

The Federation Council and Representation of Regional Interests

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The Federation Council, the upper chamber of the Russian parliament (also referred to as the "senate,") plays a number of different roles. It is an instrument for reconciling the interests of regional and federal elites and for lobbying regional interests. It is a political tribune for regional leaders to address the president, the government and the people. It is a new kind of meeting for the party and administrative elite (partkhozaktiv, like the CPSU Plenum of the past) to discuss the situation in the country and to present the leadership a view from the localities and vice versa. It is a club where regional leaders meet once a month to share their perspectives and experiences, to listen to a "clever guy from the government," and to complain. Finally, it is a forum for regional elite to promenade and demonstrate at the federal level.

Background

The present day Federation Council is a result of the convergence of two evolutionary lines:

- The House of Nationalities of the USSR Supreme Soviet (1989-1991); the House of Nationalities of the RSFSR Supreme Soviet (1990-1993 with the equal representation of republics and autonomous regions from one side, and oblasts and krais from another); the Federation Council of deputies 1993-1995 (with a lot of part-time deputies); and the Federation Council of members since 1996 (operating on a part-time basis).
- The Council of Heads of Republics (1992-1993); the Council of Heads of Subjects of the Federation; and the Federation Council of members since 1996 (Fig. 1). **(Figure One: Evolution of the Federation Council, Missing)**

The main historical milestones of the Federation Council are:

- 1993: The first, transitional Federation Council is formed by presidential decree;
- 1996: The Federation Council in its current form was created; and
- 1997: The Federation Council was renewed after governors went through gubernatorial elections in the regions (many of them unsuccessfully). At this time,

the representation of regions by pairs--with a governor as de facto leader and a speaker of the regional legislature in a supporting role--became the norm.

The Federation Council of the transitional period (1993-1995) was formed by direct elections in the regions, each of which constituted a two-member district. Its composition was rather diverse: heads of regional executives (59) and legislatures (15) composed less than 45% of the house. Four out of every ten deputies were former Soviet or Russian people's deputies. There were also those who worked on a professional basis (i.e., not regional chiefs). At that time, the work styles of the Duma and the Federation Council were rather similar. Federation Council Deputies were much more politicized than now, there were lots of discussions and public voting. Some attempts were made especially by leftists to form factions, but all failed due to insufficient numbers.

Before the first Federation Council (FC) finished its work in 1995 (and after lengthy discussion), a new system for electing FC members was devised. The Duma promised its support in exchange for FC backing for a mixed system of representation for the Duma. The Duma then reversed its position in autumn 1995, fearing the cancellation of Duma elections, and accepted the scheme supported by the president. According to this plan, heads of regional executive and legislative power automatically become members of the FC. The Duma insisted, however, that governors should no longer be appointed by the president, but rather must be directly elected in their regions by the end of 1996. Implemented since then, this provision has caused numerous objections, both by Duma deputies (demanding that FC members be directly elected) and by some FC members. Juridical complaints were lodged on the grounds that this arrangement violated the constitutional principle of division of powers by combining the functions of federal lawmakers and regional chief executives. This principle further presupposed that the FC would work on a temporary basis, which would mean that de facto the FC bureaucracy apparatus would do most of the work.

Since the FC now consists of governors and speakers of regional legislatures--and since these two kinds of leaders are elected in their regions in different ways--all members are not seen as equal. Governors in regions are elected directly by the people and speakers are elected directly in smaller districts to the legislature prior to election by "electors collegiums." Initially, regional legislatures were subordinate to executives in local power hierarchies, and governors essentially had control over the speaker in the majority of regions. Thus, the legislative partner of each regional pair occupies a subordinate position with regard to regional chief executives (mostly governors).

The Powers of the Federation Council

Constitutional powers of the FC can be grouped into three major areas:

1. National security and territorial integrity. The competence of the FC includes border changes between subjects of the federation, confirmation of presidential decrees on military and emergency situations and decisions on the use of armed forces beyond state borders. In 1998-1999 the FC made three decisions on sending in the military: Bosnia and Herzegovina, Abkhazia and Kosovo.

