



Vladimir Putin reinvents Russian federalism

BY ANDREI ZAGORODNIKOV

When President Putin came to office he found that even though the constitution of the Russian Federation invested him with enormous power on paper, he could not use it effectively. As he tried to put his programs into effect, he discovered that the Parliament maintained the power to block many of his key initiatives.

Ironically, the present Russian Constitution—which was promulgated in 1993 during Boris Yeltsin’s presidency—concentrates power in the Presidency.

But, as President, Boris Yeltsin essentially ‘gave’ the heads of the regional governments a great deal of power that was not constitutionally theirs. In many cases these power-sharing arrangements were based on personal understandings between Yeltsin and the regional leaders.

The 1996 regional elections led to the rise of local legislative assemblies, which were mostly in opposition to the Kremlin. Many regions enacted constitutions that included articles in conflict with the Russian Federation constitution. That began what is sometimes referred to as a ‘War of Laws’.

At the same time, the way federal subsidies to the regions were allocated generated much dissatisfaction. Regions were divided into “donors” and “recipients”. The “recipients” received donations from the federal government as well as from the “donors”. Observers say this system was awkward and worked ineffectively.

The role of the upper house

Another complicating factor for the practice of federalism in Russia was the increased power assumed by Russia’s upper house of Parliament during

Yeltsin’s time. This is the Council of the Federation, the body designed in the 1993 constitution to be the Russian version of the German Bundesrat, or the senate in other federations.

The Council was composed of the heads of the executives of the regions (who have different titles depending on what type of constituent unit they lead—i.e., whether it is a Republic, autonomous territory, etc.) and the speakers or chairpersons of the regional legislative assemblies. All 89 constituent units were represented, giving the Council a membership of 178.

The Council of the Federation was designed to mediate between the regions and the centre. But during Yeltsin’s time its role went beyond that. The leaders of the regions would negotiate particular arrangements for their regions there and the Council became the focus for many important decisions for the entire country.

So powerful did this body become that candidates for Prime Minister (including Mr. Putin) felt compelled to appeal to it for political support before seeking the constitutionally mandated approval of the directly elected lower chamber of Parliament (the State Duma).

And so—in part to increase the President’s influence over Parliament, but also to enable the upper house to function more effectively—Putin got Parliament to pass a law that established new “guiding principles” for the Council of Federations.

The most important change was to the way members of the Council would be selected. No longer would the Council be made up of the heads of regional governments and the speakers of the legislatures. These ex-officio members would be

replaced by full-time members, some of them chosen directly by the regional executives and the others elected by the assemblies of the constituent units.

Too much centralized control?

To some, this change is problematic. They argue that the new members of the upper house will no longer have the capacity to act as honest brokers between the centre and the regions. They will be financed by funds from federal coffers and their housing, cars and other perks will be provided by the federal administration. Indeed this federal largesse might even include providing jobs for their family members.

Based permanently in Moscow and integrated into the Moscow power structure, the argument goes, members of the newly constituted Council could become isolated from the real needs of the regions.

And critics point out that this reform of the parliamentary upper house should be seen in connection with another significant reform Putin has initiated: the naming of seven plenipotentiary representatives of the President to deal with the 89 regions. Part of the job of these seven federal representatives will be to see to it that the laws and constitutions of the regions correspond to the laws and constitution of the Russian Federation.

Some critics argue that these initiatives taken together could be turning the Russian Federation into something that more closely resembles a centralized state.

Others point out that, since the fall of communism, many of the regional governments have been dominated by self-serving oligarchs. In addition,

a number of the regional government leaders were in the habit of devoting inordinate energy to political gamesmanship in Moscow—when they should have been seeing to the needs of their regions.

Putin's reforms, according to this view, serve to rationalize the federal system. They serve to encourage the governments of the regions to focus on the problems of their home territories. At the same time, they create deliberative bodies at the centre that can focus on the needs of the federation as a whole.

Putin's approach different from Yeltsin's

What is clear to everyone is that Putin is creating a system quite different from Yeltsin's—a system of balance and counterbalance. For instance, he has sought to increase the power and authority of the lower house of Parliament, the Duma. To cite one example: with President Putin's support the lower chamber has discussed taking over from the Council of the Federation the prerogative of appointing Constitutional Court judges and the Attorney General.

The Kremlin might consider that now that the question of reforming the upper house is settled it can turn its attention to the Duma—and that the lower house might pose less of a barrier to the exercise of presidential power.

This could be an illusion. The present Duma was elected during President Yeltsin's term. In the course of Putin's reforms the socio-economic situation in the country has changed. There is unrest in the parliamentary alliances, which are on the brink of break up. Under those circumstances the State Duma might become difficult to control.

But Putin seems to move in contradictory ways. On the one hand many of his policies seem to have the goal of moving power away from the regional leaders to the centre.

Then he re-established something called the "State Council", which some might say gives *greater* power to the regions.

The original State Council was the predecessor to the current Council of the Federation—an upper house of Parliament designed to be the voice of the regions at the centre. In its new incarnation, reinvented by Putin, the State Council is a consultative body whose aim is to co-ordinate the activities of the presidency and the upper house of Parliament. And the members of the State Council are those very same regional governors and other executive leaders whom Putin's reforms had ejected from the upper house.

Putin created this new body by Presidential edict so it has no constitutional status, and serves only to advise the President. But while only consultative, it could become very important. Observers see it becoming the body that drafts legislation and Presidential edicts, and that could formulate plans to reduce the territorial divisions of the Federation.

And so, in one sense, Putin has brought regional power right into the centre of the action.

Another way of looking at it, though, would be that the creation of the State Council is part of a process by which Putin is concentrating power in the presidency—since it only exists by virtue of the will of the President. Indeed, while the State Council will be able to offer advice, it is the President who will have the ultimate power of decision. Plus, of course, administratively and financially the State Council is completely a creature of the Kremlin.

There are those who argue that the ultimate plan is to have the State Council take upon itself some of the constitutional responsibilities of the upper house of Parliament. And some go so far as to suggest that the creation of this new body, in some ways, violates the principle of separation of powers.

What are the real goals of these reforms?

Does all this mean that Putin is creating a centralized structure with all power concentrated in the Kremlin? Not necessarily.

When one considers that over the past seven years a great many of the states have acted almost as though they were independent countries, Putin's strategy may seem not so much a power grab as a defense of the integrity of the Russian Federation. After all, among many examples of constituent unit governments going their merry way, we have:

- several states, such as Tyva, Tatarstan, Krasnodar and Daghestan signing international agreements and creating their own security forces;
- Bashkortan recognizing the sovereignty of the breakaway Georgian territory of Abkhazia;
- Yakutia adopting English as its 'official' language;
- Buryatia, Karelia, Ossetia and several other constituent units passing laws giving themselves the right to declare a state of emergency at will;
- and Ingushetia legalizing polygamy.

Given all that, it's not hard to sympathize with a Russian President who might want to put some order and coherence into the practice of federal governance in the country.

But still, many in Russia argue that there could be a different way to approach the reform of federal structures in Russia. The government, they say, not the President, could become the centre of economic power. These same critics advocate that the power of the judiciary should be strengthened and that measures should be taken to insulate legislators from the corrupting influence of lobbyists.

The President's role, according to this view, should be that of guarantor of the Constitution. The President, they say, should see to it that any political crisis be solved peacefully by co-ordinating the interests of different federal elite and pressure groups—just as presidents of many other democratic countries do. Only when that is done, or so these critics say, will democratic federalism have found appropriate mechanisms in Russia. (6)