

THE STATE DUMA

The post-Soviet Russian parliament has had a short but very dynamic history. The elected legislature has been overshadowed by the power and legitimacy of the directly-elected president. When Boris Nikolaevich Yeltsin (b. 1931) was president, from 1991-1999, the relationship was consistently antagonistic, while under his successor Vladimir Vladimirovich Putin (b. 1952) the parliament has been tamed and subordinated to the presidential administration.

Russia's historical legacy did not include a tradition of parliamentarism. On the contrary, under the Tsars Russia was a proud and self-proclaimed autocracy. In the wake of the 1905 revolution Nicholas II grudgingly created an elected parliament, the State Duma, which exercised its limited powers at the Tsar's pleasure. During the Soviet period there was a façade of Western constitutionalism. The Supreme Soviet was "elected" on the basis of one-candidate elections and its every move was scripted by the Communist Party. After the collapse of the Soviet Union, Russia adopted a new constitution that combined a French semi-presidential system with a German-derived federal structure with mixed proportional representation elections for the lower house. But in practice these formal institutions were over-shadowed by the Russian/Soviet legacy of authoritarian rule.

From Soviet Union to Russian Federation

Things started to change in 1985 when Mikhail Sergeevich Gorbachev (b. 1931) became the General Secretary of the Communist Party of the Soviet Union. When Gorbachev found his perestroika reforms were failing, he gambled on a more radical step - democratization. Independent candidates were allowed to run against Communist Party nominees in the March 1989 elections for a newly-created USSR Congress of People's Deputies. In about one quarter of cases, the non-party candidates won. Gorbachev found himself facing a combative parliament whose sessions were broadcast live and uncensored on Soviet television. Rather than support perestroika, the parliamentary deputies blocked Gorbachev's economic reforms and opposed his steps to crack down on nationalists in the Baltic and Caucasus. Boris Yeltsin, who Gorbachev had hired and then fired, used the elections to stage a remarkable political comeback.

The Congress consisted of 2,250 deputies, one third nominated by public organizations and two thirds elected from single constituencies. In turn this Congress elected a smaller Supreme Soviet that met in regular session. This cumbersome two-tier structure was created to give Gorbachev a chance of keeping oppositionists out of the permanent parliament. Gorbachev never put himself up for popular election: he was elected president by the Supreme Soviet in 1990. But having freed the democracy "genie," Gorbachev would not be able to stuff it back into its bottle.

In March 1990 there were legislative elections in each of the Soviet Union's fifteen republics, which further undermined the legitimacy of the Communist Party. The Russian Socialist Federal Soviet Republic's Congress of People's Deputies elected Boris Yeltsin

as its Chairman. There were three loose blocs in the Congress. There were about 311 leftists, mainly the Communist Party and its ally, the Agrarian Party. The 165 Centrists consisted of the Industrialists bloc of independents and a few smaller parties. The 248 pro-Yeltsin Democrats included the Democratic Russia bloc led by Yegor Timurevich Gaidar (b. 1956) and Free Russia led by Aleksandr Vladimirovich Rutskey. (b. 1945) The parties in this parliament were exceptionally weak, since candidates had run in single seats without any organizational backing beyond spontaneous “voters’ clubs.”

In June 1991 Yeltsin won direct election as president of the Russian Republic, with Rutskey as his vice-president. During the failed August 1991 coup the Russian Supreme Soviet, chaired by Ruslan Imranovich Khasbulatov (b. 1942), backed Yeltsin and the parliament building (the “White House”) became the headquarters of the resistance. In the wake of the coup Yeltsin and the other republic leaders agreed to dissolve the Soviet Union.

Thus the new Russian Federation inherited a semi-presidential system with a dual executive – a president and a prime minister. This originated in the 1978 Soviet constitution, radically amended during the chaotic last years of the Soviet state. The scene was set for a clash between two centers of power in Russia’s nascent democracy: the presidency and the Congress. Yeltsin took over the presidential administration that had been created by Gorbachev, on the basis of the old Soviet Communist Party Politburo and Central Committee. He also drew upon his own personal charisma, the legitimacy of direct population election, and the authority that came from representing Russia to foreign leaders.

