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Constitutional identity in the post-Soviet Eastern Europe: Soviet basis and nationalizing superstructure

The paper focuses on the maintenance of constitutional identity in six post-Soviet countries: Belarus, Estonia, Latvia, Lithuania, Moldova and Ukraine. Having experienced the Soviet rule, these countries have demonstrated different paths of development. The EU membership of the three Baltic States means per se a consistence of their legislation with the *acquis communautaire*. Moreover, the membership of all the countries in question (except Belarus) in the Council of Europe means that the acts pertinent to their constitutional identity must also comply with the CoE binding legal instruments pertinent to human rights. The experiences of the listed countries prompt a discussion about individual states' limits and capabilities for adopting or amending a domestic legislation under an external supervision and the effects of path dependency.

Usually included in constitutional preambles, some outlining provisions offer an official view on the country's "history behind the constitution's enactment, as well as the nation's core principles and values" (Orgad, 2010). These historical references have both legal and social functions (*ibid*). They can be characterized by non-legalistic language (Bayir, 2013) and a hybrid specification of national identity markers (Meyer Resende, 2015). The paper addresses the current perceptions of nationhood in the constitutional law of the three Baltic States as well as Belarus, Ukraine and Moldova. The author analyzes the ruptures and linkages between the Soviet official approaches and the current frameworks.