

Putin's Anti-Federal Reform 2: Back to the USSR

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Nikolay Petrov

Center for Political-Geographic Research

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The second phase of federal reforms, announced by the Kremlin in September 2004 fit into the general logic of reform under President Vladimir Putin. After a series of criminal investigations launched against regional governors, the Kremlin declared war against them. The governors have been the Kremlin's target since Putin came to power in 2000, and it was only due to the upcoming Duma elections that the Kremlin concluded a ceasefire with them in early 2003. In the absence of independent party leaders and with oligarchs diminished by the Kremlin, the governors had replaced both as independent political actors.

In response to the recent wave of terrorist attacks that has stunned Russia, on September 13 President Putin announced a package of sweeping government reforms that will bolster the authoritarian direction of Russia's political development.

Putin's plan included:

- a return to the late-Soviet practice, also in place during the early years of Boris Yeltsin's presidency, of appointing regional leaders;
- a proportional system of State Duma elections instead of a mixed one (with single member districts);
- the establishment of the Special Federal Commission on the North Caucasus;
- the formation of the Public Chamber.

The Logic of Reforms

Until recently, the Kremlin was battling on three main fronts. On one front, it was fighting against YUKOS and business, which it considered too independent in general. On the second, it was pitted against the rebellious governors. On the third, it was dealing with a public backlash over unpopular social reforms. Many analysts assumed that to open a fourth front against terrorism, the Kremlin would have to retreat in its standoff with the governors. Instead, Putin opted to eliminate the governors as an independent political class.

Beslan revealed that the federal government had learned nothing from the Nord Ost hostage crisis in 2002. The conclusions it drew from the most recent tragedy run counter

to common sense. Beslan demonstrated the inability of Putin's executive chain of command and the centralized state to meet the challenge of terrorism. We witnessed a complete lack of responsibility in the government and chronic indecisiveness at every level of power save the very top.

Regional elections

In the name of strengthening the state and improving its ability to battle terrorism, Putin has proposed a fundamental revision of the democratic achievements of the Yeltsin years, including the elimination of the most significant achievement: direct parliamentary and gubernatorial elections. Party-list contests involving United Russia will differ little from Soviet-era elections, in which people were invited to cast their votes for the “indestructible bloc of Communists and unaffiliated candidates.”

Regional elections, manageable as they were, nevertheless played an extremely important role in teaching voters about direct democracy and the regional political elite about public policy and responsibility to the electorate.

Table 1 shows that direct elections of heads of regions, begun in 1991 became well established. In spite of the active electoral engineering by the Kremlin, regional elections were more or less efficient in providing transfer of power in regions.

Regional heads' elections in 1994-2004 by years

Year	Number of elections	Turnout	Average actual number of candidates	Winner's result	Major contender's result	Winner's margin	Votes against all candidates	Share of run-offs	Share of incumbent's losses	Incumbents' nonparticipation on in races	Effective number of candidates
2004 (March-August)	11	64.2	6.2	54.7	18.1	36.6	8.6	0.36	0.27	0.09	2.8
2003	22	53.2	6.5	59.0	16.2	42.9	7.9	0.36	0.16	0.23	2.8
2002	12	58.1	7.2	53.4	21.6	31.9	4.8	0.25	0.17	0.17	2.9
2001	17	57.4	6.5	52.3	21.1	31.2	6.1	0.41	0.35	0.18	3.3
2000	41	53.9	5.7	56.6	17.8	38.8	7.6	0.24	0.17	0.15	3.1
1999	16	59.9	7.6	48.2	20.7	27.5	5.7	0.44	0.31	-	3.6
1998	10	59.5	5.6	63.5	16.9	46.6	4.2	0.30	0.60	-	2.6
1997	14	60.9	5.2	61.5	20.2	41.4	2.8	0.07	0.29	0.21	2.5
1996	52	50.8	5.0	51.4	25.8	25.6	5.5	0.37	0.48	-	3.0
1995	14	65.6	4.8	51.8	22.1	29.7	7.0	0.29	0.29	-	3.1
1994	6	51.6	2.5	66.8	16.4	50.4	...	0.17	0.00	-	2.1

Incumbents non-participation:

2004: ????? (??????);

2003: ????????? (??????), ????????? (??????), ????????? (??????), ????????? (????????), ????????? (????????)

2002: ????????? (?????), ????????? (??????)

2001: ????????? (????????), ????????? (????????), ????? (????????)

2000: ????? (????), ????????? (????????), ????????? (??????), ????????? (????????), ????????? (????????)

Managed democracy

Putin also announced the creation of a Public Chamber, which he described as a “forum for broad dialogue” and “a place for carrying out public analysis of key government decisions.” “In practical terms,” Putin said, “we are talking about civilian control over the work of the state apparatus, including law enforcement and the security services.” The creation of such a chamber would put the finishing touches on a system of surrogate institutions intended to replace weakened democratic institutions such as parliament, the government, an independent judiciary and a free press.

