Chapter II

Evolving Political Institutions and Processes in the Russian Political System

The establishment of communist rule in the USSR has been regarded as an important turning point in the twentieth century world history. The collapse of that system of government, first in Eastern Europe and then in the USSR itself, also marked a turning point that would hardly be regarded as less significant. For more than seven decades, a single party (CPSU) had exercised political monopoly across one sixth of the world’s land surface. It dominated the electoral system and Soviets in whose name the revolution had originally taken place. It decided all key appointments, directed the work of government, controlled mass media and could draw upon the assistance of a security apparatus as well as the police and army. All of this was the party’s ‘leading role’; confirmed in the constitution that was adopted under Leonid Breznev’s guidance in 1977. The Communist party, as a party, exercised broader influence through its relationship with more than 100 communist or worker’s parties in other countries and the USSR as a state was the centre of a political and military system that determined the destinies of about one-third of the world’s population. All of this came to an end in the late 1980s first in East European states and then the USSR itself abandoned this system.

The Aftermath of Disintegration

The Soviet Union which emerged after the Bolshevik revolution as a challenge and an alternative to the dominant system of capitalism, disintegrated internally and fragmented to form 15 independent states. Despite the considerable efforts of Mikhail Gorbachev to hold the Union together, in December 1991 the Soviet Union formally disintegrated.

In part this occurred because of the reluctance of Gorbachev and other central authorities to loosen their control over the republics, despite the rapid change in the politics of the republics brought about by the 1990 elections. Gorbachev routinely described leaders and movements in republics that sought independence as 'separatist' who were working against the true interests of their people, ignoring the fact that, in many republics, the drive for independence enjoyed broad popular support. The political future of leaders in these republics might have been jeopardised had they compromised on the succession question. In the end, concessions offered by Gorbachev to preserve the Union were inadequate, and the failed coup of August 1991 accelerated the process of disintegration by further discrediting central institutions.

The dissolution of the Soviet Union and the sudden emergence of the Russian federation led to a political and institutional vacuum. The institutions that had served the Soviet state—the CPSU, the Soviets, the judiciary etc. had been discredited and had lost legitimacy. At the same time, the new Russian state lacked a new set of political institutions to replace the old one. At this stage, it was felt by the leadership that several of the Soviet period institutions be refurbished to continue until new ones were formulated and established.

The collapse and disintegration of the Soviet state was followed by the declaration that established the Russian Federation. To construct Russia as a federation and consolidate the Russian state's new regime, President Boris Yeltsin needed a constitution that would legitimise these processes. The methods and processes of evolving the federation and the constitution were interlinked. The drafting of the Russian constitution is intertwined with the breakup of the Soviet Union and emergence of the Russian Federation. It is linked to the emergence and politics of Boris Yeltsin and his rise as the President of the Russian Republic and then the Russian Federation. The drafting of the Russian constitution also

2 Stephen White, "Gorbachev and After" (Cambridge, 1992), p.60.
3 Ibid.
reflected the fractious divisions within the Russian society. It revealed the kind of power Yeltsin came to wield during this period. It showed the extent of his support from external forces like the International Monetary Fund (IMF) and the World Bank who were involved in assisting the Russian government in re-making the economy on capitalist lines.4

The state structures inherited from the Soviet regime continued to function in the new Russian state since it was not possible to change institutions immediately. Except for the quick transition from the Soviet type system into liberal market capitalism, no clear vision on the type of institutions necessary for the transition from one kind of state to another were clearly thought out. The Russian parliament elected during the Soviet period and Yeltsin elected in 1991 as President were the legal functionaries of the new state. The old Soviet Russian constitution amended 340 times continued to be the basic document of the Russian federation for the first three years of its existence.

The Genesis of a New Federation

Russia replicated the federal-unitary structure of the USSR. Up to 1990 the RSFSR was made up of 88 administrative units, 73 of which were primary and 15 were secondary (i.e. subordinated to one of the former). The primary units consisted of 16 Autonomous Soviet Socialist Republics (ASSR), 6 krais (territories), 49 oblasts (regions). The 15 secondary units reflected the hierarchical matryoshka doll-like construction of Soviet government, with 5 autonomous oblasts within the krais, and 10 autonomous okrugs (districts), two of which were part of krais and the rest part of oblasts.5

The end of communism was accompanied by the ‘republicanisation’ of Russia, with the sixteen ASSR dropping the words ‘autonomous’, Soviet and socialist was the starting point in post-1991 era in the Russian Federation. Furthermore, one of the republics (Chechen-Inguestia) split into two in 1992, four of the five autonomous okrugs declared themselves sovereign, freeing themselves from the control of the corresponding oblast or

4 Stephen White, no.1, p.10.
krai and becoming subjects of federation in their own right. Thus by 1993 the Russian Federation consisted of 89 units. Of these 55 are provinces/regions (oblast, krai) two cities (Moscow and St. Petersburg), 20 republics (earlier known as the Autonomous Soviet Socialists Republics- ASSR), and 11 autonomous formations. These formations are enclaves within some of the regions that have a special status associated with their titular nationality. This division was made on nationality basis by the Bolsheviks in 1918 and has influenced regional politics since then. Power and rights varied according to these categories and the regions’ relations with the centre depended on this. The numerous ethnic minorities in Russia have their own unique cultural traditions, language and regional identity. These minorities share common values and claim a specific history. These nationalities, as they were called in the Soviet period, are scattered all over the federation.

The establishment of the Russian federation after Soviet disintegration necessitated reformulation of the federation, and reopened debates on rights and privileges of the federating units. Political movements relating to the federal structure originated around these debates. The negotiations for forming the Russian federation and drafting a constitution became complicated because of the disputes among the units. The republics insisted on maintaining privileges received during Soviet regime. They insisted on ownership of sub soil and other resources on their territory. The provinces argued that those rights would mean sovereignty for the republics.

During the long drawn out conflict-driven drafting process of the new Russian constitution, (from June 1991 to November 1993) attention was often focused on the highly visible, disputed separation of powers doctrine. In effect, the fault lines in the post-Soviet political landscape that contributed to the volatility and instability of Russian transitional politics in the first republic, existed not only within the national elite over the relationship between legislative and executive power,
but also between the central government and the subjects of the federation over the configuration of centre-periphery relations. 8

The rise of ethnic nationalism in the various units of the former USSR tended to garner the attention. Similar trends were quietly emerging within the giant, multi-ethnic Russian federation. The currents of nationalism reached some of the republics of the Russian federation. The most contentious nationalist issues were raised by the Tatars and Chechen. The Tatar, the second most numerous group in Russia and the smaller Chechen nation have been most dramatically affected by ethnic nationalism. In 1991, Chechen republic declared its independence from the Russian federation. Later (in early 1992), the Tatar republic, in defiance of the central authorities, conducted a referendum that endorsed the nation of Tatarastan as a sovereign entity within the federation.

Process of Institution Building in the Russian Federation

Federal Treaty, 1992

The fear that Russia might suffer the same disintegration as the USSR forced the Moscow elites to hastily negotiate several treaties with the subjects of federation. Among these, the most important of which dealt with the republic, became collectively known as the Federal Treaty, signed on 31 March 1992 and ratified by an overwhelming majority of the sixth CPD on 10 April. 9 The treaty recognised three types of federal subjects: 20 (now 21) national-state formations (formerly autonomous republics) as sovereign republics within the Russian federation; 57 administrative territorial areas (krais, oblasts, as well as the cities of Moscow and St. Petersburg); and 11 national-territorial areas (autonomous oblasts and autonomous okrugs). All had equal rights and obligations, but the republics were allowed the attributes of statehood; their own constitutions and laws, their own elected Supreme Soviets (Parliaments), Supreme courts, and if they so wished (which most did), presidents. 10 With the elevation in 1991 of four autonomous areas to the status of republics the total had risen to 20, and of these, 18 signed the treaty.

Tatarastan, which had earlier voted for self-rule, and the Chechen Republic, which has declared independence from Russia in 1991, refused to sign. Tatarastan insisted on a separate bilateral treaty between itself and Russia as equal sovereign states. Bashkortostan had threatened not to participate but at the last moment agreed to sign when granted additional budgetary rights.\footnote{Nezavisimaya gazeta, 1 April 1992, p.1.}

The federal treaty did not signify the creation of a new state. In contrast to the old Soviet constitution, the treaty did not grant the republics the right to secede but bound them together while granting greater powers and freedom. The treaty was not intended to act as a substitute for the constitution, and instead was incorporated, with some amendments, into the constitution as a special section. Moscow retained the right to control defence and security and to set federal taxes while the signatories now gained some control over natural resources and formalised their borders. They could now conduct foreign trade on their own. The extent of their own control over natural resources and the right to levy taxes remained unclear and caused endless conflicts later- including the joint declaration by the presidents of Bashkortostan, Tatarastan and Sakha (Yakutia) that the federal authorities ignored the legitimate rights and interests of the republics.\footnote{Izvestiya, 14 August 1992.}

Once again a form of ethno-federalism was confirmed in Russia despite hopes to avoid this route. The new Russian federalism now developed on a constitutional-treaty basis, though much still remained to be done. The local and national constitutions had to be amended to take into account the new agreements, numerous national laws had to be changed and the rights of the non-national areas had to be given a juridical foundation. It appeared absurd to retain three different types of subjects of federation, yet ‘asymmetrical federalism’ might well be the only basis on which the Russian federation could survive.
The federal treaty did not put an end to debates in Russia about the form of its federalism. Questions of property and taxation remained vexed; the fundamental question over whether Russia should be a regional rather than an ethno-national federation had not been resolved, and an unstable hierarchy of federalism had been established. The twenty-one republics were endowed with the appurtenances of a state, but the others were not. Tatarastan's constitution affirmed that it was a state 'associated with Russia', and the constitutions of some of the other republics (namely Tuva, Karelia and Yakutia-Sakha) declared the primacy of local laws over Russian ones. The struggle between executive and legislative power in Moscow allowed the regions to ignore presidential decrees and legislative acts and weakened economic links. In 1993, for instance, Moscow collected only 40 per cent of the tax revenues due to it from the regions and republics, and over two-dozen refused to pay the centre their federal tax obligations. The confusion allowed consideration of short-term advantage to predominate over juridical principles of unified and equal state building for whole of Russia.

