Chapter-II

EMERGENCE OF RUSSIAN PRESIDENCY
Introduction

In the previous chapter effort has been made to understand the circumstances and conditions under which two different types of presidential systems emerged viz. American and French. Russia which also adopted Presidential system has it own reasons and unique circumstances under which it was done. Therefore, as American presidential system is different from the French presidential system so is Russian presidential system different and distinct from the other two. This chapter will try to analyse the emergence of presidential system in Russia.

The end of the Soviet period saw the establishment of an executive presidency in Russia as well as in the USSR itself, although the dominance of a single leader was of much older origin. Indeed by the time Brezhnev took over the chairmanship of the Supreme Soviet presidium in 1977 and thus became the first Soviet head of state, it was already conventional in foreign capitals to address him as ‘President Brezhnev’ or at least first person in the Soviet life (White 2000: 70). The move to formally constitute presidency came in 1990, as a part of the reform of political institutions that was being undertaken throughout the Gorbachev era. Gorbachev became the first head of the state of the USSR in March 1990\(^1\), when he was elected to the newly established presidency by Congress of People’s Deputies. Russia, still a part of the USSR, gained its president a year later, in June 1991, when Boris Yeltsin defeated five other candidates in a popular election.

Russia always had a tradition of political system characterized by a strong executive. Even, during the nineteenth century when the tendency in Western Europe was towards democratic government, in Russia there was a conscious effort to maintain and strengthen the principle of autocracy. Therefore, historical background was also an important factor for the emergence of strong presidency in Russia. Hence, any contemporary efforts to understand the present political system in Russia, and “to construct a powerful federal executive must be considered against the long-standing tradition of a strong executive in Russia” (White et al. 1997: 39).

\(^{1}\) “Gorbachev Sworn in As First President of the USSR: Policy Statement”, Soviet Television and Moscow Home Service 0657 gmt, 15 March 1990, translated in Summary of World Broadcasts, SU/0714 C/1, 16 March 1990.
HISTORICAL BACKGROUND

Russia for many centuries had autocratic political system (absolutist form of government) under the Tsarist rule. The power was concentrated in small governing elite with the Tsar as 'unlimited autocrat' (Harper 1938: 11). This was followed by another 74 years of totalitarian rule under Soviet Union, with hardly any experience of democracy apart from the short spells of elected constitutional government between 1905-17, though even that was under the control of Tsarist autocracy. Hence, one was not taken by surprise when Russia once again chose a political system characterized by its long-standing tradition of a strong executive authority.

During the Tsarist period, centralised autocracy was organized on the basis of a steep hierarchy, with the Tsar’s position religiously legitimated and the political system conferring upon him a decisive decision making prerogative. One of the legacies of Tsarist period is an administrative set up characterized by “multilayered and multifaceted bureaucratic apparatus,” (Fish 1997: 326-330) that still supports the present political executive of Russia. Some efforts were made by Peter the Great in the eighteen-century to reform the political system, whereby an extensive system of ministries and advisory council came into being by the early nineteenth century. In the course of time representative bodies such as assemblies of nobility, clergy, bourgeois and elected council also came into existence, which finally resulted into the creation of State Duma by Tsar Nicholas-II in 1905 (Martel 2006: 167). Though, it was a great step in the history of the development political institutions in Russia, the fact remained that, it never ensured the Duma’s supremacy over executive nor could it constrain the Tsar in any aspect. Hence, democracy in Russia was a far cry.

The Revolution of 1905 brought about certain changes in autocracy and marked the beginning of constitutionalism by introducing the imperial Duma, which was an elected body with legislative power. On October 30 1905, the autocratic regime legally came to an end, with a manifesto that granted this elective representative institution, and also promised civil liberties. However, during the years following the revolution of 1905 the constitutional institutions were unable to enforce their powers and practices and the government continued to be arbitrary and
autocratic. Tsarism was finally overthrown by the Revolution of February 1917 when the Tsar abdicated. Hence, “till Bolshevism in October 1917 when Soviet regime was set up, Russia had secured semi constitutional regime by the revolution of 1905, and made considerable move towards democratic legal order” (Harper 1938: 24).

The classical Soviet political system was characterized by an extreme concentration of power. An elite stratum institutionalized as central committee of communist party capped the Soviet political structure. It had a highly centralised, hierarchical structure, with massive set of interconnection linking all institutions and interests into an apparatus ruled by small and relatively elite group. The General Secretary within the communist party was country’s top executive wielding broad supervisory power over all subordinate party and state bodies. With the general secretary at the helm the policy making rested with the party politburo, which approximately numbered twenty-five and constituted the top decision making elite of the country.

Every Soviet citizen was part of an organization (unions of-artists, writers, actors, etc) controlled by a ministry; which in turn fell under the jurisdiction of a section of the central committee. It continued to the very top, to the politburo of the Communist Party of Soviet Union (henceforth CPSU) central committee, which in theory controlled everything. Even during the last years of the Gorbachev’s leadership and after the introduction of perestroika and glasnost, every group had to operate through the official power structure i.e. the party and the party politburo that functioned as the supreme authority of Union of Soviet Socialist Republics (henceforth USSR).

Debate in Russia

Gorbachev’s attempt to “reform Soviet system through perestroika, glasnost and demokratsia” (Chenoy 1992: 18-22) shook the whole political system of union and the republics of USSR. These reforms were one of the main reasons that resulted in the adoption of presidency in Russian Soviet Federation of Socialist Republic (RSFSR) or Russian First Republic of 1991. Likewise, the institutional conflict (executive-legislature) and the social and economic instability during 1992-93, finally led to adoption of present political system, characterized by strong presidency, by the
Russian constitution of 1993. Throughout those days, there was a debate over the relative merits and demerits of presidential and parliamentary system in general and for Russia in particular. "In Russia the issue was far from academic," (Sakwa 1999: 138) but also included parliamentarians, politicians, bureaucrats and others. Finally the people were asked to vote in a referendum on the question whether to have the president of the RSFSR elected by universal suffrage.