With the formation of the public chamber, the construction of managed democracy building started by Putin in 2000 is coming to the end. This new system of shadowy doubles is nowhere provided for in the Constitution, and depends entirely on the president. Instead of a parliament, Russia will have the State Council and the public chamber. Instead of the government, it will have the presidential administration, the Security Council and the maze of presidential advisory councils. Institutional systems of information gathering and public reception offices stand in for a free press. A transparent budget gives way to all sorts of off-budget funds and direct requisition from socially responsible businesses. Governors are no longer elected and accountable to the voters, they are appointed by the Kremlin. Political competition is weakened and the state becomes sealed off and ineffective.

The main defect in this rigid, centralized system is its lack of flexibility, its inability to adapt to changing situations and to react to crises. A system in which everything is bound to a single person, the president, is potentially extremely unstable.

Constitutional consequences

The issue is a rejection of federalism as the basis of the structure of the Russian state. Putin never tires of affirming his devotion to the Constitution. His plan does not require any changes to the letter of the Constitution, but it will alter the essence of Russia's basic law. Returning to the pseudo-federalism of the pre-Yeltsin years is a dead end that will lead to disintegration of the state, not consolidation. There is no country in the world even remotely comparable to Russia in size (with the exception of communist China) where the heads of regional governments are appointed.

Putin's reform plan will require the revision of all regional statutes and constitutions. The package as a whole represents a major reform of the constitutional order that will entail the widespread revision of existing laws.

Election to the Duma by party lists

Also at issue is the end of representative democracy at the federal level. Whom will elected officials now represent? The Kremlin. Through dummy political parties in the State Duma and Kremlin-appointed governors in the Federation Council appointed officials will be loyal to the Kremlin.

Administration officials now speak of “weak, cookie-cutter political parties” and “faux liberals” who despise their motherland. In their scorn for legislators at all levels and for the expression of popular will, they are merely following Putin's lead. Instead of questioning their own ability to conduct democratic elections, they cast doubt on the public's ability to choose its leaders.

The Kremlin's argument that canceling single-mandate elections to the Duma would resurrect political opposition is pure demagoguery -- as if the Kremlin were concerned about fostering an opposition. Under the existing laws on elections and political parties, the Kremlin already has the power, through its control of the courts, prosecutors and the Central Elections Commission to bar any party from contesting an election, including the four parties now represented in the Duma. The Kremlin now proposes to serve up dishes to suit every taste -- from its own kitchen.

Participatory democracy at the federal level has already been destroyed. By gutting it at the regional level, the Kremlin has further devastated the political landscape. Putin's reforms mean that politicians will emerge from a single source: the Kremlin's vaunted executive chain of command.

Neither public servants nor the citizens they represent will have a place to learn about democratic politics, for the destruction of direct elections at the municipal level is sure to follow. In response to Putin's announcement, the governors tellingly demanded full control over municipal and district leaders, including the power to appoint them. Executive chain of command will soon be extended from the Kremlin all the way to City Hall.

Reaction to Putin's reform plan was muted. Yet it would be a mistake to assume that the president's plan is long-term. The changes he called for are already having an impact. The proposed amendments to Russia's electoral laws have less to do with the 2007 elections and more to do with the loyalties of State Duma deputies and governors between now and then.

One of the obvious reasons for abolishing single-mandate seats in the Duma is to deprive governors (and oligarchs) of a powerful lever for influencing the lower house. The chorus of praise for Putin's plan from the governors makes clear how a single pronouncement from the Kremlin can alter the entire political situation.

Public reaction

The indifference of average Russians to Putin's plan is a product of the authorities' conscious effort, begun in the Yeltsin era, to undermine public confidence in the institution of elections. Managed democracy is also to blame for turning elections into a political show whose outcome is known in advance. Average voters did not think they really had the power to elect their regional leaders anyway. Hence, they stand by idly as the Kremlin formally strips them of this right.

The bill that the Kremlin submitted to the State Duma went further than even the president's original proposals. When Boris Yeltsin similarly announced his intention to introduce special measures for running the country in the spring of 1993, he was forced to

back down. After gauging the muted reaction from the public and the political elite, Putin upped the ante. He went even further when giving an interview in mid-November.

The apparent indifference to Putin's plan owes in large part to the absence of outlets for the expression of popular opinion. As a recent poll conducted by the Levada Center showed, a majority of Russians oppose the cancellation of direct gubernatorial elections - a remarkable fact given the regime's concerted efforts to undermine the public's faith in elections as an institution.