Therefore, the federal treaty confirmed and consolidated the republics special status within the federation, granting them political and economic rights not accorded to the regions. This also gave legal sanction to the republics special privileges and initiated new debates and movements in the provinces. In addition, it was agreed that the federation reserved to itself certain responsibilities (e.g. defence), while a number of other matters were assigned to joint jurisdiction. To underscore Moscow's concessions to decentralisation and embryonic federalism, the parliament ordered that the federal treaty might be appended as part II of the official draft of a new constitution.

15 The Seventh Congress failed to adopt a Constitutional amendment that would have allowed the Constitutional Court to rescinded legislative acts of the republics if it found them unlawful, Moscow News, no. 6 (4 February 1993), p. 3.
Although the Moscow leadership was increasingly divided over power sharing at the centre, there seemed to be a consensus that the Russian federation must be held together. From this point of view, negotiating and signing the treaty appeared as compromise documents, which President Yeltsin and speaker R. Khasbulatov promoted. Despite the fact that, the federal treaty took a great deal of heart out of the tense centre-periphery relations and provided some breathing space to Yeltsin, it was not able to resolve a number of critical issues, such as ownership of land and natural resources by the republics, relative tax burdens etc.

The federal treaty thus was largely an unpopular compromise. Different parties had different ideas about its relevance. The republics that signed the agreement felt that they could strengthen their position as 'sovereign states' within a federation. The central authorities saw the document as no more than one step along the path towards creating a truly constitutional federation in Russia for the first time in its history. The provision of republican sovereignty and the republics' right of secession were granted in order to hamper the forces that were pushing for even greater independence from Moscow. They were seen as transitional devices in order to preserve the country's territorial integrity in the short run. The leaders of the many Russian regions were unhappy with the way federal treaty preserved an administrative territorial hierarchy in Russia, in which they belonged to the second and third tiers. Moreover, when it came to the establishment of a new constitution in Russia, the treaty was appended to the main document. It was not an integrated part of the constitution. So, the federal treaty did not put an end to debates in Russia about the form of its federalism.

The political developments, especially in post 1992 period have created division among the components of the federation over financial, political and several other issues. These are some of the developments, which are not desirable for any new federal set up. Especially for those set up, which are still in the process of consolidation. For instance, though this treaty marked a defining moment for the shape of Russian political

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18 Anuradha M. Chenoy, n. 7, p. 1148.
19 Ibid.
community during the post-Cold war era. Hitherto tacit differences between the various units in the Russian republic came to the fore, and revealed common aspirations in the role these units envisaged for themselves in the new order. Further, contemporary fissures like the Chechen ethnic problem seriously project the tension inherent in any attempted resolution of the federal issue. Competing claims to rights and privileges constitute much of the backdrop of differences among diverse units. The grant of autonomy to a particular republic is immediately viewed by other republics as a significant concession, which is being denied to them. A part of the problem also relates to the drafting of the treaties like the March 1992 Federal Treaty that reveals ambiguity and provides the basis for continuing discontent. Therefore, the multi-ethnic make up of the Russian federation inevitably demands flexibility in policy and posture. Integral to the federal process is the requisite skill for political negotiation and accommodation of competing claims to political representation.

The 1993 Constitution

The Russian constitution was drafted amidst severe contradictions in Russian society. The Russian Duma and the President were at loggerheads with each other over the method of reform. The regions and republics were taking autonomous decisions. The economic crisis had led to new social stratification. The draft constitution revealed by Yeltsin in April 1993 was resolutely a Presidential draft constitution. Like the earlier Presidential drafts, it reflected the shifting political situation, without considering the future of the federation in Russia during the period. This constitution envisaged the abolition of the old Congress of people's deputies and its inner body, the Supreme Soviet. These bodies were replaced by a bicameral legislature known as the "Federal Assembly". The Lower House, the Duma to be elected on a proportional basis while the higher chamber, the Federal Council, is made up of the elected Presidents of the Russian republics and the heads of the regional administrations. The President's nomination for the post of Prime Minister is to be ratified by the Parliament while all other ministerial appointments are done in consultation with the higher chamber. The President had the power to dissolve the Parliament. And the Parliament had the right to impeach the President through a difficult procedure. The post of Vice President has been abolished
and the process to amend the constitution is a cumbersome one. The method of amending the Russian constitution was designed to make the constitution a rigid document,\textsuperscript{20} which would continue its bias towards a strong Presidential system.

The regional question and the distribution of powers were major barriers in the making of a constitution. The Parliamentary draft constitution of 1991 was not accepted because the republics did not want provinces to have equal rights with them.\textsuperscript{21} The President's decision to present his own draft in April 1993 ran into trouble. This draft was criticised by the republics on the ground that it gives provinces (regions) much the same status as the republics. More important, it shifted the balance back to Moscow. It lays down that the federal laws are always superior to local ones.\textsuperscript{22} In the draft, the province-republic conflict is represented in the contradictory articles on distribution of power where various groups are appeased.

As far as autonomy of the federating unit is concerned, it needs to be seen in a comparative perspective. In every federal society, autonomy and independence of the units are defined for the smooth functioning of the federal system. In the Russian federal context, it can be seen easily that the new draft constitution (1993) neither demarcated nor defined the notion of autonomy and independence of the units, which can be seen in different areas, particularly administrative and economic. In the economic field, autonomy of the Russian federation and its units over the federal state property shows the ambiguity of the constitution and leaves room for endless disputes. In sum, the unclear, vague notion of autonomy in Russian federal system has to be defined and demarcated clearly for the fate of newly evolving federal structure.

The draft constitution was accepted as the Russian constitution after it was put to vote in a referendum in December 1993. In the referendum Yeltsin did not receive a majority of the votes from several of the republics like Bashkortostan, Dagestan, Ingushetia etc. He was supported by a two third majority in Moscow and most of the provinces beyond the

\textsuperscript{20} The Economist (18 December 1993) p. 43.
\textsuperscript{21} Rossiiskaya Gazeta (8 May 1993)
\textsuperscript{22} The Economist (16 November 1993) p. 55
Urals except five. In European Russia, only 12 provinces did not express confidence in Yeltsin, mainly from the Black earth region. Several provinces voted for Yeltsin but not for his social and economic policies. 23

This referendum revealed regional block-voting patterns. Regions and republics classified as ‘poor’ areas generally voted against Yeltsin. Regions with large military industrial sectors opposed the President’s economic and social policies. 24 Ethnic causes also affected voting choices. However, the constitution was passed with a narrow majority.

The two key documents established the composition of the Russian federation are the 1992 federal treaty and the 1993 constitution of the Russian federation. It is true that the present structure of the Russian federation is not simply an inherited institutional form. It is also the result of a process of debate and argument in Moscow and in the republics and regions. The debates that led up to the 1992 federal treaty were perhaps the most dynamic products of those discussions. Evaluating the true nature of the federal treaty and the new constitution reveals that President Yeltsin’s method of playing off one group against another aggravated the conflicts within the federation. 25

In the smooth functioning of any federal system, the cooperation among its units is duly required. However, the newly emerging Russian federation has been threatened by its own components because of Moscow’s individual negotiations and different policies pursued from time to time. The narrowing institutional and political space for real federalism is giving rise to regional and nationality movements. Studies show that these kinds of movements have been increasing with every passing year.

The two most extreme examples are however, Chechnya and Tatarastan. Recently, a bilateral treaty has been signed with Tatarastan, but the Chechen nationalist/ separatist

23 Anuradha M Chenoy, no. 7, p. 1649.
movement continues. In the above analysis, it can be observed that the role, which has
been performed by the centre, is not conducive to the Russian federation.

Moreover, the constitution proposed by the President greatly truncates the federal treaty;
in effect it effectively established inequality among the members of the Russian
federation. The dissatisfaction and opposition will continue to grow which will pose a
threat to the integrity of the Russian State. So, inability to provide institutions including
a constitution, which assist in the formation of a stable political system, implies that even
this new constitution would have to be amended to enable a more smoothly functioning
federation.

Yeltsin, strengthened by his victory in October 1993 took a more assertive line towards
the regions and republics of Russia and in effect reneged on what he had been forced to
concede during the struggle with Parliament.

In particular, the word ‘sovereign’, which a number of republics had adopted to describe
themselves, was struck off from the constitution on the grounds that one state could not
have two sources of sovereignty. The constitution adopted on 12 December 1993 finally
gave legal form to Russia’s federal system.