In October 1991 Congress agreed to give Yeltsin emergency powers to rule by decree for one year, but they quickly regretted their decision when Yeltsin launched radical economic reforms (“shock therapy”) in January 1992. Parliament tried to block the price liberalization: they could still command the loyalty of some branches of government, such as the Central Bank and some economic ministries. On his side, Yeltsin controlled the finance and privatization ministries, and the foreign, defense and security ministries. Both Yeltsin and the parliament claimed to be the legitimate representative of the Russian people. The political stand-off continued through 1992-1993, culminating in Yeltsin’s decree no. 1400 dissolving the Congress on 21 September 1993. The Constitutional Court ruled that Yeltsin had exceeded his powers, so he suspended the court too. When the bulk of the parliamentary deputies refused to depart, Yeltsin had troops storm the building on 4 October 1993. Some 140 people died in the accompanying street fighting.

In the summer of 1993 an assembly, hand-picked by Yeltsin, drew up a new constitution creating a presidential republic. The new constitution was ratified in a December 1993 referendum, held at the same time as elections for a new legislature. The new Federal Assembly consisted of two houses. The State Duma had 450 deputies, half elected by proportional representation on national party lists and half in single seats, for four years. The upper house, or Federation Council, had 178 deputies, two from each of Russia’s 89 regions. They were directly elected in 1993, but under a 1995 law the representatives

were ex officio the governor and the regional parliamentary speaker, with their terms set by regional rules.

In the December 1993 elections pro-Yeltsin parties won 175 seats in the Duma versus 125 seats for the left bloc. The balance of power lay with the sixty four deputies of the semi-fascist Liberal Democratic Party of Russia, which had won first place in the party list vote with twenty-three percent support, thanks to the antics of its charismatic leader Vladimir Volfovich Zhirinovskiy (b. 1946). Only parties that won more than five percent of the vote were given party-list seats: eight passed the threshold in 1993. In addition to those eight parties, a pool of thirty five deputies was entitled to form a registered group to reflect regional or sectoral interests. Business was governed by a steering committee, the Duma Council, consisting of one person from each party or group. The most important task was dividing up the chair positions in the Duma's twenty three committees, which was done as part of a power-sharing "package" deal.

After the Budennovsk terrorist attack in June 1995 the Duma passed a vote of no confidence in Yeltsin, but was unable to start impeachment proceedings due to the withdrawal of support from Zhirinovskiy's party. In the December 1995 election only four parties won party-list representation. The Communist Party was the leader, with twenty three percent support, followed by Zhirinovskiy's party with eleven percent. The new pro-government party Our Home is Russia finished third, with ten percent.

Powers under the 1993 constitution

The new, semi-presidential constitution divided authority between the executive and legislative branches in a confusing manner – and without an effectively independent judicial branch to mediate disputes. This situation was exacerbated by the failure of a strong party system to develop, due to social anomie, the personal rivalries of political leaders, and the role of extra-parliamentary actors – state bureaucrats, regional leaders, and wealthy oligarchs. The party spectrum was highly fragmented, and shifted from election to election. In practice, Yeltsin was able to use his extra-constitutional powers to create what was in practice a "super-presidential" system of rule, in which the president was only minimally accountable to the parliament – although he did have to secure re-election.

According to the constitution (Art. 80-93), the president has the power to veto legislation, and to dismiss the parliament if they refused to endorse his nominee as prime minister three times in a row. He can also hire and fire ministers; dismiss the prime minister; call referenda; pass decrees where no laws apply; and act more broadly as the guardian of the constitution. (Yeltsin interpreted this to mean he had the right to refuse to sign bills that he deemed unconstitutional.)

The State Duma has the authority (Art. 105) to pass laws; to amend the constitution (with a two thirds majority); to overturn a Federation Council veto (two thirds majority); and to overturn a presidential veto (two thirds majority, plus a three quarters majority vote by the upper house). It is also charged (Art. 103) with the appointment and dismissal of the

Human Rights Commissioner and the head of the Central Bank and Audit Chamber; and may initiate the impeachment of the president (two thirds majority required). If the Duma passes a vote of no confidence in the government, the president must dismiss the government – or he may call for fresh parliamentary elections.

The Federation Council (Art. 105) approves laws and constitutional amendments (by $\frac{3}{4}$ majority), though bills relating to budgetary matters, international treaties or the declaration of war must be initiated in the lower house. The upper house rejected twenty three percent of the bills sent to them by the Duma 1996-1999. Other powers include: the right to change regional borders; to approve a presidential declaration of emergency; to announce presidential elections; to impeach the president; to appoint and dismiss the procurator-general; to appoint judges of the Constitutional Court, Supreme Court, and Higher Arbitration Court; and to authorize deployment of the armed forces outside Russia.