2. Appointments. The FC appoints and dismisses presidential nominees for Prosecutor General, judges of the highest courts, half the auditors of the Auditing Chamber and one-third the members of the Central Election Commission. It has the final say on presidential impeachment.
3. Participation in the lawmaking process. This is the most essential of Federation Council powers. The FC cannot adopt laws in a direct way, instead, it can either pass or reject laws adopted by the State Duma, as well as offer draft bills of its own initiative. The FC has no right to unilaterally insert additions to (or otherwise alter) a bill. It can either confirm the law in whole or reject it, in the latter case a conciliatory commission can be formed to revise the rejected law. In the event of a presidential veto, the FC has final authority to adopt or reject a law.

The FC is not obliged to consider all laws adopted by the Duma. The Constitution requires that it consider questions of war and peace, protection of state borders, ratification of international treaties, and federal fiscal policies (budgetary items, taxation and monetary issues). However the FC has not limited itself to these obligatory issues, instead considering about 90% of all Duma legislation.

Analysis of Federation Council lawmaking activity shows that up to three-fifths of laws are rejected on first consideration. In the majority of cases, rejection is accompanied by the formation of a conciliatory commission--although work on a bill in the conciliatory commission does not guarantee its approval. The Council does not necessarily pass bills initiated by its own members. Failure to pass its own bills can be explained by changes in the concept of the bill while it passed through the Duma, or by changes in the composition of the Federation Council itself.

The Federation Council rejects bills for different reasons. In the majority of cases rejection results from the absence of responsibility-sharing between authorities of different levels (especially financial responsibility), or if there is such sharing then its parameters do not satisfy senators. The necessity of bills' revision is supported most often by the representatives of "rich" regions--governors of Tyumenskaya, Nizhegorodskaya, Samarskaya, Saratovskaya oblasts. The polishing of bills does not necessarily solve the contradiction between power and resources--at present, some uncertainty and financial confusion is preferable to many senators. The rather widespread juridical imperfection of bills passed by the Duma encourages the FC to add items desirable for regions when finalizing bills.

The Structure of the Federation Council

The structure of the FC hasn't changed since its formation in 1993. Eleven committees formed in early 1994 on a voluntary basis continue to work. Each senator can be a member of one committee only. Committees dealing with problems obligatory for consideration are most numerous: budgetary (22 members), economic (22), and international (21). Representatives of executives comprise more than half the membership of these committees. The share of governors is largest (two-thirds) in the budgetary committee--the most prestigious in the FC. This committee's work requires

frequent communication with federal ministers responsible for the economy. The work in the international committee offers lots of international contacts and trips.

The law committee consists mainly of regional legislative speakers, and with only ten members is the smallest one in the house (as in the previous FC). The committee contains 4 of the 15 professional lawyers in the house. Speakers dominate also in the social and agrarian committees and the committee on federation affairs, two-thirds of which consists of representatives of the "national" regions--republics and autonomous regions. The committee on the North is also small, although a dozen of its members (8 governors and 4 speakers of Northern regions) form a very well-organized regional lobby.

The Federation Council has a chairman (sometimes also called a speaker), its most senior office. On the very first day of the current Council's work, Oryol governor Yegor Stroyev was elected to this position uncontested. In December 1998 in opposition to a speaker outburst (appropriate claims and proposals to reelect the speaker are frequent and usually ineffective) a Council of the FC was established consisting of the FC presidium (the chairman and his four deputies), 11 committee chairmen and the Regulation Commission with the status of a committee.

Four deputies to the chairman were elected in January 1996 along with the chairman himself. Stroyev proposed 4 candidates to these positions with the agreement of the heads of macroregional governors' associations. The candidates were Vasily Likhachev (Tatarstan, legislator) from the "Great Volga" macroregional association; Oleg Korolev (Lipetsk Oblast, legislator) from the "Black Earth" association; Valery Zubov (Krasnoyarsk Krai, executive) from the "Siberian Accord;" and Valery Kokov (Kabardino-Balkaria, executive) from the "Northern Caucasus." Serious changes among the FC vice-speakers took place in 1998: the lawyer Likhachev, after being appointed to a diplomatic post, was replaced by the lawyer Vladimir Platonov (Moscow, legislator)--Moscow got "the Volga's" position; Valery Zubov, who lost his gubernatorial election, was replaced by Vladimir Varnavsky (Omsk Oblast, legislator). Now two out of five vice-chiefs "belong" to the agrarian Black Earth region, while Moscow, the Northern Caucasus and Southern Siberia have one seat each. The Industrial Urals, North-West, Volga and Far East regions are not represented in the FC leadership. However, the picture appears more balanced if you take into consideration the 11 committee chairmen--"Black Earth" has 4 seats, North-West has 3 seats, Volga, Center and Siberia have 2 seats each, while the Urals and the Far East have 1 seat each.