The rights of Russia’s 21 republics, 6 provinces, 49 regions, 2 cities (Moscow and St.
Petersburg) with regional states, and 11 autonomous areas were significantly equalised
and made subject to the laws and decisions of federal authorities. The principle of
‘asymmetrical federalism’, the keystone of the federal treaty, was in principle abandoned.
No longer were some subjects of the federation ‘more equal than others’ at least in
theory. While the provisions of the treaty were reflected in the new constitution, the text
itself was no longer bodily incorporated to underline the principle that Russia is a
federation based on a constitution and not on a treaty.

27 Anuradha M Chenoy, no. 7, p. 1649.
The constitution regularised the hybrid federalism that had been emerging in Russia based partly on national areas (like Belgium and India) and partly on areas lacking any national significance (as in Brazil, Germany and USA). This mix of national and territorial federalism was accompanied by declarations (article 5) on the equality of all the subjects of the federalism, when in fact they had greatly differing rights. For instance, the republics have their own Constitutions, Governments, Parliaments, Presidents and other attributes of statehood denied the territorial formations; the latter, however, have the right to issue their own charters. Indeed, the adoption of the constitution marked yet another step away from the old Soviet primacy given to the ethno-federal organisation of the state, a principle that was largely meaningless when the CPSU acted as the universal coordinating force, but which threatened to tear Russia apart in its absence. The new document sought to priorities civil order, collective ethnic rights and at the same time tried to prevent ethnic differences becoming the formulation of local and central statehood, a development that could only exacerbate centrifugal tendencies.28

However, the struggle over the constitution and federal treaty was only one aspect of finding a new political framework for the conduct of relations among the peoples of the Russian federation. While fears about the disintegration of the Russian federation might have abated, they have not disappeared. The constitution achieved what Rumyantsev had long advocated, namely the limitation of the sovereignty of Russia’s republics; yet he now suddenly became the defender of the rights of the republics.29 Meanwhile, support for a return to the guberniya principle, whereby Russia would be converted into a unitary state and divided into administrative units and the principle of ethno-federalism abolished, continued to grow.30 The advocates of ‘gubernisation’ insisted that a unitary state was not necessarily a centralised one.

The pressures that had led to the disintegration of the USSR might not end there and there were fears that they might destroy the Russian federation itself. The lines of fracture in

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29 Segodnya, 13 November 1993, p. 2
30 For example, Sergi Shakhari, Kommersant daily, 31 August 1995, pp. 1-3.
Russia run not only along ethnic lines but also along regional line. And subsequent elections indicated that reports of the imminent demise of the Russian federation are exaggerated. The comparison with the USSR is misleading because the dynamics of Russian politics are very different; there are powerful centripetal trends that check the tendency towards disintegration.

The Federal Structure

The Russian federation comprises of republics and regions (and the two cities Moscow and St. Petersburg), which are the constituent units of the federation. The status of the units is determined by the constitution of Russia and by the constitution or charter of the republic and region. This status can be changed in accordance with federal law. Federal jurisdiction is over adoption and amendment of the constitution; federative system and territory of Russia; establishment of system of federative bodies of state power (legislature, executive, judiciary etc.) federal state property; federal policy; establishment of legal foundation of single market, currency, banking etc.; power systems; and foreign policy etc. The joint jurisdiction of the Russian federation and its components cover guaranteeing the constitution and laws, protection of human and civil rights, issues relating to ownership of land, water, mineral resources and natural resources, delimitation of state property etc. are in the jurisdiction of the components of the federation.

The system of state power of the republics and regions is established by the components themselves in accordance with the constitution and the general principle of representative and executive bodies of state power. There is a unified system of executive power (Article 77). The President of the Russian federation and the government ensure the exercise of powers of federal state authority throughout the Russian federation. The actual form of governance in the constituent units is not expanded upon. Thus the role of the governors or presidents of republics and the nature of their election is not part of the constitution. This is a flaw in the constitution, but gives each unit leeway to organise its governance in consonance with the constitution.31

The President

The chapter with the greatest clarity in the constitution is the fourth chapter that deals with the powers of the President. The president is given enormous and far-reaching powers. The president is the guarantor of the constitution; he adopts measures to safeguard the sovereignty of the Russian federation and determines the basic guidelines of domestic and foreign policy.

In nutshell, the articles of the constitution dealing with the powers of the President mark out this constitution as primarily a presidential constitution. The powers of other state bodies like Federal Assembly are very much less than those granted to the President. The principle of separation of powers is observed to the barest minimum. The bias in favour of the President gives the Russian constitution its final characteristic. An authoritarian President can overrule the parliament at any stage. He holds the threat of dismissal of the parliament anytime it disagrees with him. He appoints his own hand-picked government that need not consist of elected representatives. If the Duma disagrees with his choice of the Prime minister and rejects the nominee, it is the Duma that faces dismissal.\(^3^2\) Though the President cannot dismiss the Duma while impeachment proceedings are on, he can dismiss it before it initiates or plans the impeachment proceedings that are extremely difficult and require almost a consensus of both houses of parliament. Such wide and unchecked powers cannot be given credibility to democratic institutions, particularly at a time of such wide-ranging socio-economic change. It would appear that democratic institutions were not a priority of the constitution makers or those who supported Yeltsin internally or externally.\(^3^3\) The real aim was the transition to the market. An authoritarian control was considered necessary. The power given to the Russian president confirmed this.

Strands of Institutional Authoritarianism

The 1993 constitution formally conferred on the federal president extensive decision making powers. Boris Yeltsin has assertively used all of these powers, while adversaries,

\(^3^2\) Rossiiskaya \textit{g\textsuperscript{2}z\textsuperscript{2}eta}, 21 December 1993, p. 1.

even if highly critical of his policies, have shown little ability or willingness to constraint his actions. The contemporary presidency and executive branch constitute a large pyramid of power, which dwarfs that of all other institutions and branches. The executive branch is powerful not only because the president’s political position is legally superior to that of all other institutions, but because the president enjoys considerable institutional independence and freedom of manoeuvre. The president has an almost unrestrained ability to direct the decision making process.\(^{34}\) Moreover, he is supported by a large set of agencies and officials, which link him to all federal and major sub federal institutions and actors.

Under the 1993 constitution, the president enjoys direct influence over the government through the supervision of the prime minister and other high level ministers. He has the power to appoint and remove the Prime minister, deputy prime ministers and other federal ministers as well as dismiss the government itself. Indeed, he has some influence over the composition of ministers’ staff. In addition to many other powers, he can also call referendums while, as Commander in chief, he can introduce a state of emergency. Much policy-making occurs through presidential decrees, which have the force of law, and which have allowed Yeltsin to set policy unilaterally in many areas.\(^{35}\) The Presidential decision-making powers also extend to dispute mediation between federal and regional bodies and the voiding of actions by regional executive bodies.

The above mentioned are some of the deficiencies which are more than technical in nature. Rather, it is more of deliberate act than any other. In effect, it imposed a strong presidential system for which there was no national consensus, and which raised political and constitutional difficulties of its own. Since the beginning, after the adoption of democratic form of government, different treaties and agreements the most importantly the biased constitution etc. have created new dynamics and corresponding challenge for the future of regional politics in the Russian Federation.

\(^{34}\) Art. 92, The Russian Constitution, 1993.
\(^{35}\) Ibid.
In the final analysis, the ambiguities in the division of powers in the federal system led to the growth of multiple centres of power. Regional demands for more sovereignty have been increased and in these circumstances provinces started claiming statehood. The Chechen civil war for independence was an instance where Moscow had to intervene militarily. The inability to provide institutions, including a constitution, which would assist in the formation of a stable political system, shows up the weaknesses of the constitution. Therefore, to keep up the spirit of ideal federal set up, it is important to note that the levers of power do not reside solely in the President's office but also circulate through the regions and republics of the Russian federation in order to escape from the perceived tension among the units of the federation. Since the constitution did not reflect the demands of all the federation units, and the constitution makers could not arrive at a consensus, discord between the members and the centre continues to occur. This has led to negative regionalisation and the separatist movements.

**Federal Assembly**

The Russian Parliament and the Federal Assembly consists of two chambers—the federation council and the state Duma. The federation council consists of two representatives from each component of the Russian federation one each from the representative and executive bodies of the state. The state Duma has 450 deputies and is elected for a term of four years. The state Duma deputies work on a professional full time basis and enjoy immunity during their term in office. Both houses elect a chairperson of their respective houses and his/ her deputies. They work through elected commissions and committees.

The weakness of the parliament is evident in the limitation of its powers. The president has the most important say in law making. The parliament is prevented from becoming the real site for governmental policy or decision-making. If they echo the opinion of the president they can pass laws. In other instances, they have to lobby with the president, make deals with him and have a quid pro quo, or threaten him to sign laws that he disagrees with.