In essence, the Kremlin's bill would introduce presidential rule. The "election" of regional leaders would in fact amount to little more than the confirmation of the Kremlin's candidates. What's more, the president could appoint regional leaders even without the consent of regional legislatures. If lawmakers reject the president's candidate more than once, he could appoint an acting governor, disband the legislature, or both. Similarly, the Federation Council's power to appoint the prosecutor general in the Yelstin era was in practice little more than a formality.

This begs the question: Why does the much-ballyhooed consolidation of the executive branch require the total subjugation of representative government?

Reform underway

Much of what the Kremlin has proposed is already underway. Putin's envoys to the federal districts already select candidates in gubernatorial elections, and many governors have signed up for membership in United Russia. Regional leaders' discontent occasionally rises to the surface, and an active debate continues in the press. In terms reminiscent of the old days, the Kremlin's figures have labeled those who disagree with the president "a fifth column of left- and right-wing radicals in a besieged country."

For all intents and purposes, the Kremlin is turning citizens into subjects, robbing them of the right both to form their government and to express their opinions about that government in any form other than offering humble thanks to the president. By weakening democratic institutions and undermining the basis of self-rule, the Kremlin has actively inculcated paternalism in Russian society, even resurrecting the Soviet system of citizens' appeals.

The presidential web site proudly reports that during Putin's first term the number of appeals sent to federal and regional agencies within the executive branch nearly tripled, totaling more than 3 million last year. Some 800,000 appeals were addressed to Putin personally.

Under the guise of strengthening the state, the Kremlin is weakening it by putting all of Russia's eggs in one basket. Putin is constructing a system in which everything goes through him. Without the president and his high popularity rating, this system cannot exist.

Conclusion

The Kremlin's actions can be considered situational and reactive rather than strategic. However, they fit a certain logic, which does not accept long-run compromises and,

which offers simplistic resolution to complicated problems. Whether the Kremlin has a clear plan is unclear, and ultimately not very important. The importance of its actions is that it is radically changing the structure of the system, even if not intending to do so.

1. Local elections will be the next target for centralization. There were statements against electing mayors of big cities made by Vyachyslav Surkov, one of the Kremlin's chief political architects; there were also similar proposals made by some of the regional parliaments. To do this without violating the constitution and circumventing the legislature one can simply declare big cities to be at the level of state management, not of self-administration. It is difficult to imagine the situation when appointed governors would control elected mayors. Failure to elect mayors will mean that elections will apply to representative offices only. Given the subordinated position of the latter this will mean almost total Sovietization. There are presidential elections as well, but due to the lack of room for public participation in politics they will turn into formal legitimization of the general secretary of the ruling party.

2. The Federation Council is an important element in the whole scheme. With the new political structure, the Federation Council essentially replicates the State Council and the Council of Lawmakers. To change the basis for its selection, a modified 1993 system is possible, whereby candidates are nominated by both executive and legislative powers and elected by people. However, in this case competitiveness, if any, will be about lobbying powers of candidates rather than about their programs.

3. Growing apathy and electoral protest are inevitable results of the Kremlin's pressure on voters, its choosing of candidates, and the devaluation of elective offices. The Kremlin in fact has already faced this. Regional legislatures' elections in September-October 2004 have shown 15-20 percent votes against all party lists. This leads the Kremlin toward using Soviet methods to promote higher turnout.

4. Given restoration of the system of appointing governors, the Kremlin should give them back control over federal agencies in their regions. This is currently done by chief federal inspectors. The very position of a chief federal controller will lose its meaning. However, it appears that there are plans not only to preserve chief inspectors but to give them additional oversight functions and staff providing thus a system of double control along with the FSB.

5. A number of experts consider a shift toward appointed governors to be the first stage of the Kremlin's reform to consolidate the system of state-territorial composition. Immediately after the Kremlin announced its reform plans in September, it moved to unify certain autonomous districts with their "mother" regions, a move probably designed to reduce the number of states or regions.

There are rumors of voluntarily resignation of all governors orchestrated by the Kremlin at the beginning of 2005, which would make a turn to the new system abrupt instead of gradual. However, even if so we are likely to see almost the same faces in governors' offices, as this is more about institutional relations than about individuals.

One should not overestimate the immediate result of the reforms, as well as the real possibilities of the Kremlin to deal with authoritative regional leaders, especially in ethnic republics. It is worth pointing out that Moscow, although long having had

monopoly power over the appointment of law enforcement and security agency heads in the regions, even now is unable to exercise that power in full in the ethnic republics. Even in Kalmykia, the federal authorities encountered serious problems when trying to remove the head of the republic's interior ministry.

One should not underestimate the threat of ongoing changes in the future. Although Putin's regime is a soft and ineffective authoritarianism, it can easily pave the road to a much harsher one.

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