The supporters of presidential system in Russia insisted that parliamentary rule is better suited to the stable societies. Immature post-communist democracies, where socio-political conditions are fluid and the party system is nascent, require strong and decisive executive to overcome resistance in transition to new form of political and economic life (Linz 1990: 72-84). They argued that Africa provides sufficient proof where, parliamentary system is known to have failed in solving the problems of divided societies. They further contended that presidential system is a means of providing strong and stable centre of power within a newly created state, since it is less difficult to operate effectively than the more delicately adjusted parliamentary system (Hitchner and Harbold 1965: 323). Yeltsin, who introduced presidency, believed that "a good foundation has been laid for practical transformation, but the inefficiency of the present system of power is a hindrance. This must be rectified...introduction of a presidency is not an end in itself but a means of implementing highly important reform-oriented decisions".2

The advocates of the parliamentary system in Russia say that unlike presidential systems, parliamentary system allows a change of leadership any time. Parliamentary government resigns once it no more enjoys the majority support in the assembly. Thus conflicts are resolved by routine measures and are not allowed to develop into national crisis (Pandey 2002: 107). They further argue that parliamentary system allows mistakes to be corrected and extreme to be tempered; it provides the clear formulation of alternative policy choices; and space for constant scrutiny of government and public administration (Yukov and Seregy 1997: 31).

Vice-Chairman of Russian SFSR Supreme Soviet said in an interview, "I think that until the Union Treaty and a Federal Treaty are concluded and there is a

---

major reorganisation of executive power, a presidency in Russia is premature. And those who are trying to get the people to believe that life will immediately become better as soon as Russia has a president are engaging in cheap propaganda.\footnote{3}{"This is Democracy", Pravda, 22 May 1991, p.3., translated in Current Digest of Soviet Press, XLIII (21): 3, 26 June 1991.} Likewise, the Russian Republic People's Deputies (RRPD) member S. Baburin urged the Deputies not to make “a serious and fatal mistake, betraying the constitution,” by introducing the post of president in Russia.\footnote{4}{Russian Congress: Law on President of Russia Adopted, Izvestia, 22 May 1991, p.2, translated in Current Digest of Soviet Press, XLIII (21): 6, 26 June 1991.}

On the other hand, the debate that surrounded Russian presidency was much like the one that Soviet presidency attracted: one side wanted a strong presidency, the other wanted figurehead, and some did not want such office at all. While the adoption of the institution of presidency was not an issue with the public as their mandate in the referendum of 17th March 1991 was clearly in support for directly elected RSFSR presidency, it is equally true that the Russian public was not given an opportunity to speak what kind of presidency they wanted, largely, because in the referendum they were not asked such a question in detail.

The Supreme Soviet Committee in charge of redrafting the Russian constitution also remained divided and there was a deadlock over the powers of the presidency or in other words what kind of presidency they wanted. In November 1990, the committee presented two competing draft proposals for amending the constitution. As might be expected, there was a Yeltsinite version and an opposition version placed on the table: the former contained provision for strong presidency in the American tradition, while the latter represented a more European conception of the presidency as the ceremonial head of the state (neither draft was approved) (Mettenheim 1997: 213-214).
Chapter-II

(ii)

STEPS TOWARDS PRESIDENCY

1989 and 1990 Elections

In March 1989 elections were held for a new institution created under the amended constitution of 1977, called USSR Congress of People's Deputies (CPD). Gorbachev was elected to the chair of the new body and the basis of his rule and the state power began to shift from party to legislature. Following his election, he assigned a pivotal role to the parliament and to the new council of ministers appointed by him. In the process he consolidated his position assuming sweeping emergency powers. This was the beginning of the process of the crucial shift in the power structure of the country from party to state organs.

The constitution of USSR which guaranteed the communist party its monopoly of state power was brought to an end with the constitutional amendment of Article 6 by the Soviet Parliament on 13th March 1990. The very next day on 15th March 1990, the Congress of People's Deputies in an uncontested ballot elected Gorbachev as the first executive president of the Soviet Union with wide and extraordinary powers (Yukov and Seregy 1997: 97). As Zafar Imam observes, "(this) made him far more powerful than the US president" (Imam 1992: 377-402).

Gorbachev's plan to introduce socialist democracy from above soon gave way to radical democratization from below. This resulted in adding institutional crisis to the already growing socio-economic crisis (Chenoy 1992: 18-22). Moreover, Gorbachev after getting elected as the president did not initiate any steps to diminish the powers of the Soviet Legislature concurrently. In these circumstances a fundamental executive-legislature institutional struggle was inevitable. Furthermore, Gorbachev never faced direct election to seek people's mandate. These factors not only made him unpopular among the masses, but also played a major part in the outcome of the rivalry between him and Yeltsin.

Gorbachev appointed Yeltsin as the chief of Moscow Party Organisation (henceforth MPO) in December 1985 (Shukman 1998: 500). Untainted by corruption Yeltsin got disillusioned with the slow pace of change that Gorbachev initiated to reform Soviet Union. He voiced his discontent to Gorbachev, which came out in the open when Yeltsin started criticising Gorbachev and demanded a more radical reform. Yeltsin was dismissed as the chief of MPO; thereafter he became the symbol of struggle against the regime (Sakwa 1999: 464).

After breaking away from Gorbachev, Yeltsin unlike Gorbachev won open contested elections in 1989 to USSR CPD and to RSFSR CPD in 1990. This boosted Yeltsin’s prestige and his growing popularity, while Gorbachev’s went down rapidly, finally ushering in Yeltsin’s victory. Gorbachev who, “at one time was hailed as a liberator, was later perceived to have brought chaos to the Soviet Union and to have played a major role in the break up of Soviet Union” (Holmes 1998: 161). On the other hand, Yeltsin emerged as the champion of political change and market reform.