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The Government

The constitution lists out the tasks of the government that are carried out under the executive leadership and the chairpersons of the Russian government. These include the task of making the budget, administration of federal laws and property. The President appoints and dismisses the government. The state Duma may also express no confidence in the government by a majority vote. But the President may or may not agree with the Duma. If the Duma expresses no confidence in the government a second time, the President may either dismiss the government or dissolve the house.\(^{37}\) The provisions on the government once again establish the superiority and authority of the president. The constitution gives adequate space for the president to appoint anyone in his government. In other republican regimes, the political party of the president influences appointments. In this case, where the party system is weak and President Yeltsin does not have a political party, he derives the freedom from the constitution to appoint any crony without accountability. Any attempt by the Duma to question his appointment can lead to the dismissal of the Duma itself.\(^{38}\) It is with this kind of constitutional authority behind him, that Yeltsin has arbitrarily appointed and dismissed a series of prime ministers and governments.

The Judiciary

The constitution provides the basis in Russia for a much-needed judicial system. A system of constitutional, civil, administrative and criminal courts have been set up. The constitutional Court resolves cases arising from federal laws, the constitution, treaties between state power and the units of the federation etc. Russia also has a Procurator General who heads a centralised system of procurators. In practice, the judicial system of Russia continues to be weak and not fully formed. The system of independent lawyers has not been developed. The judges are appointed by the presidential discretion. The rule of law and the safeguarding of citizen’s rights have not been ensured.

\(^{38}\) Ibid
Regional Conflicts: An Impediment to Russian Federalism

Traditional problems of inter-ethnic disputes, the Soviet disintegration, the issue of minorities, methods of privatisation, and lack of institutionalisation of the federal structure deeply affected specific regions and republics of the Russian Federation. There are cultural biases that reinforce inter-ethnic disputes.

The problem of separatism, ethnic and regional conflicts in the Russian Federation remain major problems and threaten to set in centrifugal forces. Ethnic mobilisation and separatism is not confined to Chechnya and the North Caucasus alone. Other republics too where the eponymous nationalities dominate can use this threat. These include North Ossetia, Ingushetia, Chuvashia, Tuva, Kabardino-Balkaria besides Chechnya and Dagestan.39 Further, regions like Kaliningrad and the Maritime territories, Southern Sakhalin and Kuriles that are under the influence of contiguous states have the potential for separatist tendencies. Moscow has used primarily its economic resources as levers to rein in these areas. Other republics that are economically more powerful like Tatarastan, Bashkira and Yakutia, have at particular moments also used ethnic separatism and mobilisation to threaten the centre or mobilise popular opinion. Though the centre has issued a document on the nationality concept, negotiated the Federal Treaty and several bilateral treaties, it has further strengthened its state system or structures that can ensure the continuity of its federal system.

The Case of Tatarastan

According to the 1989 census, only 27 per cent of all Tatars had their residence in Tatarastan, while all others were elsewhere in the former USSR. The Tatars were then 48.6% of the total population of Tatarastan and the ethnic Russians 43.4%. The Tatars enjoyed high numbers in higher education, leading positions in the economy and administration of Tatarastan. Since the Tatar leadership perceived itself to be a developed economy, they declared sovereignty and held out on signing the Federal Treaty. Only 13% of the republic voted in the elections for the Russian constitution. The Republic wanted autonomy, bordering on sovereign status. They wanted the right to enter into diplomatic relations with other countries, control over their budget and an independent taxation policy. This caused concern to other regions and republics because during this period for instance, Tatarastan was paying about 4.5 billion roubles into the budget and receiving 6 billion roubles through the Pension Fund.

After negotiations Tatarastan signed a separate treaty with the Russian Federation that united Tatarastan as a state to the Russian Federation. This treaty ensured that Tatarastan would have its own constitution and legislative bodies. The main purpose of the treaty was to demarcate the areas of jurisdiction between the Russian Federation and the republic. With this Tatarastan had complete control over land resources minerals and property within Tatarastan. Tatarastan could conclude treaties and relations with other regions of the Russian Federation, and pursue international relations that did not run counter to the Russian Federation.

This treaty revealed the extent to which some of the republics in the Russian Federation were prepared to go to maintain their autonomy and independence. At the same time it also showed that complete independence and secession from the Russian Federation was not a feasible idea for these republics, given their independent history. The treaty also showed that it was possible to have flexible republic-centre relations within the Russian federation.

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40 Anuradha M. Chenoy, *The Making of New Russia*, (New Delhi, 2001)
The Caucasian Region and Chechnya Revisited

The problem of Chechnya and the Caucasus stretches back into Soviet history. The Caucasus has been the home for four republics of the former Soviet Union, seven autonomous republics and four autonomous regions. About sixty nationalities inhabit this region and they often belong to different language groups and different denominations of Christianity and Islam. Many of the ethnic groups here were deported during the Stalin period and rehabilitated much later. Several of the demands from this region reflect this past and have to do with the restoration of administrative units. There are thus demands to set up separate autonomous regions like for the Karachais or demands for republic and sovereign status from others.

In Chechnya and Dagestan, societies based on clans know their constant internecine strife to be a tradition of this troubled region. The Chechen acquired the reputation (constructed by the Russians) for violence, dishonest dealings and possessing a clan mentality. The Russians invaded Northern Caucasus in early 19th century. Czarist and Soviet Russia suppressed these regions and tried to curb clan rivalry. The Soviets launched an offensive against the practice of Islam in the 1920's and simultaneously launched the collectivisation drive in the region. There were mass rebellions in the region, in Dagestan, Kabarda, Karachai and Ossetia. Most of these nationalities were destroyed and dealt with a heavy hand, which included mass deportation in Stalin’s time and rehabilitation during the Khrushchev period. With perestroika, the clans competed for power and property in all Caucasian republics. Islam managed to survive despite seven decades of Soviet rule and got identified with the nationalist ferment in Chechnya.

With the establishment of the Russian Federation, the situation in Chechnya continued to worsen. Clan chiefs like Dzokhar Dudayev gathered more power, assets and control in the inter-clan disputes. While Moscow and President Yeltsin were involved with establishing the Federation and the disputes with the Parliament, Dudayev used these first laws and order situation in Chechnya to grant Dudayev emergency powers in 1992.
The Dudayev regime's ideology was based on Islam and an ultra-chauvinist militant nationalism. Both these ideologies were used to construct Chechen nationalism based on memories of the Chechen deportation to Kazakhastan during the Stalin period, and the future of a greater Chechen nation in the Caucasus.\footnote{Gail Lapidus (ed.), \textit{The New Russia: Troubled Transformation} (Boulder: 1997), p. 124} This construction helped overcome inter-clan hostility and achieve cohesion by mobilising people on this platform. Dudayev passed a decree that gave the Chechens the right to carry arms and prepared for war with the Russians. Yeltsin reacted by sending in the Russian army on the advice of his select security council, without consulting the parliament. Instead of exposing Chechen ultranationalism, their violation of the constitution and choking off Dudayev's support base, the Russian military tactics caused massive civilian casualties through an indiscriminate use of military power. The slaughter on both sides started the vicious circle of vengeful killing on both sides, making the disengagement of Russian troops difficult. Aslan Maskhadov, leader of the armed resistance, became popular during the Russian armed intervention.\footnote{Ibid} The Russian parliament and Russian politicians condemned the military intervention in Chechnya, and held Yeltsin responsible for the massacre of civilians. They viewed the intervention as an illegal act, since Yeltsin did not inform the parliament. Russian public opinion was largely against the armed intervention in Chechnya.\footnote{Ibid}

**Fissures in Dagestan**

In August 1999, separatist rebels in the mountainous republic of Dagestan in the Northern Caucasus region seized several areas of the region and declared an independent Islamic Republic of Dagestan. The rebels crossed over from the neighbouring Republic of Chechnya led by Chechen rebels like Shamil Basayev who have long fought Russian control under the banner of Islam. The separatist fire that had been ignited in Chechnya spread to the neighbouring Dagestan.

Moscow reacted to this rebellion by sending in Russian forces to bomb the rebels in the mountains of Dagestan and in areas of Chechnya believed to be the hideouts for the

\footnote{Ibid}
separatists. This led to hundreds of casualties and streams of refugees from the trouble torn villages of Dagestan and Chechnya. Rebels have long controlled the border between Dagestan and Chechnya and had free rein because of the nature of the territory, the determination of the rebels, the ethnic and communal divide, the seriousness of economic problems, the breakdown of law and order, and the possibility of support from Islamic mercenaries.

Dagestan, unlike Chechnya, had signed the Federal Treaty that made it part of the Russian Federation in 1992. In the past, the people in Dagestan voted against Yeltsin and his supporters in the presidential and parliamentary elections, instead supporting the Communist Party of the Russian Federation. These factors made it easier for Moscow to rein in the rebels, because unlike Chechnya where the ruling regime led to the insurgency, in Dagestan the elected regime was politically linked with it. Dagestan is too small a state to have any chance of survival as an independent state. Islam too in Dagestan does not have the same nationalist content as it does in Chechnya. Islam served as a binding force in Dagestan since Dagestan is a mix of complex and multiple ethnic groups. The Islamic militants do not have the support of many of these groups.

Moscow appealed to President Aslan Maskhadov of Chechnya to crack down on the rebels based in Chechnya, but the Chechen regime has little hold on rebel leaders and warlords like Basayev. Though Moscow has controlled the rebellion in Dagestan through use of force, the victory cannot be permanent. The problem in the Caucasus is one that needs long term structural solutions. The already neglected region that is a cauldron of ethnic and cultural contradictions needs patient handling and economic development that will ensure sustainable development.44

In Russia the 'region'—the territorial unit administered by a local government—has today become a powerful entity. The regional elite is an important player in the struggle for power and control of the great re-division of state property. Since economic and political

reform efforts have to be implemented in the regions, the real battle lines for power and property are carried on here. The role of regions as influential actors on the Russian political scene has been demonstrated during the Russian referendum, and the local and national elections. The future of the Russian federation thus lies in its regions.