Divisions within the Federation Council

The senators corps, while fairly homogeneous, is rather atomized. Scrutiny reveals that it consists not of large blocs but of separate particles. Due to the pragmatism of senators, their primary orientation is towards solving "their own problems" (which is easiest to do one-on-one and not publicly). This, combined with contradictions between the interests of different regions and the skillful leadership of the speaker produces a certain corporate unity within the chamber, marked by an absence of factions (senators are very proud of this) and distinct oppositional groups.

The position and behavior of FC members--from the heads of regions (governors and regional "presidents" among them) and speakers, to "ethnics" and "oblastniks," from "northerners" and "agrarians" to well-known figures like Yuri Luzhkov of Moscow, Mintimer Shaimijev of Tatarstan, and Eduard Rossel' of Sverdlovsk Oblast--differ greatly. However, none of these or any other attributes define senators' positions regarding the whole complex of issues the FC addresses.

Reporting success in many regions during gubernatorial elections in 1996-1997, leftists (National-Patriotic Union of Russia) were expecting the politicization of the FC through the formation of a strong communist faction. This did not happen: only a relatively small (20-25 persons), unorganized group of "red senators" appeared. There are no signs of any other party/ideological groupings in the Federation Council, moreover senators react with anger if their party affiliation "in the past" is mentioned.

Ideological differences among senators, especially governors, play a rather small role in the Council. Senators have no constant allies, only constant interests. "My party is Khabarovsk Krai," said Viktor Ishaev once (in the manner of Disraeli). The same thought was repeated by the Belgorod governor Yevgeny Savchenko ("Belgorod inhabitants are my party") and others. This means that "the governors club" is like any party--not better, not worse, with its own regulation, program, etc.

Some lobbyist groups in the Federation Council emerge in response to certain bills or groups of bills. Others have a more stable and enduring character, with "northerners" and "agrarians" being the strongest and most noticeable among them. Both are grouping around their profile committees: on affairs of the North, which separated in 1994 from the Committee on Federation Affairs and Regional Politics, and on Agrarian Politics.

Relations Between the Federation Council and the Duma

Federation Council-Duma relations can be described as friendly/competitive. If the FC is the hybrid of the parliament's Upper House--and a special kind of "regionally-organized government" (as opposed to a departmentally-organized one)--the Duma is a hybrid to a certain extent, since it contains elements of regional representation, as each region is represented by a deputy regardless of the number of voters. (This means that the vote of an Evenki resident is 40 times more valuable than that of his neighbor in Krasnoyarsk Krai).

Personal and institutional connections between the two houses of the Federal Assembly are numerous and varied. There are annual joint meetings to listen to the State of the Union speech, parliamentary hearings, joint work of committees on problems of mutual interest, work in the conciliatory commissions on concrete draft laws, and individual participation of some senators and Duma deputies in meetings of their colleagues.

The leftist opposition both in the Duma and in the FC (where it is much smaller) is eager to combine efforts to form a kind of united front against the Russian president, provided that only in such a case would the power of the two sides be comparable. The present Duma failed in forming an alliance with the current FC on the basis of a communist

platform. The communist section in the Federation Council is actually decreasing among governors--particularly with the renewal of that chamber's composition as regional elections take place (a constant process, unlike the Duma's elections once every four years). However, life is pushing both houses toward union. Since unity did not occur on a party basis--with Duma deputies as senior partners--governors want to try their own, on a regional basis, declaring the formation of "governors' blocs" in order to avoid extreme Duma politicization or being ignored by the 1999 Duma. Their ideal is a Duma as a congress of regional deputies--a kind of Federation Council--where the bigger the region, the more valuable the voice of its governor. This is impossible under existing electoral law. There is no doubt, however, that the influence of regional leaders in the new Duma will be significantly higher than in the previous one.