For the first time in March 1990 the RSFSR elected CPD on the basis of free and competitive election. The new parliament elected Yeltsin as Chairman of Russian Republic’s Supreme Soviet on 29th of May 1990 giving him executive authority, which was firmly subordinate to the legislature. Yeltsin’s election to the chair was a significant step towards the development of presidential system in Russia. Since, the system at Union level was replicated in Russia repeating the Gorbachev’s experience, Yeltsin not only got himself elected as the chair of the Russian Republic Supreme Soviet but later as the president of Russia (Kagarlitsky 1995: 2).

Constitutional Amendment and Adoption of Presidency-1991

Immediately after his election to chair, Yeltsin got the new parliament to adopt a declaration of sovereignty. The Congress of People’s Deputies on 12th of June 1990 adopted a declaration on ‘State Sovereignty’ by overwhelming votes of 907 in favour, 13 against, 9 abstaining, that in effect declared Russia’s laws superior to those

---


Still later in March 1991, Yeltsin managed to convince the Congress to create ‘executive presidency.’ It resulted in adding another question regarding the introduction of the post of ‘the president of the RSFSR elected by universal suffrage’ during Gorbachev’s referendum of 17th March 1991 on the ‘renewed Union’. Russian’s approved both the questions by nearly the same margin. While 71.34% voted for preservation of USSR as a renewed union, 69.85% favored introduction of the presidency in RSFSR (see Tab. 2.1).

### Tab. 2.1 Russian Referendum on Post of President-1991

<table>
<thead>
<tr>
<th>Preferences</th>
<th>Votes</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>53,541,943</td>
<td>69.85%</td>
</tr>
<tr>
<td>No</td>
<td>21,470,435</td>
<td>28.01%</td>
</tr>
<tr>
<td>Invalid</td>
<td>1,640,369</td>
<td>2.14%</td>
</tr>
<tr>
<td>Total</td>
<td>76,652,747</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

(75.31% of Registered Electorate Participated)

**Source:** Tass as translated in SWB

On 22nd May 1991 the Congress of Russian SFSR People’s Deputies (CPD) finally adopted the constitutional amendment that created the ‘executive presidency’ permitting a direct election of the Russian president, and separated the executive function from the legislative on the principle of separation of power. This amendment finally, led to the establishment of ‘Presidency in Russia’.

---


Chapter-II

First Russian Presidential Election of 1991

Subsequently, direct presidential election took place in Russia on 12th June 1991. Yeltsin decisively won the election over other five candidates, polling 57% (see Tab. 2.2) of the vote, winning outright in the first round. On 10th July, Yeltsin placed his hand on the Russian Republic Constitution and took the oath of office as the first directly elected president in Russian history.

Table 2.2 Russian Presidential Election of 1991

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boris Yeltsin</td>
<td>57.38%</td>
</tr>
<tr>
<td>Nikolai Ryzhkov</td>
<td>17.29%</td>
</tr>
<tr>
<td>Vladimir Zhirinovsky</td>
<td>7.94%</td>
</tr>
<tr>
<td>Aman-Gel'dy Tuleyev</td>
<td>6.1%</td>
</tr>
<tr>
<td>Al'bert Makashov</td>
<td>3.8%</td>
</tr>
<tr>
<td>Vadim Bakatin</td>
<td>3.47%</td>
</tr>
</tbody>
</table>

(70% of registered voters took part\(^{13}\))

The direct presidential election in Russia and Yeltsin’s clear-cut victory changed the political scenario both in the biggest republic and Soviet Union in general. Yeltsin became the only directly elected president of the most powerful republic of the union. It gave him “sufficient popular mandate to challenge the jurisdiction of Gorbachev and the all-union authorities and helped him withstand the 1991 August coup” (Pandey 2002: 108). As discussed above like at the Union level, in RSFSR too while the authority of the presidency was increased the powers of the parliament did not diminish correspondingly, leaving enough room for the executive-legislative confrontation in the days to come.

Chapter-II

The August Coup

The attempted coup of August 1991 sought to resolve the crisis of power and end the struggle of conflicting ideologies. It was also an attempt to hijack the signing of renewed union treaty of USSR to be signed on 20th August 1991. Since, such treaties would mean the devolution of power to the republics which in effect will mean an end to old centralized structures, and will probably even sideline the role of national parliament. The ‘manifesto’ of the putsches played down the ideological appeal to communist values. Instead, they sought to ground their venture on Soviet nationalism in an attempt to maintain the Soviet Union as a centralized state.

The coup was masterminded by Prime Minister Pavlov, Vladimir Kryuchkov head of KGB, defence minister Dmitrii Yazov and vice president Yanayev. On Saturday 17th August 1991 they met and discussed the union treaty to be signed on 20th August. On Sunday 18th August the coup leaders sent a delegation to Gorbachev in his holiday home in Crimea. They sought a presidential decree establishing a state of emergency or agreement to hand over power to the Vice-President. Gorbachev refused their demand and condemned their action and said that ‘... you (those involved in coup) will destroy the country and everything we are doing’. On Monday 19 August, the coup leaders announced the imposition of a state of emergency signed by SCSE.

The coup was statist in two senses, firstly it was in favour of the preservation of the territorial integrity of the soviet state and, secondly it was for the preservation of the institutions of the soviet state, with or without the communist party. The coup which was defeated within no time however had an immense implication on the future
and the collapse of the once all-powerful communist party. The Coup was as much a defeat for the Communist Party as it was for Gorbachev personally. On 24 August Gorbachev resigned as general secretary of the CPSU and called for the dissolution of the Central Committee and on 29 August the USSR Supreme Soviet suspended the CPSU (White 2000: 14). The failure of the attempted coup by conservatives to halt the tide of disintegration by staging a coup in August 1991 accelerated the demise of the old system and the Soviet state. The coup was the final act of one of the most powerful authoritarian regimes in human history.