Regional variations in political power and economic structures in Russia led to struggles over power and control of resources. While the federal centre used the disputes between the republics and provinces to play off competing interests against one another, the regions have adopted varied tactics to pressurise the centre. The centre’s regional policy consisted mainly of controlling the budget, and allocating sums to territories as part of political pressure and patronage. This policy has led to regions using different tactics to pressurise the centre. At the same time, most political parties, including the democrats supporting Yeltsin, have not built regional links to grass roots movements. Only the Communist party and the old nomenklatura have links at the provisional level. A varied regional elite has emerged, consisting of some new reform-oriented groups and others from the old nomenklatura. Some regions have consistently supported the Yeltsin’s economic policies, whereas others have emerged as ‘oppositionist’ regions. Most regions, however, have been taking steps independent of the centre, especially on local issues. This isolated resolution of problems was attempted because of the jurisdictional confusion over the division of powers. The need for regional power elites to safeguard their constituencies from sharp socio-economic decline and to maintain themselves in power also led to regionalisation and in some instances, secession. This approach has been driven by an instinct for survival both by the republic and regional elites.

The Regional Elites

As new forms of organisation and production were initiated in the regions since the late 1980’s, a regional elite with control over local power structures was formed in the Russian regions. This elite is a mix between the old nomenklatura and some new radical leadership. In several instances the radical leadership includes officials who served under the old regime but have now distanced themselves from it. The 1989 elections to

45 Ibid.
parliament led to an unexpected defeat of the party leadership at the regional level. Most of the new leadership was in favour of the reforms.\textsuperscript{46} This leadership maintained some links with the old nomenklatura especially since they lacked administrative skills.\textsuperscript{47} In the early years of privatisation, since the economic shock therapy programme failed to reverse economic decline, sections of the old nomenklatura regained economic and political power while sections of the regional elite changed their position vis-à-vis economic reform. The local election of March 1990 witnessed a different trend and communists made political gains in some regions.\textsuperscript{48} A regional elite developed simultaneously with the reforms.

With political chaos and the changes in power in 1991, an entrepreneurial stratum was also formed and a small business elite also emerged. In many regions, the former workers of the oblast committees entered the new executive structures in the regional bodies. In 1989-90, these people had abandoned the CPSU party work and were appointed administrative heads by Presidential decree. Once in that position they created teams with their former subordinates. As they consolidated their position they stated controlling those sectors of the economy that were profitable.\textsuperscript{49} This new elite that had emerged out of the old nomenklatura controlled the privatisation process in the region. This regional elite competed and struggled with each other and with the traditional regional structures for the control over resources.\textsuperscript{50} This also led to a corporatisation in political decision making that marginalised the local democratic movements and deeply entangled politics and economics at the local level.

The formation of the regional elite was linked to the executive government bodies that have vertical ties to the federal government bodies and personal connections in the apparatus of these bodies. The regional heads of federal agencies (like the Security

\textsuperscript{46} Ibid
\textsuperscript{47} Ibid
\textsuperscript{49} Anuradha M. Chenoy, no. 17

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department, the police, tax department, office of the Prosecutor General, etc.), and the heads of the regional banks and the financial structures all form part of the elite. The leaders of select commercial structures and state-owned or joint stock companies, and the deputies of the Federal Assembly, as also some selected deputies of the regional representative body (the oblast duma) are included in this elite, as are some people from the media. It had become evident that by 1995, private business was inspired by, and supported by, the regional administration. Some successful entrepreneurs have been actively involved in politics. In any case, the business elite influences regional politics and is closely linked with the regional executive structures for creating favourable terms for them. It is, thus, evident that only those sections of the elite have survived that were close to the political circles. It is also clear that this elite had its roots in the social and economic structures of the USSR, and that the political, business and executive elite have close links to each other.

The regional elite has controlled the privatisation process in the regions. It has also exercised control on the national economic policy since it has power over the companies and resources in its regions. The elite used their insider knowledge during the early phases of privatisation when state property got transformed into private property to gain control over the key commercial structures. In many regions, the local governors have acquired large stakes in commercial ventures and control the local industry and a stake in the natural resources. The governors have in many regions played the role of uniting regional leaders and making significant decisions at the federal level.

The regional elite has, thus, gradually entrenched itself in power. It is difficult to take local decisions without the assent of this elite. Sections of this elite are part of the old CPSU apparatus and control the levers of the transition in the regions. The elite is represented in all parties and can often be found in electoral processes or behind the nomination of candidates.

51 Kukolev, p. 39.
Problems of State Building

Administrative weakness was one of the heaviest legacies that the old regime bequeathed to the new.⁵³ Administration was subordinated to the Communist Party apparatus and even lacked the basic responsibility of recruiting its own civil servants; this was managed by the Party’s nomenklatura system. The Soviets were primarily political bodies and were never designed to be effective instruments of administration. Their bloated memberships met rarely in plenary session while the actual administrative work was carried out by their executive committees guided by the local party organisations, the all-powerful obkoms at oblast level, gorkoms in the cities and towns and the raikoms in urban and rural districts.

Building democratic institutions must be at the heart of any democratisation process, but this was relatively neglected in the first post-communist years as attention was focused on economic transformation. Compared with the other post-Soviet states, it was both easier and more difficult for Russia to establish the institutions of an independent state. Russia inherited the buildings, staff and networks of the defunct Soviet Union, but this itself caused problems because it inherited the attitudes, bureaucratism and inefficiencies of the old regime whereas the other republics could start out on a relatively clean page. Just as Lenin in the early years of Soviet power attributed the defects of the new regime on holdovers from the old system, so too the new government in Russia had a ready object on which to place responsibility for its own inadequacies.

Following the 1991 coup the ebbing of the simple conflict between the Communist ‘centre’ and the insurgent ‘democrats’ revealed structural weakness in the organisation of the legislative power and exposed a crisis in relations between executive and legislative authority.⁵⁴ The Russian legislature elected in March 1990 was not designed to choose or to control a government, let alone act as the supreme source of sovereignty. It did not have effective means to fulfill customary parliamentary functions like approving the

overseeing budgets and legislation. The absence of the separation of powers worked both to the legislature's advantage, in that it had direct control over about half of the state expenditure, but also to its disadvantage, as in its weak control over the executive.

Parliament's 'marginalisation', however, was of a special type; the increased powers of the presidency were always clearly envisaged within the context of Parliamentary supremacy. The extraordinary powers of the President were always regarded as temporary, so that when at the height of the struggle in 1993 Parliament deprived the President of these powers, they were doing no more than what they were entitled to.

Sharpening differences over economic policy and state construction gave rise to the emergence of a 'rejectionist' front, those united by their opposition to the break up of the USSR, radical economic reforms and Yeltsin's entourage. Their positive programme was unclear and reflected divergent interests, but a common hostility to the new order represented by the August regime was enough to unite them in opposition to Yeltsin. At the same time, although independently Khasbulatov and his colleagues sought to reverse the marginalisation of Parliament as an institution, leading to profound political crisis at the sixth and succeeding Congress. At that Congress, for example, Khasbulatov condemned the cabinet's 'attack on democracy' and the dismissive attitude by ministers towards representative institutions.

The crisis of governance derived not so much from the personal qualities of the new leaders, the social context of the new politics or even long-term factors like the weakness of liberalism in Russia. More immediate political factors allowed the emergence of a type of dual power and ultimately provoked a constitutional crisis that led to bloodshed in the streets of Moscow in October 1993. There remained a fundamental 'constitutional' crisis because the 1978 Russian Constitution was heavily amended after 1990 and ended

56 Rossiiskaya gazeta, 8 April 1992.
57 Nezavisimaya gazeta, 9 July 1992
up granting both the executive and legislative branches supreme state power. Russia was *de jure* a parliamentary republic and *de facto* became a Presidential republic. The balance between executive and legislative branches remained a matter of political struggle rather than constitutional law. The President’s extraordinary powers were temporary and subject to the approval of Parliament. Parliament itself enjoyed extensive powers under the existing constitution and increasingly dominated by projectionist groups, was able to block the executive’s initiatives for constitutional change and economic reform.

**The Parliamentary Process**

The 1993 constitution established the two-tier system of congress and Supreme Soviet and created a bicameral federal assembly: the upper house, the federation council, made up of 178 representatives from Russia’s 89 federal components; and the lower house, the State Duma, with 450 deputies. The establishment of the federal assembly marked a decisive break with Soviet traditions. The Constitution clearly entitled the functions of the two chambers of Parliament, with the powers granted to the Assembly balanced by countervailing powers of the executive.

