Changes in the status and role of Russia’s parliament – known formally as the Federal Assembly – reflect the turbulent evolution of the post-communist political system. Mikhail Gorbachev’s democratizing reforms of the late 1980s transformed the Soviet parliament from a ceremonial adornment of communist rule into an arena of stormy debate and tense political confrontation in the 1990s when Boris Yeltsin was president. In the 2000s, however, under presidents Putin and Medvedev, parliament has largely reverted to its Soviet-era role as a rubber stamp for the leadership’s policy initiatives. In this transformation are reflected the hopes, contradictions, and failures of democratic reform. Still, while parliament is not the source of political legitimacy and authority for the state in Russia that it is in liberal democracies, neither is it quite the decorative window-dressing that it was in the Soviet era. Rather, parliament has become one of several sites in Russia’s political system where bargaining and deal-making among organized interests take place. It also gives Putin and the government reliable majorities for their legislative agenda. Of particular importance is the dominant position of the United Russia party in parliament: United Russia serves as the mechanism for converting the political needs and ambitions of members of parliament into a solid bloc of voting support for the Kremlin. The transformation of parliament’s place over the years since the communist regime ended tells us a great deal about the dynamics of power in Russia.

To understand the contemporary Federal Assembly, it helps to begin with a brief review of the status of elective representative bodies in the Soviet Union. Although they exercised little actual power, they symbolized the idea that the people were sovereign in the state. Legally, the Soviet political system rested on the fiction that state power resided in the hierarchy of Soviets (or councils). Soviets were popularly elected bodies in which, according to Soviet doctrine, legislative and executive power were fused. Each village and town, region and republic, had its nominally elected soviet (elected in the characteristic, uncontested elections for which the regime was famous), while at the apex of the system, the USSR Supreme Soviet was the equivalent of a parliament for the Soviet Union as a whole. At the same time, it was understood that actual political power lay with the Communist Party of the Soviet Union, which exercised power through the Soviets and the executive bodies that were nominally accountable to the Soviets. Therefore, the few votes that Soviets were called upon to take were exercises in the unanimous affirmation of decisions that had been made by the Communist Party. Both Soviet political thought and practice rejected any notion of a separation of powers, and thus reinforced the older Russian tradition of an absolutist state.

This system changed markedly when Mikhail Gorbachev launched his political reforms in the late 1980s. Gorbachev used new expanded parliamentary structures and open elections as instruments for awakening popular political energies. His goal was to channel the country’s newly active political life into a new set of legislative structures where he would be able to guide decision-making. Gorbachev created a cumbersome four-tiered parliament for the USSR, consisting of a huge Congress of People’s Deputies, which elected a smaller, full-time parliament called the Supreme Soviet. In turn, the Supreme Soviet was guided by its Presidium, which was overseen by a chairman. The first election of deputies to this new parliamentary structure was held in 1989; in 1990, elections were held for the equivalent bodies at the level of the union republics and in regions and towns throughout the Soviet Union.

Gorbachev’s strategy was to give glasnost, his policy of open political communication, an institutional base. He sought to incorporate many diverse groups into the new parliamentary arena while ensuring that he would have the ultimate power of decision over policy. But liberalization of politics under Gorbachev had unanticipated consequences. Not only did it mobilize radical democrats against defenders of the old order, it also encouraged coalitions of democrats and nationalists in the republics, including Russia, to rally around demands for national independence. As a result, the new USSR parliament and its counterparts at lower levels represented reasonably well the political divisions existing in the country between defenders and challengers of the old order. But they were woefully unsuited to deciding the grave policy questions that the country faced. They lacked even the most rudimentary institutional means to generate and debate coherent alternative policy options. They depended heavily on the executive to set their agendas and guide their decision-making. Sessions of the new USSR parliament, and the parliaments in the union republics and lower-level territories, were frequently the sites of passionate but inconclusive debate, dramatic walk-outs by embattled minorities, and deep frustration as the deputies found themselves unable to reach majority decisions on difficult issues. Little wonder that they were never able to resolve the most serious crises that the Soviet Union faced.
Gorbachev’s awkwardly remodelled parliament did achieve some notable results, passing some major new legislation and stimulating the formation of proto-parties. But faced with the fundamental conflict between radical reformers and hardliners over market-oriented reform, the parliament simply ducked: it created a state presidency for the USSR, a curiosity that was logically incompatible with the principle of CPSU rule. Then it delegated extraordinary powers to President Gorbachev, who fell into a trap of his own making by constantly expanding his formal powers. What he failed to recognize at the time was that by doing so, he only encouraged the presidents of the union republics to follow suit at their own level of jurisdiction, thus deepening the disintegration of the Soviet state. The more power Gorbachev claimed for himself as president of the USSR, the less power he had in actuality, and the more he undercut the possibility that *any* central level institution – president, parliament or Communist Party – could have held the union together.