The failure of the coup can be attributed to the Russian leadership’s opposition, who acted resolutely. Moreover, in Russia the leadership transformed the coup into a revolution. On 19th August Yeltsin, Khasbulatov and Ivan Silayev the Russian prime minister drafted an “Appeal to the Citizens of Russia” condemning the Coup in no uncertain terms as “a right-wing, reactionary, unconstitutional coup” and branding the SCSE an illegal body. Yeltsin further responded to the August coup by issuing the decrees declaring the coup as a state crime against the legally elected authority. Later, on 6th November 1991 at a session of the Russian parliament Yeltsin signed a decree suspending the CPSU in Russian Republic. Yeltsin’s success in countering the coup not only destroyed the putsches but also the whole system of Soviet power. Further, it added to his growing popularity, and to some extent legitimised his struggle against all union authorities.

---

Chapter-II

(III)

CONSTITUTIONAL CRISIS

Presidential Power as a Factor in the Executive - Legislature Conflict

During the last years of USSR the relationship between the institutions of executive and legislature in Russia was cordial. Firstly, the constitutional arrangement made the president subordinate to the legislature and the executive body was accountable to the legislative oversight. Secondly, while defending the need for strong executive authority Yeltsin also recognized the need for separation of powers to avoid a return to a new form of despotism (Sakwa 1999: 141). Thirdly, as the Russian president under Soviet Union, Yeltsin maintained a good relationship with Russian parliament in view of his power struggle with the Gorbachev regime.

During the course of time the presidential power was increasing. The expanding powers of the presidency which were at first delegated by the parliament there after converted into self-sustaining presidential system. Yeltsin still insisted the lack of executive powers and demanded more powers. On 5th April 1991 the Congress accepted Yeltsin's surprise demand for immediate powers to issue presidential decrees within the framework of the existing legislation to hasten economic and political reform in Russia. 23 In May 1991 once again, the Congress made necessary constitutional amendment, giving the president the right to issue binding decree and to suspend decisions of the executive bodies if they contradict the constitution or Russian laws. There on, the growth of presidential power never looked back.

Yeltsin in his relentless drive for executive power further got himself equipped with the emergency powers like Gorbachev (President of USSR). On the heel of all these grants of authority and constitutional amendments declaring president the head of a unified system of executive power in the country, Yeltsin issued a decree on presidential rule centralizing all policy making in a Collegium of top governmental officials headed by president himself (Urban et. al. 1997: 260). In the

beginning all these (growth of presidential powers) seemed to be justified because of Yeltsin's heroic resistance to the August coup.

However, with the collapse of the USSR in December 1991 everything changed. Contrary to the formal constitutional arrangements, the presidency emerged as the primary policy initiator and coordinator, operating as the chief arbiter. Thereafter, the policy preferences of the Russian president and the parliament diverged almost immediately, leading to fundamental executive-legislature conflict, which overwhelmed the first two years of post Soviet regime. Yeltsin who successfully convinced the parliament to grant him extra ordinary powers did not remain unchallenged for long. Since, the legislature was dominated by the conservative group. Therefore, the showdown was inevitable between the two organs of the state (Pandey 2002: 109).

**Executive-Legislature Conflict in the Russian First Republic (1991-93)**

The first two years of Russian politics after Soviet disintegration was marked by a bitter rivalry between the president and the parliament. This rivalry “entailed not only on institutional prerogative and policy preferences but also career interests of competing politicians” (Willerton 1997: 43). On the one side, was Yeltsin who portrayed his cause as that of democratic and market reform as against the parliament that was increasingly associated with the politics of “Red-Brown alliance a peculiar and unpleasant mixture of neo-communist, neo-fascist and nationalist ideologies” (Robinson 2002: 75).

The main reason of conflict between the legislature and the executive branches was driven by issues of national policies. However, personalities and ambitions of the various leaders involved also remained one of the great factors behind the conflict. Nevertheless, to see 1992-93 crisis in Russia merely as the result of head-on-confrontation by elite actors seeking final supremacy over each other is to deny the impact of Soviet practice (political system), which made the formation of stable parties or other coherent political bodies almost impossible.

One of the early conflicts between Yeltsin and the parliament was concerning radical economic reform of 'shock therapy' carried out by Yeltsin under the guidance of Yegor Gaidar the deputy prime minister responsible for economic policy. The
parliamentary resistance against this policy steadily became more hostile and strengthened as the consequence of those reforms became clearer. At the Sixth Congress of CDP in April 1992, Khasbulatov the speaker of the CDP led the movement to amend constitution so as to strip Yeltsin of his power. It was a daring political attack. The day was saved when 'motion of no confidence' in the government was withdrawn after the cabinet responded by resigning en bloc, and a resolution was adopted that called for major changes in the reform programme (White 2000: 79). Had the voting taken place, it would have placed the responsibility for policy in the hands of the Congress (Mettenheim 1997: 222) and "the president elected by the people would have been transformed into ceremonial figurehead whereas the man who won the speaker's chair only with great difficulty and slim majority of votes would have become the real ruler of Russia."24

Against this background of rapid change and growing economic hardship, the political stalemate between Yeltsin and his opponents in parliament again degenerated into a conflict in December 1992 and brought reforms to a standstill. Once more the result was inconclusive as Yeltsin thwarted an opposition attempt to limit his powers, but only at the price of sacrificing Gaidar and appointing Chernomyrdin as Prime Minister. Finally both sides agreed that the country would hold a referendum in April 1993 so that people could speak on what should be the basic principles of the new Russian constitution (Kort 2001: 397). This move was significant for both the parties; as this would give mandate indirectly either to Yeltsin's reforms or justify parliament's resistance to Yeltsin's reforms and supremacy of legislature.

Agreement between the president and the parliament did not end the impasse, and before the referendum the president and the parliament locked horns once again. In March 1993 the CPD voted to cancel the decision to hold the April referendum and more importantly stripped off the president's emergency power and ordered him to act in accordance with the Constitution (according to the constitution the Congress itself was the supreme body of the state power ) (White 2000: 79). This step was taken by the parliament largely because of the uncertainty of its winning the referendum in its


52
favour. Despite peoples’ dissatisfaction with Yeltsin’s reforms the parliament could not encash the popular anger against him.