The Constitution requires the federation council to act on Duma-passed legislation concerning budget, taxes, financial policy, treaties, customs and war. If the federation council approves the legislation or fails to examine it within 14 days, the legislation is deemed enacted, subject to the President’s signature. If the federation council rejects the legislation, the two houses may form a conciliation commission to resolve differences. Any compromise legislation must be approved by the Duma may override the rejection of a bill by the federation council with a two-thirds majority vote. The passage of laws in each chamber requires a majority of the total number of deputies of that chamber, which means a majority of all the mandates in the chamber whether all seats are currently filled or not. Thus a majority of the total number of deputies in the Duma means at least 226

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58 A Nazimova and V. Sheinis state that 135 (13.2 percent) were from the intelligentsia and 584 deputies (57 percent) (including 3 top leaders) from top and middle levels of the apparatus and 452 (43 percent) from other groups.

votes, and 90 votes for the federation council. Within five days of final action by the federal assembly, legislation is sent to the President, who then has 14 days to sign or veto the legislation.  

To pass, a draft law must be approved by a majority in the Duma at each of three readings. To override a veto by the federation council, a two-thirds majority is required. The same qualified majority is required to override a veto by the federation council, a two-thirds majority is required. The same qualified majority is required to override a Presidential veto. Perhaps the most important feature of parliament is the prominence accorded to political parties in ordering its proceedings. The standing orders of the State Duma reinforced the incentives that the electoral law had created for deputies to affiliate with political parties and factions. They provided that the Duma was to be led by a steering body, called the council of the Duma, in which each faction had a single vote. Any faction formed from a party, which has entered parliament through the party list ballot is automatically recognized, as in any other political group with at least 35 members. Even deputies who are independent of parties generally join one or another political faction because by doing so they acquire a voice in the powerful council of the Duma which directs the work of the Duma. The factions themselves allocate committee chairpersonships, distributing them in rough proportion to the strength of the factions on the floor. Members who are not organised in a party faction or registered group, therefore, are unable to seek any committee leadership posts for themselves. Similarly, the factions have certain material privileges and procedural rights; they receive office space, equipment and staff, and have a priority over individual deputies in being recognised in floor debate.

Parties have ample opportunities to use the Duma for their electoral purposes. If a party wants to use the parliament to showcase a particular bill or investigation, to hold press conferences or parliamentary hearings, to force a vote or to prevent a vote, the party centred organisation of the Duma allows it to do so. Gennadii Zyuganov, the leader of the

Communist party of the Russian federation, made the Duma a major organisational base for his political campaign by regularly holding press conferences, meeting with campaign staff, and sending out faxes to campaign workers around the country.

Thus, unlike the old presidium of the Supreme Soviet, where committee chairs comprised the membership, parties organise the major decisions about agenda and have the opportunity to hammer out agreements on the shape of legislation. Deputies outside particular factions are unrepresented in the governing council. Moreover, the new rules diminished the powers of the chairperson, turning some of the powers that the chairperson had enjoyed in the past over to a committee on organisational affairs, and others to the new council of the state Duma. The new Duma is therefore less centralised than the old Congress and Supreme Soviet system.

The Federation Council
The Federation Council is formed from the governors (heads of administration) and legislative heads from each of Russia’s eighty-nine components. Those republics with the bicameral assemblies (like Karelia and Yakutia) were forced to choose between their two speakers. The governors were to be popularly elected by December 1996, although twelve exceptions were made allowing elections in December 1995. A candidate wins if they gain 50 per cent plus one of the vote; if not, the contest goes to a second round between the two leading candidates. Members of the federation council are full-time officials in their own regions or republics and thus have little time to devote to federation council matters.

The federation council is organised very differently from the Duma. Political factions are not recognised and for all practical purposes do not exist. Nor is there any presidium or central executive committee. Responsibility for bill referral, agenda, and supervision of the central staff is placed in the hands of an elected chair who meets regularly with committee chairs to discuss the agenda and other housekeeping issues. In January 1996,

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64 Nezavisimaya gazeta, 6 December 1995, p. 1
the Federation Council elected Yegor Stroev as its chairperson; he simultaneously served also as governor of Orel province. The chair's powers are not checked by or shared with any committee other than the deputy chairpersons. In fact, the chair's power appears to be enhanced by the vacuum created by the part-time status of most deputies in the chamber. The chairperson has a good deal of autonomy in administering the chamber’s staff, determining its agenda, and influencing the outcome of voting.

The members of the federation council were elected in December 1993 when the Duma was elected. Under the new law governing its formation, however, the chamber is made up on an ex-officio basis of the heads of the executive and legislative branches from each of the 89 subjects of the federation. As elections are held for the governors (chief executives) and assemblies in the regions, new members replace outgoing ones. Since the federation council members all hold full time positions in the regions, it is in session much less than the Duma, and tends to leave the day-to-day work to a few full time deputies and the staff. The federation council has created fewer committees, just 12, in comparison with the Duma, which had 23 in the 1994-95 period, and 28 in 1996. Like committees of the Duma, the committees of the federation council conduct hearings and discuss legislation, sometimes working with their counterpart committees in the Duma.

In general, however, partly because the federation council usually deals with legislation after it has passed through the three readings in the Duma, and partly because many deputies in the upper chamber are occupied with their responsibilities at home, council members are much less closely involved in the legislative process than are members of the Duma.

Constitutionally, the federation council does not have to consider all legislation and some bills can bypass it if it fails to act on them in the time specified. Other bills, those on spending, taxation, financial policy, treaties, customs and war must be taken up by the federation council. This power has allowed the upper house to block some of the Duma’s efforts to increase spending, the regional leaders frequently arguing that they will

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65 Stephen Whitefield, no. 12, p. 41.
be held responsible for making good on the obligations undertaken by their free-spending--colleagues in the lower house. It has also allowed the federation council to block some of the restrictions that the Duma attempted to impose on the privatisation process, including land privatisation. It was highly significant that the federation council rejected the land code passed by the Duma. The land code has been a major legislative project of the agrarian lobby, with communist support.  

The federation council has developed its own distinctive political personality. Above all its members use the Chambers to block laws that might limit the prerogatives of regional governments or saddle them with unfunded financial obligations. Sometimes therefore, their actions are directed against the Duma’s efforts to increase spending on popular social programmes such as pensions. In other cases they vote down attempts by the pro-Communist functions to restrict property rights of citizens. The Federation Council members want to leave greater discretion for regional governments in regulating privatisation and property rights. In the sense that the federation council frequently checks the Duma’s assertions of the central government’s distributive and regulatory authority, it is a form of working federalism. But its habit of frustrating policy compromises worked out in the Duma also gives the President a free hand in setting policy by edict.

The composition of the Federal Council changed considerably after the 1996 marathon of regional elections. But experience suggests that the relevant cleavage is not the left-right division, which continues to dominate the Duma politics. Rather, its members are likelier than ever to guard the prerogatives of their regional governments, fending off incursions of federal power.

Legislature-Executive Ties
As a result of the 1993 Constitution and the other institutional changes it brought about, power in parliament is more decentralised than in the past, while conflict within parliament and between parliament and the executive is more structured. Parliament and

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66 Ibid
government use procedures established by the standing rules and the Constitution to identify and resolve their differences. Nearly every major issue on which parliament and the executive have differed since January 1994 has been resolved by a compromise. To a surprising degree, the actors on both sides of the system have found it advantageous to resolve their differences through bargaining and compromise. The tense brinkmanship prevalent in 1992-93 in the relations between executive and parliament has not recurred. The President does not invariably use decrees to enact policies; sometimes representatives of the President and government have usually worked with parliament in joint commissions to find mutually acceptable solutions. Both the 1994 and 1995 budgets passed after long negotiations between representatives of the major Duma factions and the government.

The Federal Assembly's legislative efficiency is hampered by both internal and external obstacles. Internally, it is observed that the Duma has chosen to retain a non-majoritarian, party dominated governing structure and decentralised distribution of rights. The external obstacles to legislative productivity include the President's ability to veto Duma legislation and his ability to make policy by edict. Yet notwithstanding these limitations, parliament has passed a number of important acts of legislation, such as parts one and two of the civil code, the law on local self government, the law on elections of the Duma, and the law on production sharing. In mid 1996, after two years of work, parliament passed and the President signed a new criminal code. In each case compromises were hammered out by commissions representing the major factions and the executive branch, permitting passage of the measures in parliament and Presidential approval. This has been possible on Parliament's side because major political decisions are made in camera by faction leaders, who are reasonably sure of being able to deliver enough votes to attain their desired outcomes on the floor. Broadly speaking, the policy areas in which parliament has had the greatest influence are legal reform (including the civil code and judicial organisation) and fiscal policy. In both areas, the party-dominated legislative process has allowed both the articulation and resolution of multiple, competing political interests. In turn, when parliament has been able to reach agreement on a policy issue, the President and government have had to respect its constitutional powers.
The State Duma

The lower house, the state Duma, is elected every four years and consists of 450 deputies. The state Duma elected in December 1993, however, lasted only two years, on the grounds that the pace of change was too rapid for a long parliamentary term. The accompanying debate over the new electoral law sought to draw on world experience.

The first task facing the fifth Duma was to establish its own working practices, leading to the charge that it spent more time dealing with its own affairs than those of the country. It adopted a law on the status of deputies, the Duma’s budget, and regulations on its work and on secretarial and other support for deputies. Article 97.3 of the new constitution insisted that ‘Deputies of the state Duma work on a professional permanent basis’ unless engaged in teaching, scientific research or work related to the arts; the transitional arrangements for the fifth Duma, however, allowed ministers to remain MPs. The Duma met in plenary session for only two days a week and the other three were devoted to work in the committees. The Duma committees are divided among factions according to what is known as portfolio agreements.

