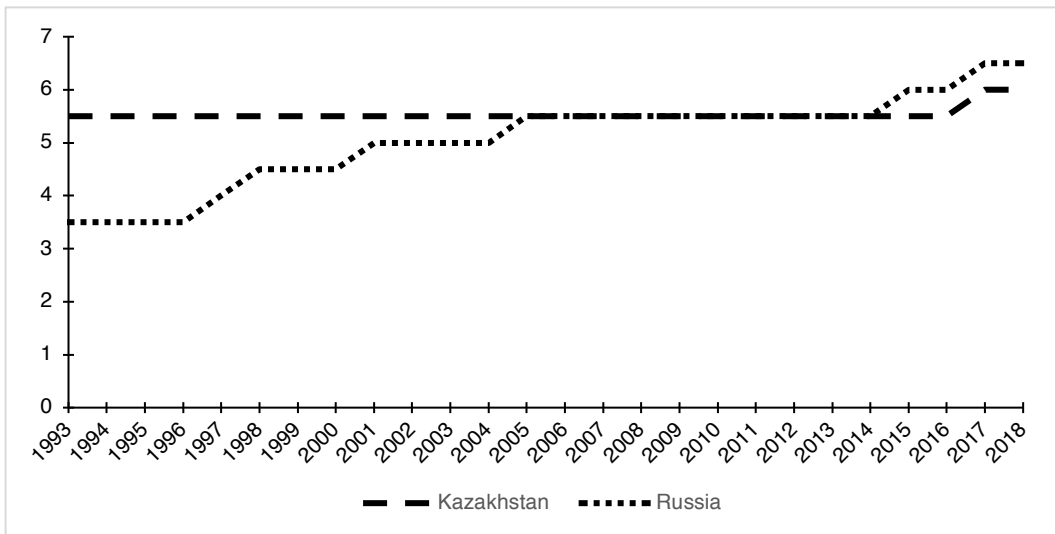
Session	Time period	Bills passed <sup>a</sup>	Bills vetoed
4 I	10/2007 – 07/2008	32	0
4 II	10/2008 – 08/2009	72	1
4 III	09/2009 – 07/2010	66	0 <sup>b</sup>
4 IV	10/2010 – 07/2011	64	0
4 V	10/2011 – 02/2012	52	0
5 I	03/2012 – 07/2012	19	0
5 II	10/2012 – 07/2013	50	1
5 III	10/2013 – 07/2014	58	0
5 IV	10/2014 – 08/2015	46	0
5 V	10/2015 – 04/2016	98	1
6 I	04/2016 – 07/2016	4	0
6 II	10/2016 – 06/2017	66	0
6 III	09/2017 – 06/2018	65	0
	Total	692	3

Notes: <sup>a</sup> all acts presented to the president for signature; <sup>b</sup> pocket veto of two bills.

Table 3. Legislative output and presidential vetoes in Russia, 2008-2018.

President	Year	Bills passed <sup>a</sup>	Bills vetoed by the president		
			FC approval	No FC approval	Total
Medvedev	05-12/2008	254	1	0	1
	2009	394	1	0	1
	2010	452	1	1	2
	2011	432	0	0	0
	01-04/2012	47	0	0	0
Putin	05-12/2012	290	1	0	1
	2013	451	0	0	0
	2014	555	0	0	0
	2015	480	0	0	0
	2016	526	1	0	1
	2017	512	0	0	0
	01-07/2018	343	0	0	0
Total		4736	5	1	6

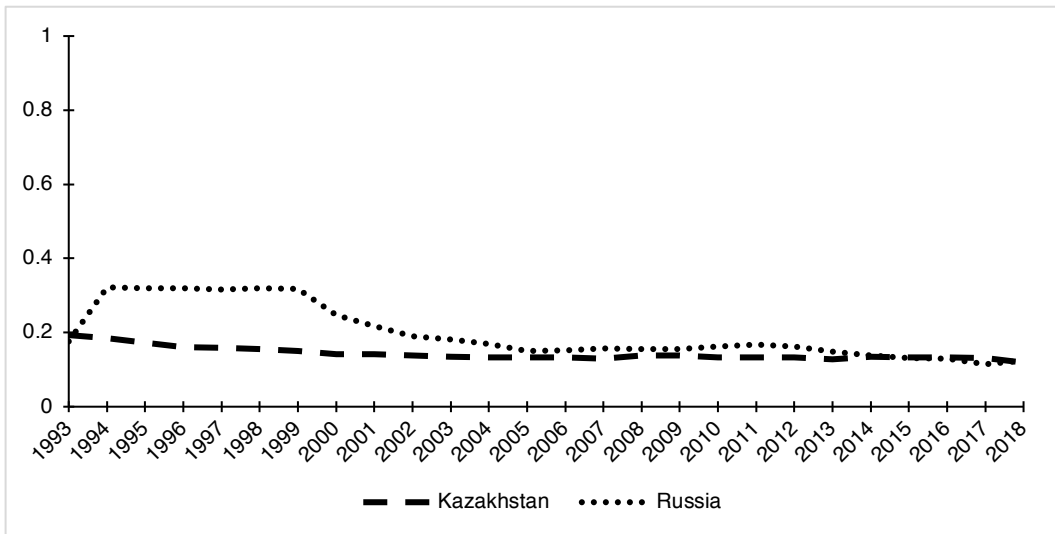
Note: FC=Federation Council; <sup>a</sup> all acts presented to the president for signature.



Notes: The score is the average for political rights and civil liberties; 1-2.5=Free; 3-5=Partly Free; 5.5-7=Not Free.

Source: Freedom House (2018).

Figure 1. Freedom House scores for Kazakhstan and Russia, 1993-2018.



Notes: Extent to which the ideal of liberal democracy has been achieved; 1=fully achieved, 0=not achieved.

Source: Coppedge et al. 2019.

Figure 2. Liberal Democracy Index (V-Dem) in Kazakhstan and Russia, 1993-2018.