Yeltsin retaliated by announcing ‘presidential system’ under which Congress could not overrule presidential decrees. Congress again countered Yeltsin’s move by trying to impeach him, which was narrowly defeated. Finally, both sides “agreed to national referendum in April 1993 although not even one about constitutional principles” (Kort 2001: 397). The four questions that were asked were: 1) whether the voter had confidence in the presidency, 2) whether he or she supports the government’s polices, 3) whether new election should be called for the presidency, 4) whether new election should be called for the congress (Urban et al. 1997: 281). Surprisingly, despite the hardship inflicted by economic reforms of shock therapy, Yeltsin scored victory in all the four questions (see Tab. 2.3); and therefore the result was a clear defeat for Yeltsin’s opponents.

Table 2.3 April 1993 Referendum Vote Distribution

<table>
<thead>
<tr>
<th>SL. No</th>
<th>Yes Million Persons</th>
<th>Yes Percent of votes</th>
<th>No Million Persons</th>
<th>No Percent of votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Question</td>
<td>39.8</td>
<td>58.0</td>
<td>28.8</td>
<td>42.0</td>
</tr>
<tr>
<td>Second Question</td>
<td>36.3</td>
<td>52.9</td>
<td>32.2</td>
<td>47.1</td>
</tr>
<tr>
<td>Third Question</td>
<td>34.6</td>
<td>50.5</td>
<td>24.0</td>
<td>49.5</td>
</tr>
<tr>
<td>Fourth Question</td>
<td>44.0</td>
<td>64.1</td>
<td>24.6</td>
<td>35.9</td>
</tr>
</tbody>
</table>

(64.8% of registered voters took part)

Source: Central Election Commission quoted in FBIS.25

Against the backdrop of mistrust and bitter rivalry, the referendum did not end Russia’s political deadlock, rather the struggle over constitution became increasingly bitter. Conflict was shifted to constitution making that would decide the future rules of the Russian political system for the years to come.

**Constitution making: A point of contention**

Formally the Congress of People’s Deputies was the only body that had the authority (with two thirds majority) to amend the 1977 constitution (already subjected to hundreds of amendments) or to adopt a new one. The first Russian CDP on 16th June 1990 established a Constitutional Commission to prepare a document that would reflect Russia’s new judicial and political status. The commission made up of 102 deputies was nominally chaired by Yeltsin with Khasbulatov as its vice-chairman, the main work was carried out by a smaller working group of some fifteen deputies chaired by the commission’s secretary, Oleg Rumyantsev.26

The first version which was ready by November 1990 was rejected by the communist party and was attacked as being anti-soviet and the Supreme Soviet refused to place it on the agenda for the adoption by the Second CDP in December 1990. Against this background the Communist of Russia faction in the legislature prepared an alternative and more traditional draft constitution. After much discussion the Constitutional Commission came out with a compromise draft in time for discussion by the Third Congress (28March-4April 1991), but by then the context has changed dramatically. The 17 March referendum established the post of a Russian president and the Communist of Russia has split. In June 1991, the Fifth Congress rejected the compromise draft, insisting that it failed to formulate Russia’s rights against the center (USSR) and that it was full of contradictions, and instructed the commission to prepare another version.

The August 1991 coup and the subsequent dissolution of the Soviet system added a new urgency to the constitutional question, and the commission rapidly produced a second version which was presented by Rumyantsev to the Supreme

Soviet on 10 Oct. 1991 (Zamyatina, and Talalayav 1991). But a wider contention emerged, the focus being the separation of powers and the rivalry between the President and the parliament over supremacy and the territorial reorganization which the draft sought to move away from ethno-federal to classic federalism. As a result, the Supreme Soviet failed to muster the required number of deputies to place the constitution on the reconvened Fifth CDP’s agenda for approval. In response, the constitutional Commission met on 23 October 1991 and authorized Yeltsin to place a slightly revised draft before the CDP for discussion rather than adoption. Yeltsin presented on 2 November and Congress then instructed the commission to prepare yet another version in time for the Sixth Congress.27

The Constitution drafting by that time had become complicated with no solution in sight. On the one hand, most of the former autonomous republics rejected the Constitutional Commission draft for failing to recognize their sovereign status, while on the other hand many Russian regions condemned it on the grounds that it gave excessive privileges to the republics. The working group sought to find a compromise and with modification, the third version draft was published on March 1992.28 The signing of the three tiered Federation treaty on 31 March appeared to resolve some of the sharpest conflict over the federation. This draft proposed a parliamentary republics but with broad powers for the president within the framework of parliamentary oversight and with a clear separation of powers between executive, legislature and judiciary.

The Supreme Soviet this time placed the constitution on the agenda, recommending that it be adopted at its first reading to avoid exhaustive debate over individual clause. However, the deputies did not have the courage to accept the official draft, worked out by the constitutional commission, “as a basis” but only approved its “general provisions” and its “conception of constitutional reform calling for yet more revisions (Kostyukov 1992: 3). Against the background of a sharp deterioration in relations between the president and parliament, including fears that Yeltsin might dissolve the legislature and put his draft for a national referendum, the

Congress somewhat moderated its assault against the president’s economic policies and political prerogatives, extending his right to rule by decree to the end of 1992 but forcing him to step down as prime minister (Yeltsin was both president and acting prime minister). The Congress went to make numerous amendments to the existing constitution, including the bodily incorporation of the Federation Treaty.

The constitutional process had reached an impasse. Only the CDPP had the right to amend or adopt the constitution, and Yeltsin’s attempt to raise the million signatures necessary to hold referendum did not offer a way out since adopting the constitution through a referendum was unconstitutional, and in any case required the approval of the Congress. The opposition in the Congress, on the other hand, used the right to make constitutional amendments with increasing boldness. Of the 340 amendments made to the old constitution by early 1993, an astonishing 258 were adopted in 1992 alone (Sakwa 1996: 56). The work of the commission continued, however, and it issued a fourth version on 11 November 1992. Work on the new constitution continued in parallel with the amendments to the old.