In none of the Dumas elected in 1993, 1995 and 1999 was one party able to form a majority, so the chamber was mired in factional bickering and was unable to impose order on the work of its committees. Too many bills were introduced: less than half made it to the first reading. During most of the Yeltsin era the anti-Yeltsin camp was strong enough to block government legislative initiatives, while the pro-Yeltsin camp was fractured and lacked institutional ties to the executive branch. Less than half the bills passed originated as government proposals. Yeltsin vetoed twenty percent of all bills 1996-1999, and in half the cases the veto was not overridden. The Russian public developed a strongly unfavorable image of the Duma. Meanwhile, Yeltsin continued to pursue his policies by decree – witness the privatization auctions and Chechnya invasion in 1994. Each year 1995-2001 the Duma refused to approve the budget in advance, so the government proceeded through sequestration.

From Yeltsin to Putin

Yeltsin was deeply unpopular, yet he managed to win re-election in 1996 thanks to a skilful and expensive media campaign. The State Duma noisily challenged Yeltsin at every opportunity – over economic policy, over the privatization of TV, over the war in Chechnya, and over NATO enlargement. They caused problems for Yeltsin by for example holding up the ratification of arms control treaties. But their constitutional powers were weak, and opposition voices were largely kept off the TV and radio, which were in the hands of pro-Yeltsin oligarchs. Yeltsin was physically incapacitated, and was effectively controlled by a shadowy inner circle of confidants. But repeated efforts to impeach Yeltsin fell short of the votes required: the most serious attempt was in May 1998. (Actual impeachment was highly unlikely, since it would require the approval of the Supreme Court, Constitutional Court and Federation Council.)

Despite these political constraints, during the second half of the 1990s the Duma became an important forum for lobbying by regional leaders and businessmen looking for tax breaks and legislative favors. The work of the leading committees, such as those for defense, foreign affairs, or budget, attracted a good deal of media attention and lobbying

activity. From 1996 to 2003 the post of speaker was held by Gennady Nikolaevich Seleznev (b. 1947), a Communist leader until he quit the party in 2002.

The August 1998 financial crash was a major political blow for Yeltsin, and undermined the fortunes of many of the oligarchs who were an important pillar of support for the president. In the wake of the crisis Yeltsin was forced to dismiss Prime Minister Sergey Vladilenovich Kirienko (b. 1962) and reluctantly accepted Yevgeny Maksimovich Primakov (b. 1929) as his replacement. Primakov, a former spy chief and foreign minister, was a candidate acceptable to the Communist-led Duma. This was perhaps the high point of parliamentary influence during the whole post-Soviet period. In spring 1999 the Federation Council refused to accept Yeltsin's dismissal of Procurator Yuri Ilyich Skuratov (b. 1952), who was investigating Boris Abramovich Berezovsky (b. 1946), a leading oligarch and backer of Yeltsin. In May 1999 Yeltsin struck back by firing Primakov, who went on to lead an anti-Yeltsin coalition of regional bosses, the Fatherland-All Russia movement.

A wave of terrorist attacks in August 1999 led to the renewal of war in Chechnya and the appointment as prime minister of the little-known Vladimir Putin, then serving as head of the Federal Security Service. Popular uncertainty following the 1998 financial crash and 1999 terror attacks led to a surge of support for Putin. In the December 1999 elections the newly-formed pro-government Unity bloc did well, winning twenty three percent support, just one percent behind the Communists. Primakov's Fatherland-All Russia bloc only won thirteen percent, and after the election it merged with Unity. Yeltsin appointed Putin acting president on 31 December 1999, and Putin coasted to easy victory in the March 2000 presidential election. Putin has consistently enjoyed very high approval ratings among the Russian public, and this has been an important tool in his campaign to strengthen presidential power.

Putin's centralization of power

Putin moved quickly and decisively to restore the "power vertical", a strategy which included bringing both chambers of parliament to heel while projecting presidential power over the regions. He created seven new federal districts to monitor regional officials. He took control of the two main TV stations away from their private owners and staffed them with Kremlin loyalists: a key element in the subsequent electoral victories of United Russia.