**Boris Yeltsin and the crisis of 1993**

The 1990–93 period was marked by the rise of Boris Yeltsin, who made Russia’s parliament his initial base of power. Yeltsin led a coalition of radical democrats and Russian nationalists in a struggle for greater autonomy for Russia within the union. Yeltsin’s own position was strengthened, rather than weakened, by Gorbachev’s clumsy attempts to undermine him. In 1990, Yeltsin was elected by a narrow margin to the position of Chairman of the RSFSR Supreme Soviet, enabling him to use the parliament as his institutional base for challenging Gorbachev. In spring 1991, Yeltsin rallied a majority of deputies who endorsed his proposal for a powerful, directly elected Russian president. In June 1991, he was elected president of Russia in a nationwide election.

Establishing the presidency, however, led to a contest between the legislative and executive branches. The leadership of the parliament began to challenge Yeltsin for supremacy, claiming that the legislative branch was the supreme seat of state power. Yeltsin claimed that as popularly elected president, he embodied the Russian people’s will. The August 1991 coup attempt further solidified his political position. The popular resistance to the coup in Moscow, Leningrad, and other Russian cities, and his own uncompromising opposition, gave Yeltsin a substantial political bonus. Many of his communist opponents in the Russian parliament lost their political bases through a series of presidential decrees which suspended, and later outlawed, the activity of the CPSU and confiscated its considerable property. In October 1991, at the Fifth Congress, Yeltsin sought and received special powers to enact economic reform measures by decree; he won the congress’s consent to put off elections of local heads of government until 1 December 1992, and its approval of constitutional amendments giving him the right to suspend the acts of lower authorities in Russia if he found they violated the constitution and to suspend legal acts of the union if they violated Russian sovereignty; and the congress approved his programme for radical economic transformation. A few days later Yeltsin assumed the position of prime minister himself, named a new cabinet dominated by young economists committed to rapid liberalization, and issued a package of decrees launching the radical ‘shock therapy’ that is discussed in Chapter 11.

Making full use of his expanded powers, Yeltsin pursued his programme of reform throughout 1992. Although the impetus of ‘shock therapy’ fizzled out as the year proceeded, opposition to Yeltsin grew, and the majority in the parliament shifted further and further away from him. Yeltsin was also unable to win legislative approval for a new constitution that would formalize his powers *vis-à-vis* the government and the legislative branch. Under the old constitution, however, only the congress had the power to amend the constitution or adopt a new one. Confrontation between Yeltsin and the Congress–Supreme Soviet intensified. In March 1993, the congress attempted to remove Yeltsin from power through impeachment but fell slightly short of the necessary two-thirds majority. Yeltsin countered by holding a popular referendum on support for his policies in April, which gave him a surprisingly strong vote of confidence. However, the constitutional crisis continued to deepen.

Finally, on 21 September, Yeltsin issued decrees that lacked constitutional foundation but offered a political solution to the impasse. He shut down parliament, declared the deputies’ powers null and void, and called elections for a new parliament to be held on 12 December. He also decreed that there was to be a national vote on the same date on the draft constitution that had been developed under his direction. In the December referendum, Yeltsin’s constitution was approved. It has remained in force ever since.