Fearing loss of a powerful weapon in their struggle with the president, and hesitant to commit themselves to elections, the Seventh CDPP in December 1992 once again failed to adopt the prepared draft constitution. The president seized the initiative and encouraged other drafts. But the Congress of Russian Federation People’s Deputies refused to consider the self generated draft constitutions for Russia presented by the creative teams headed by Yury Slobodkin known as the “communist draft” and Antoly Sobchak’s draft known as “the city governors’ draft and Sergei Shakhrai’s known as the “president’s draft”. The President’s draft came under sharpest criticisms from the communist who said that, “the president’s draft deprives Russia’s citizens of their social rights...Basically the draft serves the interests of selected well off strata of Russia’s population and that the draft truncates the federal treaty”.29

The agreement was reached at the Congress on putting the basic principles of the new constitution before the people in a referendum, but Khasbulatov’s call in February 1993 for pre-term presidential and parliamentary elections ruptured the

---

fragile compromise and once again opened up the question. On May 1993 the Constitutional Commission that was in charge of drafting the constitution presented the fifth version of the constitution to the house incorporating suggestion made by the deputies in April 1992, which was basically a parliamentary version. Therefore, the proposal was not acceptable to Yeltsin, especially since the victory in the referendum was taken by Yeltsin as a personal vote of confidence for the president, and interpreted as a support for his choice of constitution (Chugayev 1993: 6). To quote Sergi Shakrai legal advisor, who put forward a draft constitution known as ‘president’s draft’ in April 1992, “the president has a constitutive right to propose to the constitutional assembly to consider and adopt a constitution” (Chugayev 1993: 6).

Yeltsin started his assault on constitution making by taking the constitution making out of the hands of the legislature and awarding it to the Constitutional Assembly in order to bypass the congress which initially sat on 5-6 June 1993. The constitutional assembly was opened on 5th June 1993 and was composed of 762 people representing federations as well from social organisations. The constitutional assembly was intended to shape a draft that could then be sent round to members of the federation for their approval. The Assembly’s version represented Yeltsin’s last attempt to achieve some agreement with the old legislature. On Sept. 8 1993 by a directive issued by Yeltsin the Constitutional Commission Working Group was formed. The president ordered this group to review the constitutional conference’s draft and to present proposals on obtaining a single agreed upon text of a new constitution. He gave the working group up till 15 September and appointed Nikolai Rayabov as its head along with 16 deputies and 6 experts.

However, this bold step of Yeltsin did not solve the impasse between the two. Rather it added other dimensions to the confrontation and confusion between the two, since the Congress did not recognize the Constitutional Assembly constituted by Yeltsin (Sakwa 1999: 59). Accordingly, the Supreme Soviet was still working to its own timetable of constitutional reform, ignoring the Constitutional Assembly. This

attempt to give substance to a parallel constitutional process threatened to strip the president of his powers but it proved to be a great miscalculation.

Yeltsin struck first and on 21 September 1993 dissolved the legislature and decreed elections on 12 December for the State Duma (Chenoy 2001: 60-61). As expected the Supreme Soviet did not remained mute spectator, but countered Yeltsin’s move by impeaching him, and swearing in Alexander Rutskoi as Russia’s acting president. The relation between the president and parliament finally broke down into tragic event of violence, when the deputies resisted the dissolutions of the parliament by refusing to leave the house. On 4th of October Yeltsin called out the army to forcefully seize the assembly and bombarded the parliament building with tanks killing at least 160 people, the event which is popularly known as ‘October Revolution’. With this Yeltsin not only physically dissolved the house but also suspended the existing constitution ensuring his victory over the legislature. Finally the final draft constitution which was crafted by the president was published on 9 November 1993 was adopted on 12 December 1993.

One of the many reason for the Yeltsin victory over the legislature was that the legislature itself that was ailing from many defects. Although people held the president responsible for the pain caused by the reforms, much to the chagrin of the legislators they held the parliament in lower regard and hence it lacked public support. The legislature was elected before the collapse of Soviet Union, but they did nothing to reconfirm their mandate after the collapse. The bewildered and chaotic functioning of parliament polarized the deputies, debate was sharp and insulting, and factions were forming and collapsing with alarming rate. This led to the deterioration of their support among the voters and they faced the danger of being voted out of the office. Their strategy was to avoid election, obstruct further reform, and shift as much blame as possible to the executive branch. The hope apparently was that this would not only focus the public attention on the president’s shortcomings, but also allow the legislators to present themselves as the voices of reason and social justice, which never materialised till the end.

---


The dissolution of parliament left Yeltsin with the sole authority, representing Russian state without opposition from the parliament for the first time since Russia's independence. Yeltsin then ordered the constitutional assembly to finalise the draft constitution. The draft constitution was published in November and on 12th December 1993\(^{34}\) in a national referendum the new basic law was ratified by more than 58.4% of those who voted (see Tab. 2.4).

<table>
<thead>
<tr>
<th>Preferences</th>
<th>Votes</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>In Favour</td>
<td>32,937,630</td>
<td>58.4%</td>
</tr>
<tr>
<td>Against</td>
<td>23,431,333</td>
<td>41.6%</td>
</tr>
<tr>
<td>Total</td>
<td>56,368,963</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

(54% of registered voters took part)

Source: Mayak Radio quoted in FBIS\(^{35}\)

The circumstances in which, this draft was drawn up ensured that it was a constitution designed especially to suit Yeltsin, his political style and belief. The new constitution legitimated the dominant position of the president and the executive branch. Complex arrangements for amending the constitution were included to limit the ability of opponents to tinker with new set of arrangements. A strong and immovable president was made to act as a focus of stability, while the government


was largely removed from the control of parliament. Thus it sought to prevent repetition of conflict and struggle between the executive and legislative authorities that had so nearly destroyed the Russian state (Sakwa 1999: 147), by strengthening the former at the coast of the latter.