While on one hand the upper chamber has very limited rights, it is nevertheless a council of regional leaders/princes. The FC, unlike the Duma, does not need a separate executive branch to enact its decisions, as it has executive power in its own hands, or to be exact, in the hands of its governors. It is the necessity to realize laws proposed by its own members that prevents the FC from supporting costly populist bills that are passing the Duma with a big "Hurrah."

Evaluating the Federation Council

The deep financial-economic crisis of August 1998 gave the FC the opportunity to publicly demonstrate its weaknesses--slowness, an inability or lack of desire to act quickly, the primacy of corporate interests (the principle of non-interference in the "private" matters of colleagues), and putting the "honor of the regiment" over state interests. The latter has resulted in the complete absence of any reaction against regional authorities whose actions damaged Russian territorial integrity. For example, the Kalmykian president's actions caused a sharp reaction by all bodies of power in Moscow--the president and the Security Council, the government, the central bank and the Duma--except the FC. This is a weakness of the FC as a whole, both functionally (since it has no real capacity to intervene at a time of crisis) and internally (the absence of constructive unity among senators and the veche meeting-style of their activity). Individual interests, pragmatism and even unscrupulousness dominate the chamber (which allows the president and the government to achieve goals in the FC by "solving problems" for certain senators' personal benefit).

While the FC represents the interests of one elite stratum and while this function is very important, there are external mechanisms for the conciliation of its interests with those of other strata. Conciliatory commissions play a very important role as an instrument of compromise between the FC and the Duma, and between party/political and regional elites. In 1997, President Yeltsin instituted an informal practice of meeting together with the prime minister and the speakers of both the FC and the Duma to discuss and help resolve key issues (sometimes Yeltsin's chief of staff would attend). This group of leaders became known as "The Four."

Has the activity of the Federation Council promoted the consolidation of regional elites against the "center" (represented both by executives and national political elites in the Duma)? No, it has not. The FC seems not to reinforce but rather weaken and reduce the supply of certain regional leaders whom the center views as negative. Given this, for whom and for what is the FC now needed? It is not needed as a tribune for the most influential and well-known leaders (Yuri Luzhkov is an exception) or for the most dependent ones such as the majority of senators from autonomous okrugs (districts) and small republics as well (here Ruslan Aushev is a notable exception). The FC equalizes regional leaders regardless of the influence of their regions and thus serves the important function of checks and balances for the Kremlin in its relations with the strongest regional leaders and their possible coalitions--such as republican leaders or leaders of net-donor regions. However the Federation Council is needed not only by the center, but also by regional elites as an important part of the nomenklatura-elite system possessing decorative elements of democracy--a system which is already formed and reproducing itself at the bottom.

Separate regions almost do not attract other senators' attention, with the exception of "hot spots" like Chechnya, Dagestan, Ingushetia-Northern Ossetia, and rare cases of intensive lobbying like Moscow, St. Petersburg, Kaliningrad and Leningrad Oblast. The situation with groups of regions--especially northern and southern agrarian groups that have powerful lobbies in the chamber--is much better. But just as "drowning people must save themselves," the influence of a region in the FC depends almost entirely upon the leader who represents it. Thus, the issue of Ingushetia, thanks to Ruslan Aushev, may be discussed at every FC meeting along with the issue of supplying northern regions as presented by Aleksandr Nazarov (Chukotka), Valentin Tsvetkov (Magadan) and Michael Nikolaev (Yakutia). Simultaneously, the problems of disaster areas like Kalmykia, Tuva, Buryatia and a lot of other regions may be virtually ignored. Many senators are relegated to the shadows of those regions that are represented by very influential senators who occupy leading positions in the FC (e.g., Oryol, Belgorod, Lipetsk and Tambov oblasts), or by leaders who distinguish themselves outside the Chamber if not in it (e.g., Primorsk Krai, Sverdlovsk Oblast).