Yeltsin’s constitution created a two-chamber Federal Assembly. The upper chamber, the Federation Council, allocates two seats to each of Russia’s constituent territories (called ‘subjects of the federation’). Under the initial election law that Yeltsin put into effect, half of the 450 seats in the lower house – the State Duma – were to be filled by candidates elected from parties’ electoral lists according to the share of votes that party received, so long as it won at least 5 per cent of the party-list votes. The other half of the seats were filled by plurality voting in 225 single-member districts. In the first election held under this plan, in 1993, voters were also given the opportunity to elect their two representatives to the Federation Council.
Not surprisingly, Yeltsin’s draft constitution provided for a very strong presidency. The president could issue decrees with the force of law, and veto laws passed by parliament. Yet the constitution also provided for the ‘separation of legislative, executive and judicial powers’ (Article 10). Contradictions between the powerful presidentialist elements in the constitution and the principle of separation of powers have been resolved very differently at different times since the adoption of the constitution. Under Yeltsin, the president shared some power with the parliament; since Putin took office, however, parliament has been pushed to the sidelines of the political system. The changes in the balance of power between president and parliament reflect both changes in the organizational arrangements within parliament itself as well as shifts in the larger institutional environment in which parliament and president operate.

The first and second Dumas

One of the most important determinants of the balance of power between president and parliament is the outcome of elections. The first elections held under the new electoral system in 1993 gave no one political party or coalition a majority of seats in the Duma, although anti-Yeltsin forces held a clear majority. As a result, parliament fought Yeltsin over much of the legislation he proposed, with the result that Yeltsin sometimes simply bypassed parliament by issuing presidential decrees. Yet both Yeltsin and the parliamentary leadership generally sought to avoid the sort of mutually destructive confrontations that had brought the country to the brink of civil war in 1991 and 1993. Regular bargaining and consultation between the executive and legislative branches succeeded in working out compromises on numerous pieces of legislation.

This pattern continued in the second Duma, which sat from 1996 up to 1999. Yeltsin had decreed that the Duma elected in 1993 would serve for only two years and that elections would be held again in December 1995 for a new Duma that would serve a normal four-year term. The December 1995 election was characterized by a huge number of political groups running: 43 parties registered and ran lists, far more than could hope to win seats given the 5 per cent threshold rule for obtaining them. Four parties succeeded in winning seats on the party-list ballot, and they divided the 225 proportional representation seats among themselves.

The Communists and the factions allied with them came close to commanding a majority of seats in the new Duma. The Communists therefore became an indispensable member of many majority coalitions. However, their position was not secure. To win majorities, they generally needed to offer concessions to other factions or to moderate their policy stance. The Communists refrained from seeking full control over the chamber and largely abided by the previous working arrangements in such matters as the distribution of committee chairmanships among factions, and the practice of forming task forces and legislative commissions by recruiting members from all factions.

Likewise, President Yeltsin devoted considerable effort to bargaining with the Duma over legislation. Both the president and the government maintained permanent representative offices in the Duma, working closely with deputies to ensure the passage of key legislation. Altogether, around 100 executive branch officials were detailed to liaison duty with the Duma. Much of the bargaining within the Duma and between Duma and the executive took place out of public view; public attention instead tended to focus on the histrionic displays of temper on the floor and high-stakes brinkmanship between president and Duma. One of the most memorable confrontations between the branches came as the Duma tried to remove the president through impeachment. The deputies were well aware that removal of the president by means of impeachment was a long and complicated process of which a two-thirds parliamentary vote was only the first step, and that even if they succeeded in passing a motion to impeach, the odds of actually removing Yeltsin were remote indeed. In the event, Yeltsin deployed carrots and sticks to win over some of the opposition forces, and the motion failed.

Yet spectacular as this pyrotechnic display of president–parliament conflict was, it was already a sideshow by 1999. The polarization between democratic and communist forces, real enough in the early 1990s, had faded in importance by the end of the decade in guiding actual alignments in parliament. Although episodes such as the impeachment vote continued to attract public attention, actual parliamentary politics increasingly came to centre on distributive issues – how government spending should be allocated; on whom the burdens of taxes should be imposed; who should control the privatization of state enterprises; to whom access rights to the exploitation of lucrative mineral resources should be granted. The Duma became a central arena for wheeling and dealing among powerful organized interests, including firms, business associations, regional governments, federal ministries, and shadowy bureaucratic ‘clans’ linked to senior figures in the presidency and government. The fine details of legislation were the object of acute interest and vast sums of money were at stake, not a little of which wound up in the pockets of those drafting and voting on the legislation itself (see Barnes 2001).