Post-communist politics in the regions have been marked by a struggle on the part of the central leadership to establish new forms of local rule that would give it some influence over developments in the republics and regions. Yet the weakness of central institutions and conflicts among them has in fact given regional leaders greater freedom to shape their local political environment. Overall, during the period from 1991 to 1997, regional politics and political institutions developed in a Constitutional and legal vacuum. The general principles that were set out in the 1993 Constitution were still not elaborated in national legislation. According to the 1993 Russian Constitution, the new representative and executive institutions at the regional level were to be defined in each

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68 The reglament was devised by a Presidential Commission chaired by Mikhail Mityukov.
unit of the federation on the basis of federal law on legislative and executive organs in the regions. As of early 1997, however, no such law had been enacted. A draft law adopted by the state Duma in April 1995 was vetoed by the federation council and President Yeltsin on the grounds that it violated Constitutional provisions for the separation of the executive and legislature in essence by giving too many powers to the legislature to designate the chief of administration and to overturn his or her decisions.

Another law that had not been adopted was one defining the role of executive power in the regions and its relationship to the presidency and the federal government. It was unclear, for example, under what circumstances—if any—a republic’s President or governor could be removed by the centre once elected by the voters.

The constitutions (in the republics) and statutes (Ustavy) in the oblasts moved into the void setting out the basic relationships among the organs of power. These began to be adopted in most regions in 1994, though most were approved only in 1995-96 after the formation of new legislative bodies. Many of these documents directly contradicted the Russian constitution.

The regional leaders who, on the whole, had the greatest autonomy from Moscow (and the most concentrated political power) were the President’s of Russia’s twenty-one republics. They were not appointed to their posts, even formally, by President Yeltsin. Most of the Presidents were able to legitimise their standing through popular election as early as 1991, well before Yeltsin permitted governors to run for election. In several republics, such as Tatarastan and Inguestia, the leaders in power so dominated the political life of their regions that they won landslide victories that echoed pre-perestroika ‘the party—and people—are one’ elections.71

As a group, the republics Presidents were more likely than governors to have been part of the regional communist nomenklatura prior to the break up of the Soviet Union. Others

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71 Ibid.
while not serving in the top party post, had party or government responsibilities near the top of the hierarchy.

In several republics, political changes brought to power, new post-communist elites. The most controversial was Kirsan Ilyumzhinov, a millionaire with money of unknown provenance, who immediately set up a regime that has been described as a new ‘khanate’. Yeltsin’s former justice minister was elected President in Chuvashia where he invited former colleagues from Moscow to advise on reforms in his region. In one of his few efforts to place a reformer in a republic presidency, Yeltsin backed Vasilii Guslyaniakov, who was elected by popular election were not enough to keep Guslyannikov in power, however, when the Mordovian Parliament abolished the post of President in April 1993. The former military officers became leaders of two republics that had been involved in conflicts: Inguestia and Chechnya. Compared to Russia’s governors, the greatest control over local affairs by republic Presidents is one of degree.

By virtue of being able to organise elections at a relatively early stage, republic Presidents have, as a group, been much more secure in their positions than governors. Most won election, in some cases twice, with a commanding majority of votes or unopposed.

Yeltsin attempted to fill the vacuum left by the removal of the obkom first secretaries by designating governors (formally, ‘chiefs of administration’) They took over the offices and buildings that had housed the local elite from the communist era (which usually represented the best office space in the provincial capitals--especially in terms of telecommunications, given that they were equipped will direct phone lines to the Kremlin separate from the normal phone system.

Yeltsin initially sought to hold elections of executives in the regions. However, when it became evident that Communists might win a number of regions, these elections were postponed ‘for the period of radical economic reform.’ Rather than allow Communist era

72 Nezavisimaya gazeta, 6 December 1995, p. 1
Soviets to choose local leaders, Yeltsin opted for the right to designate oblast chiefs of administration himself. Nevertheless, when Yeltsin encountered local opposition to some of his appointments, he often backed down and allowed local favourites to remain in power.\textsuperscript{73}

The powers of appointment and dismissal gave Yeltsin both leverage over local politics and a potential base of political support in his efforts to consolidate power at the centre. The latter turned out to be more important than the former. Yeltsin rarely used his power to appoint to stimulate reform in the regions; nor did he use the power to dismiss opponents of reform. The complexities of regional politics made it difficult for Yeltsin to simply designate a loyal supporter to the governorships. While he was able to accomplish this in some cases, such as Nizhni Novgorod in 1991 when he named Boris Nemtsov governor in most cases Yeltsin was forced to find a candidate acceptable to the regional Soviets that had been elected in 1990.

The introduction of elections of Russia's governors was sporadic. The two cities that had provincial status, Moscow and St. Petersburg, elected Mayors in June 1991 concurrent with the first Russian Presidential elections. Regional Soviets in eight provinces took the initiatives from Yeltsin in April 1993 and called elections as a means to reject his gubernatorial appointees. In the case of Chelyabinsk, Yeltsin refused to sanction the outcome of the election and appointed his own candidate to the post Yeltsin removed two other governors elected in April in October 1993.\textsuperscript{74}

Yeltsin approved gubernational elections only in 1995, with selected governors being allowed to run for re-election on a case-by-case basis. In December 1995, 12 more governors were elected. The mayors of Moscow and St. Petersburg came up for a second set of elections in mid-1996. Finally, in late 1996 and early 1997, elections were held successfully for the governorships of 33 of the remaining regions. Thus, by January 1997

\textsuperscript{73} Robert Sharlet, n. 14, p. 539
\textsuperscript{74} Ibid.

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nearly all Russian regional leaders, including both Presidents and Oblast governors, had been popularly elected.  

Political organisations at the national level began for the first time to get involved systematically in regional politics during the 1996 gubernatorial elections. At stake was not just political power in the regions, but also control over the upper house of the national Parliament, the federation council. (The rules of forming the federation council were changed in 1995; instead of two directly elected deputies per region, the chief of administration and the head of the regional assembly or Parliament were designated deputies.)

Executive Powers at the Local Level

In the Soviet period, each region had a provincial legislature, or Soviet. Until the 1990 elections, these bodies were large bodies that met infrequently and that provided little more than formalised participation in decision-making. The Soviets also served as the institutional home for provincial administrators—the executive committee that constituted the core of local government. This included departments that provided or supervised education, health care, services, local industry and infrastructure, housing, police and other local agencies.

Regional legislatures elected in Russia in 1990, while still called Soviets, took advantage of the changes in Soviet politics under Gorbachev and Yeltsin to push for a more assertive role over policy and local government. They continued, however, to be large, unwieldy bodies with few permanent members and staff. A presidium, headed by a chairperson, often dominated the agenda setting. Despite the fact that most of Yeltsin’s appointees as governors had been approved by and often emerged from the leadership of the Soviets, there often developed deep conflicts between the institutions at the regional level. These conflicts between governors and the heads of regional Soviets mirrored the confrontation between Khasbulatov and Yeltsin in 1992-93 at the national level as each

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75 David Lane, n. p. 542
branch of government fought for control over budgetary authority, policy making and administration.

When Yeltsin used the Russian army to solve the Constitutional crisis of September-October 1993, he took advantage of the situation to also dissolve Soviets in almost all regions of Russia. The result was a major shift in local power to the benefit of the executive branch, again paralleling the changes that took place at the national level. Commencing in December 1993 and extending into 1995, elections were held in most regions of the country for regional assemblies.

These assemblies differed in both size and function from the Soviets they replaced. The major advance in the creation of new institutions was that the new assemblies were smaller than in the past and were to include members who would be designated to act as permanent legislation. These positive features, however, were outweighed by other developments. Officials in the executive heartily and local economic elite's dominated the new assemblies to a much greater extent than was time in the old Soviets. In over 65 of the 89 assemblies, officials from the executive branch and enterprise directors or farm managers made up over half the assemblies. Most continued to hold their posts, since this was the severe of their real power, rather than devote themselves to full-time legislative activity. This virtually guaranteed that most legislatures would have substantial conflicts of interests and would meet irregularly and infrequently.

The ability of these ‘representative’ bodies to serve as a check on executive power or to engage in effective legislative activity was further limited by changes in the powers of the assemblies. Regional assemblies, according to an October 1993 Yeltsin decree, could override a governor’s veto only by a two-thirds vote of all elected deputies (not just those deputies present). Given the composition of the assemblies, most could fairly be described as ‘in the governors pocket’.

The changes in sub-regional or ‘local’ politics also had the effect of strengthening the power of provincial leaders. Yeltsins’ October 1993 decree disbanding regional Soviets
was accompanied by an even more categorical order to dissolve all lower-level Soviets. Virtually all functions of local government were placed in the hands of administrators, most of who were appointed by governors or Presidents. This was true even for most city majors, though elections for mayors were held in several cities in 1994 or earlier. In late August 1995 Yeltsin approved a new law on local self-government, which, at least in theory, married a major advance in the democratisation of local politics. It mandated the formation of local government that would have wide-ranging powers, including tax and budgetary authority, control over municipal property and the right to make decisions that were binding on all organisations or factories (including those that were privatised or federally owned) that were located within its territory. The law required that representative bodies be directly and popularly elected. Local officials (chiefs of administration) could be either popularly elected or chosen by a representative assembly from among its elected members. It was up to the subjects of the federation to adopt legislation implementing this federal law in their regions, and the law explicitly prohibited any federal unit—including republics from forming these representative bodies themselves or appointing local officials. According to the law, elections of local assemblies and officials were to be held within six months of the adoption of the law, in other words, by the end of February 1996. Legal sanctions were to be put in place to punish regions where the law was not implemented.