The constitution of 1993 was drafted in the absence of Yeltsin’s main opponent-the parliament (dissolved), which always kept a check on Yeltsin’s design. The president also did not take into confidence several regional and republican leaders, whose dissatisfaction with the draft constitution was clearly evident from the voters turn out during the referendum. Hence, the constitution was not a compromise between competing political forces but was imposed by one of the political actors, the president, on all others. It was a constitution that had no political consensus and with only partial support from the masses. However, by spelling the rules of the game, the constitution facilitated, regulated and normalized relations between the president, the government and the legislature. More significantly, “extra-constitutional crisis such as the October 1993 tragedy have not occurred” during the last one decade between the executive and legislature (McFaul 1997: 322-25).

**Criticism of Presidency in Russian Second Republic**

Following the establishment of strong presidency by the constitution of 1993, many commentators, both in Russia and the west, considered the new regime (Russian presidency) as a “dictatorship-a return to authoritarian rule”. Critics including “disingenuous communist, accused the president of employing neo-Bolshevik methods to rule” (Diamond 1999: 46). Or in other words it was alleged that the leading role of the communist party had been replaced by one-man rule of the president. Guillemo O’Donnell has called Russian Second Republic as “delegative democracy”, which rests on the premises that whoever wins election to the presidency is thereby entitled to govern as he or she sees fit, constrained only by the hard facts of existing power relations and by constitutionally limited term of office (O’Donnell 1994: 59).

David Remnick reported that two years into the new regime all of the president’s aides “admitted that the illusion of a smooth and swift transfer from communist dictatorship to free market democracy is gone...Now the talk is of a
transitional regime of "enlightened authoritarianism" or "guided democracy" or some such hybrid that makes no secret of the need for a prolonged concentration of power in the presidency" (Remnick 1994: 536).

Timothy J. Colton describe the Russian Presidency in Second Republic as "a lopsided presidentialist constitution-foretelling the executive supremacy that has left Russia's welter of parties and the federal parliament where they sit largely disconnected from state decision-making" (Colton and Hough 1998: 2).

Even a decade after coming into force of the constitution critics of Russian Presidency says, "the president, invested with enormous authority, is outside the system of checks and balances, and is not a part of the executive branch (this branch is represented by the cabinet of ministers). At the same time, the head of state effectively fulfills the functions of both the executive and the legislative powers through his authority to issue edicts" (Nikonov 2003).

Richard Ware in his paper says that the most important feature of the new constitution was that, "it strengthened the powers of the presidency and narrowed those of the new bicameral Federal Assembly....What the 1993 constitution could not do was protect a weak president in the circumstances of the summer of 1998 when, having dismissed two heads of government in the space of a few months, he had no further solutions to propose in the face of a major economic crisis" (Ware 1998: 8).

Gorbachev the former President of the USSR argued that, "the 1993 constitution granted to the president Yeltsin more powers than any Tsar ever had" (Gorbachev 2000: 261). Similar to Gorbachev’s criticism, is a joint deceleration of the party leaders who insisted that the constitution has restored authoritarian system in Russian federation. It was also pointed out that the constitution gives a legal form to the seizure of power. Some even went to the extent of arguing that it is a constitution of 'fascist future' (Sakwa 1999: 148).

Firstly from the criticism one may safely conclude that, "the democratic institutions were not a priority of the constitution makers or those who supported Yeltsin." (Chenoy 2001: 64) Rather, they furnished the firmest institutional basis for concentrating power to promote governmental decisiveness and effectiveness, for smooth transition to market economy.
Secondly, unlike many states in transition, Russia was given a constitution written by the winners of the October 1993 showdown instead of a document approved through consensus, “therefore the continuation of debate about the constitution in political and academic circles, not only in Russia, but in the west, is not surprising” (Sheinis 2004: 56).

**Presidential or Superpresidential System**

A strong personalist leadership was indeed a long-standing tradition of Russia from the Tsarist period, extended to Soviet period by dominance of the General Secretary of the Communist Party (White 2000: 70). Once again Russia has followed its long-standing tradition and adopted an executive characterized by strong Presidential system that has inordinate executive power compared to western constitutions. The powers granted by the constitution to the Russian presidency have led many analyst to describe Russian presidency as being “Superpresidential’ and having a ‘hegemonic decision making power’ which is virtually unmatched in any post-communist country” (Robinson 2002: 83). The institutional choices embedded in the 1993 constitution, above all the establishment of a “super-presidential” system (Sakwa 1999: 16).

Superpresidential system is understood as a constitutional order that provides for an extraordinary strong president and relatively weak legislature. In Superpresidential system the president enjoys the powers to legislate by decree, to determine the composition of the government, and to shield the executive branch from the parliamentary scrutiny. Superpresidentialism is scarcely an ideal from the standpoint of democratic development. It creates a great deal of dependency on a single individual, fosters zero sum politics and incentives for defection from lawful political competition, proliferates opportunities for corrupt practices, and circumscribes incentives for development of political parties. Nevertheless, Superpresidential is a form of democracy and it provides a regular and open election, as well as associational rights and civic freedoms including the right to criticize the president and to organize opposition parties (Fish 1997: 326-330). Hence, it represents democracy in its most anemic and fragile form and is easily distinguishable from autocracy. Like wise Johannes F. Linn (2006) describe
Superpresidential regime as, "the president and his administration (the apparat) control political decision-making while the parliament and courts are only nominally independent...in other words while the trapping of the democratic government remain in place, with parliament, courts, and press, with civil society and elections, they do not in fact counterbalance the authority of the president, do not make his power open to a real contest, and do not enforce accountability".