Initially, the Unity bloc made a deal with the Communists to share Duma committee chairmanships. But in April 2002 Putin's team stopped cooperating with the Communists and Unity, which renamed itself the United Russia party, took a majority in the Duma Council. But the Communists supported much of Putin's program, and the parliament approved virtually all of Putin's moderate economic and administrative reforms. The toughest battle was over the 2001 bill to legalize the sale of farmland. The law was passed, but the parliament included restrictions on land use and barred sales to foreigners. Most of the contentious issues are agreed in advance before the bill is submitted to parliament, in what is known as the "zero reading." It is very rare for a presidential

proposal to be defeated. And Thomas Remington reports that ninety five percent of the bills passed by the parliament were signed into law by Putin 2000-2003, compared to just sixty one percent signed by Yeltsin in 1994-95.

In June 2003, amid anxiety over terrorist attacks and utility price increases, the Communists succeeded in passing a motion of no-confidence in the government by 172 votes to 163, but this fell short of the 226 needed to force dismissal. Mikhail Borisovich Khodorkovsky (b. 1963), the owner of the Yukos oil company, poured money into the anti-Putin opposition parties on both the left and the right. Khodorkovsky was arrested on fraud charges in October 2003, and his company was taken over for alleged tax arrears. The Kremlin worked hard to lock in support for United Russia from business and regional leaders.

The December 2003 elections saw the pro-Putin United Russia win thirty eight percent of the party list vote, followed by the Communists (thirteen percent), Liberal Democrats (twelve percent), and the nationalist Motherland (nine percent). Both of the remaining liberal parties, Yabloko and Union of Right Forces, fell below the five percent threshold and were absent from the new parliament. The Organization for Security and Cooperation in Europe described the election as “free but not fair.” Of the 390 incumbents who ran again, fifty three percent were re-elected, a marked increase over the thirty three percent who were returned in 1995. Through pressing single-mandate deputies to join their ranks, United Russia ended up with 302 of 450 seats in the Duma – more than a two-thirds majority. Their leader Boris Vyacheslavovich Gрызлов (b. 1946), a former Interior Minister, became the speaker. In 2004 the minimum size of a deputy’s faction was raised from thirty five to fifty five: as a result no factions were registered.

Putin emasculated the Federation Council as a body capable of effectively defending the interests of Russia’s regions. An August 2000 law barred incumbent governors and speakers from sitting in the upper house, instead the executive and legislative branch in each region will each select another representative as their senator. The legislature’s representative is elected, and the nominee of the executive branch must be approved by the legislature by a two-thirds majority. The nominated senators are an eclectic mix, from pop stars to business oligarchs. Fully half of them are based in Moscow and not in the region which they represent. Putin ally Sergey Mikhailovich Mironov (b. 1953) became chair of the Federation Council in December 2001, and he ordered all political factions to disband. The Federation Council typically meets for just one day at a time, every two weeks. It usually speedily approves all proposals emanating from the presidential administration

In March 2004 Putin easily won a second term with seven one percent of the vote. In September 2004, in the wake of the Beslan school hostage tragedy, Putin announced a number of reforms aimed at further strengthening presidential power. Instead of regional governors being directly elected, the president would have the right to nominate (and dismiss) regional leaders, subject to approval by regional legislatures. Putin also said that the single-seat races that filled half the Duma would be abolished: in future the lower chamber will be entirely filled from the party list, and the threshold for qualifying parties

will be raised to seven percent in the 2007 elections. In December 2004 Freedom House downgraded Russia from “partly free” to “not free,” for the first time since 1991. In May 2006 a new draft law was introduced that will forbid deputies from changing their party affiliation after they enter the Duma.

Putin has managed to forge a compliant legislature under the control of a loyal, pro-Kremlin majority party. This has minimized, but not totally eliminated, the scope for the parliament to serve as a basis for organized opposition to presidential rule. Instead, the parliament serves as an institution through which the president can legislate his program and communicate strategic goals to the electorate – for example, through his annual address to the Federal Assembly each May. The assembly has not been a significant source of recruits for the political elite. Putin has been more likely to tap personal networks or regional leaders than bring a parliamentarian into the government.

Still, the parliament does serve an important role in crafting legislation, and it is a forum for deal-making – sometimes even between rival branches of the executive branch. It can also be a sounding board for popular unrest. For example, in January 2005 the State Duma passed a reform abolishing many in-kind social benefits. The resulting wave of protests drew support from many Duma deputies – including some from the ruling United Russia party. But the Duma is not able to provide a real check on the power of the president or his prime minister, still less offer an alternative government. Optimists might say, however, that by creating a majority-controlled Duma, Putin has laid a foundation for the possible future development of accountable parliamentary democracy in Russia.

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