There was considerable opposition to the law, particularly by the group that had the most to lose oblast governors and republic Presidents. In September 1995, just as the new law on self-management was passed, eleven chief administrators sent request that their territories be exempted from the law. Anatoli Sobchak, a leading democrat and at the time mayor of St. Petersburg, predicted that the law 'will bring nothing but chaos to the country'. Yeltsin himself backtracked, and issued a decree postponing the elections – a step that the state Duma successfully denounced as unconstitutional.

By the time, the elections were supposed to have been held, late February 1996, at least 40 regions had still not even drafted laws on local government. At the end of 1996 Governors and Presidents often continued to appoint local administrators, and
representative bodies had not been created. Republics were the most resistant to introducing lower-level elections, especially republics that had signed agreements with the centre giving them the right to form their own governmental institutions.

The effect of replacing appointed officials with elected ones undermined the power of governors, and the conflicts that emerged between governors and majors who had been elected before the law was passed provided ample evidence of this. Since the relationship between holders of the two posts was poorly defined conflicts quickly emerged over privatization, control over state and city property budgets, and other issues. These differences were often exacerbated by ideological differences, since, as was indicated above, rural voters are typically more conservative than voters in cities. Perhaps the most extreme of these conflicts took place in Primorskii krai, where in 1994 governor Yergenii Nazdratenko ousted the elected major of Vladivostok, Viktor Cherepkov, using apparently trumped-up corruption charges. Yeltsin sanctioned the firing but in 1996 Cherepkov was reinstated on the order of a Moscow court and with Yeltsin's blessing.

Other major conflicts between governors or Presidents and mayors emerged in many regions, including Irkutsk Khabarorisk, Buryatia, Nizhnii Norgorod, and Tambor.

Control over the local press is another source of power for governors and republic Presidents. The primary sources of information in the provinces are central television, which pays little attention to regional issues, local television, and local newspapers. Local television is typically limited to a few hours a day, and the staffing and editorial content are tightly controlled by local government, broadcast facilities for most regional broadcasts remain under the control of the state, and appointments of station directors are formally made by the Russian Federal TV and Radio Services only- with the approval of governors or republic Presidents. As a result of spiraling costs of delivery and newsprint, few Moscow-based papers are available in the provinces-- a major change from the Soviet era, when the central newspapers were printed at regional presses for timely distribution across the country. Moreover, local newspapers are heavily dependent or financing and privileges obtained from local authorities. Until the October 1993 events many former-communist party newspapers had been taken over and sponsored by
regional Soviets. In effect, this sponsorship gave journalists some freedom of maneuver, since the Soviets were themselves divided or in conflict with the regional executive. With the dissolving of the Soviets, many of these papers were taken over by governors or republic Presidents. In November 1995, President Yeltsin signed a new law on federal subsidies to smaller district and city newspapers, but decisions on how the funds would be distributed were left to regional legislatures and governors.

For these and other reasons, in most regions the press plays the role of official mouthpiece for the local political leadership. Naturally, there is no serious attempt to examine critically the policies and behaviour of the local elite. Even in Moscow, a city with the widest variety of newspapers, there is very little critical reporting or commentary on Mayor Yuri Luzhkov or his administration. In those regions where there is an opposition or an independent newspaper, its distribution is extremely limited. There have been numerous cases of more blatant attempts to curtail the expression of opposition views, including closing newspapers withholding necessary newsprint and supplies, conducting repeated 'tax audits', and intimidating (or even killing) journalists. A particularly popular strategy is to file lawsuits against newspapers for the redress of 'emotional harm' inflicted on government officials by ever-minor slights. Mayor Luzhkov has probably been involved in more such lawsuits than any other public figure, and it is almost always the case that courts rule in favour of the 'offended' official. The result of the shortcomings of the regional press is to undermine accountability and nullify much of the progress that has been achieved procedurally in the area of democratisation and civil rights.

The provincial leaders often took advantage of economic changes to enhance their positions. The method by which privatisation was carried out in Russia had the effect of directly benefiting local economic and political elites. The inside track to gaining effective control over enterprises was given to enterprise managers, in other words the local economic nomenklatura. Local officials frequently offered the procedures for privatisation to provide additional advantages to the local economic elite such as closing share auctions to outside bidders and creating regional share funds. Further consolidation
of local control began in 1996 as the national government began turning over their shares in privatized federal-level enterprises to local government as a substitute for budgetary financing. Federal (formerly all union) enterprises were the largest and most valuable enterprises in a region. The result of this transfer was, if not a controlling share, then a substantial voice in enterprise affairs through a place on the board of directors.

Banking sector reforms in Russia led to the creation of numerous regional banks, most often by financial groups with close ties to regional officials. Many regional leaders have sought to keep Moscow-based banks from setting up operations in their areas, fearing the loss of control that this would represent. Meanwhile, commercial banks in the regions have conducted their activities in the interests of the local administration.

Land reform, though obstacles have been placed in its path by the state Duma at the national level, has mostly been blocked at the regional level—efforts to use the presidential representatives to overturn policies in violation of Yeltsin's land reform decrees proved ineffective. Another form of land privatization that of land on which enterprises sit, is another instrument of control over the local economy that regional elites are loath to give up. Restrictions and outright bans on the privatization of land under factories has allowed city and regional officials to lease this property to the users for substantial fees and has provided many opportunities for extorting bribes. The city of Moscow has been in the forefront of efforts to prevent privatization of urban land, but there are only a few regions that have allowed significant land privatization by enterprises.

Regional elites have sought to control other aspects of economic activity in their regions in ways that undercut centrally mandated reforms. This has included restrictions on the flow of goods in and out of their regions. A number of regions established checkpoints at major transit points to prevent the 'export' of unauthorized shipments. Many regions obstructed price liberalization by replacing out of local funds the discontinued central subsidies on consumer goods and services. Until 1996, Ulyanovsk oblast rationed basic
foodstuffs out of a fund made up of payments by local industries enterprises. Only when these enterprises began to go bankrupt was the region forced to end this poverty.

Through registration procedures and fees, regional and local governments have limited the competition and reduced the growth of new private business. The limitations were often designed to increase the profitability of enterprises still under local control, and prevent competition from entrepreneurs outside the region. It is also clear that a significant part of the bribes extorted by local administrators are the result of the regional and local government’s role in regulating business activity. A few regions have gone against the trend and adopted policies designed to further reforms begun at the centre.

There are considerable regional differences in support for reformist and communist political movements that emerge in national elections. Yet when these data from national elections are compared with the policies of popularly elected regional governors and republic Presidents there is little correlation. In other words, it is rarely the case that officials with a reformist agenda govern ‘pro-reform’ regions. On the other hand, a reformist leader may emerge and get elected in a region that has shown little support for reform in national elections.

Conclusion

The debate over the prospects of democracy in Russia centres on the importance of political culture and institutional arrangements. There are some, who believe that in the light of Russia’s autocratic past, there is a ‘natural tendency’ towards non-democratic forms of government. Others see political culture as more malleable.\textsuperscript{76}

In this context, the German experience may provide some lessons for inclining Russian political culture in a more democratic direction. Militating against rapid democratization are Russia’s history and traditions of authoritarian rule; disunity among democratic politicians who have not been able to unite in a single electoral list, let alone a political

party, over the course of several parliamentary and presidential elections; prolonged economic crisis; and the training and experience of most of the leaders of the formerly Soviet states. In turn, the lack of disunity among democratic politicians has not only weakened their influence in the institutions of governance, but has diminished their appeal as the people worthy of support and of holding office. In the direction of democratization, there are forces, which could impel the Russian Federation towards democracy. They include revulsion by many against the Communist political and economic systems; Western pressure for democratisation and the desire by many to be accepted as part of 'Europe', growing exposure to the cultures and political systems of the West; and the democratic strains in the Russian political tradition upon which even Russian nationalists can draw.

Russia has had only fleeting democratic experience. On economic development Russia would rank much higher than the Central Asian successor states, and ahead of Moldova, Belarus and Ukraine and the republics of the Caucasus, but behind the three Baltic republics. Indeed, those people who are worse off economically within Russia are generally the least favourable toward reform and democracy. The transition in Russia was largely consensual, though both in 1991 and 1993 some violence accompanied major changes. Unfortunately, the problems facing the country are very severe and conducive to lead some people to seek quick, non-democratic ‘solutions’. Among these problems are skyrocketing crime rates.

Moreover, the prolonged, demoralizing and terribly costly war in Chechnya is a multifaceted problem: the Chechens have humiliated the armed forces and political leadership, divided Russia’s politicians, thrust the vexed problem of the nature of the federation and centre-periphery relations into the forefront of Russia’s consciousness. Finally, there was the problem of Boris Yeltsin’s ability to function. He created a very strong presidency for himself, but had been unable to exploit his institutional powers. The transition had elements of both conflict and consensus. Therefore, the transition process
itself does not point clearly towards or away from the consolidation of democracy in Russia.