According to Johannes F. Linn (2006), while Superpresidential system may promise political stability, efficient government and high economic growth in short term, but three major problematic aspects of this form of political leadership stand out. Firstly leadership selection in the Superpresidential system tends not to be competitive, transparent, nor merit or performance based, and hence lacks key elements of legitimacy. Secondly, the political dynamics of Superpresidential leadership can easily result in vicious cycle of control. In other words, to gain and maintain his power, the president needs to exert strong and centralizing controls over the main interests groups in the country. This in turn requires a combination of negative constrains through the security apparatus and of positive incentives through economic payoffs. To be able to make those payoffs the leader must in turn control key profits center of the economy through legal or corrupt means. These controls in long term stifle economic growth risking not only economic collapse but also serious political unrest. And third, there is the exit problem which Superpresidential face. Few autocrats find it easy to step back from power and to manage the process of succession effectively. The lure for power and fear of being hounded by the successor makes one to stay in power till death, the result being violent disposition or in the best of cases handing of power to the family or to a close trusted person.

The Russian presidency with its adoption in the First Republic became a popular institution that nonetheless sat at the center of matrix of conflict, serving different purpose at different moment during the brief period from 1991 to 1993. Before the Soviet collapse, it could be seen as a symbol of resistance to the central Soviet authorities. During the 1991 coup, it was a rallying point against the coup camp. As the union came apart, it was a center of a successor state-in-waiting, and the repository of the slim hopes of Russian reformers against an increasing retrograde
parliament. In essence it was ‘all things to all people’, which made even Yeltsin’s bitter opponents and critics broadly accept the idea of Russian presidency.

**Comparison of 1991 and 2003 presidency**

Compared with the presidency established under 1993 constitution, the 1991 presidency was significantly weaker in relation to the legislative branch. The powers delegated to the president were all carefully balanced by countervailing powers for parliament. The president had the power to reject laws passed by the Supreme Soviet but his rejection could be overturned by plurality of each chamber votes. The president had power to issue decrees, but could not contradict the law or the constitution. He was obliged to annually report to the congress. The congress could demand early report by majority vote. The president did not have the power to dissolve either the Congress or the Supreme Soviet, but the Congress could remove president by an absolute majority vote. The president named the chairman of the council of ministers, but the Supreme Soviet had to approve the appointment. He needed the parliament’s consent for cabinet removal. The president could not reorganise the executive branch at will, any changes had to be approved by Supreme Soviet (Willerton 1998: 33-39, Remington 2001: 93-98, and Shevchenko 2004: 64)

Unlike the Presidency in first republic the Russian presidency under 1993 constitution significantly augmented the presidential authority and limited the powers of the parliament as well as the republics. The increasing role and powers of the president in effect contradict the democratic principle. Some political analysts say that it is only a ‘delegative democracy,’ (O’Donnell, 1994: 59) while others say that it ensures an ‘authoritarian president’. In other words, the model of government that emerges from the document is both pseudo parliamentary and Superpresidential (Sakwa 1999: 62).

The basic principle of the Russian constitution of 1993 is liberal in overall conception. However, some of its democratic procedure might be flawed since liberalism was given precedence over democracy. Nevertheless, the constitution upholds certain basic principles of democratic state building such as separation of power (Sakwa 1999: 60). However, having separate state bodies does not always necessarily ensure their independence and decisive decision-making or autonomy.
Under the new constitution, the powers of other bodies like the Federal Assembly is visibly much lesser than those granted to the president. Hence, the principle of separation of power is observed in the barest minimum (Chenoy 2001: 63).

The Russian constitution of 1993 ensures the executive supremacy over the legislature by conferring extensive decision-making powers with presidential decree having the same force as parliamentary law. Willerton describe it as, "the executive branch is more powerful not only because of the president’s political position, which is legally superior to that of all other institutions. It is also because it enjoys considerable institutional independence and freedom of manoeuvre" (Willerton, Jr. 1998: 46).

**Conclusion**

The birth of the new constitution in Russia was long and painful process (Sakwa 1996: 54). Despite all the hue and cry over the new constitution, history shows, there is no such thing as a constitution that will please everyone (Baglay 1993: 7-9). Concession must be made provided that the main constitutional goal of human rights and freedom are guaranteed. Fortunately, the new Russian constitution of 1993 fully incorporates this goal on human and civil rights.

The republic that was created by the basic law was a feat of political genetic engineering, an amalgam of practices that could be described as a French executive presiding over a bicameral parliament. The upper house is more like an American Senate and lower house as that of modern German Bundestag, populated in turn by regional Soviet bureaucrats and watched over by uniquely Russian judiciary.

From mid 1992 till the tragic events of 1993 the central conflict in the national politics had been between relatively reformist president and a conservative holdover legislature. Thus, many Russian liberals began to feel that the only way to realize economic and political liberalization was to empower the branch that was occupied by more reform minded forces. Likewise, the public endorsement of Yeltsin’s constitution of 1993 was stemmed from a longing to be rid of the stalemate between the president and the parliament that had polarized the national government. At the same time, it also resulted from a widespread perception that Russia requires a highly authoritative executive which alone can be decisive and effective, to tackle the
country's many economic and social problems, and also guard its great power status in international affairs. Broadly, all these factors finally ensured Yeltsin's victory over legislature, or in other words a clear call for constitution that provides strong executive in the Russian Second Republic of 1993.

As Russia adopts Presidential system the institution not only was created as all powerful, the reason for creating strong presidency was the belief among Yeltsin supporters that only strong presidential system could institute radical economic reform. The president also crafted a constitution with the view to control the parliament and any other dissent that could hamper the economic reform. This transferring of power from parliament to presidency has far reaching effects on the democratisation in Russia. Many political analysts describe the Russian political system as Superpresidential, delegative democracy or guided democracy: a political order premised on the assumption that the president once elected, governs as he or she likes constrained only by constitutionally limited term of office. Analyses from this chapter clearly throw a picture that the creation of presidential system in Russia was a long and painful process which finally ended with the Russian Second Republic. Therefore study on next chapter of the will examine the Russian presidency according to 1993 Constitution.