The high point of parliamentary power occurred after the August 1998 financial crash. Yeltsin tried to bring back Viktor Chernomyrdin as prime minister, but the Duma adamantly refused to confirm him. After two tense confirmation votes failed, Yeltsin backed down and appointed
Yevgenii Primakov, a centrist acceptable to the Communists. The Duma confirmed him and Primakov formed a government reflective of the balance of power in parliament. With Yeltsin weakened both physically and politically, Primakov began making the major decisions on economic policy. This was as close as Russia has yet come to parliamentary government, where the cabinet is made up of the majority coalition in parliament. This phase was short-lived, however; Yeltsin dismissed Primakov in May 1999, on the eve of the impeachment vote in the Duma.

The stormy era of confrontation between president and parliament ended in December 1999. Elections to the third Duma were held on 19 December; five days later the second Duma held its final session. On 31 December, Yeltsin resigned as president some months before the end of his second term. He was succeeded by his prime minister Vladimir Putin, whose powerful political appeal had been demonstrated by the remarkable electoral success of the party with which he was loosely affiliated, Unity, in the parliamentary election. Putin’s accession to the presidency, combined with the outcome of the parliamentary election of December 1999, changed legislative-executive relations fundamentally. After January 2000, the Duma became an instrument for approving nearly any initiative offered by the president. This trend grew still more marked following the 2003 presidential election, when the president’s allies gained an overwhelming majority in the Duma, and the president had succeeded in taming or suppressing nearly every source of independent political initiative in the country. At the same time, the Duma remained an arena for the resolution of distributive conflicts.

The third, fourth, fifth and sixth Dumas

Since 1999, United Russia (initially Unity) has dominated the Duma. Table 3.1 shows the strength of parliamentary parties in the third, fourth, fifth and sixth Dumas. The 1999 election gave the party most closely allied with Putin – Unity – a strong plurality in the Duma. Unity had to work to build majority coalitions that could pass legislation proposed by the president and government. Its success in forming a fairly reliable cross-factional majority coalition reflects the skill with which the presidential administration manipulated parliamentary politics.

Working in close cooperation with the president’s parliamentary managers, Unity assembled a coalition of four parliamentary factions that coordinated voting on major legislation proposed by the president and government. Faction leaders could not always enforce party discipline (two of these factions were made up of deputies elected in single-member districts, who had to pay close attention to powerful local interests back home), but by drawing votes as needed from other factions, they ensured that the president’s legislative agenda almost never suffered a defeat and the president almost never had to veto legislation passed by parliament. As Table 3.2 indicates, only 76 per cent of the legislation that passed the Duma in third (final) reading was eventually signed by the president in the 1994-95 Duma (sometimes the president only signed after multiple rounds of veto and revision), and only 69 per cent of the legislation passed in the 1996–99 period. But since Putin took office, over 90 per cent of the bills passed by the Duma have been signed into law. The table demonstrates the enormous impact of the change from the Yeltsin to the Putin era: not only did the number of vetoes by the president or Federation Council plummet, beginning with the 2000-03 convocation, but the volume of legislation passed by the Duma also began rising rapidly, starting in 2004. In his end-of-term addresses, Speaker Gryzlov never failed to boast of the impressive productivity of the Duma. ‘Parliament’, he once famously observed, ‘is not a place for political debates, for defending some sort of political slogans or ideologies. It is a place where people should engage in constructive, effective legislative activity’ ( Gosudarstvennyy Duma: Stenogramma zasedaniy, 2003). Under his leadership, the Duma turned into a law-making machine, a role it has continued to play under Speaker Naryshkin (who succeeded Gryzlov in January 2012). Under

Table 3.1 Party factions in 3rd, 4th and 5th Duma convocations

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<tr>
<td>Party list seats in</td>
<td>Party list seats in</td>
<td>Party list seats in</td>
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<tr>
<td>vote% Duma (%)</td>
<td>vote% Duma (%)</td>
<td>vote% Duma (%)</td>
</tr>
<tr>
<td>Unity</td>
<td>23.32</td>
<td>18.4</td>
</tr>
<tr>
<td>United Russia</td>
<td>13.33</td>
<td>10.2</td>
</tr>
<tr>
<td>OVR</td>
<td>24.29</td>
<td>20.2</td>
</tr>
<tr>
<td>CPRF</td>
<td>5.98</td>
<td>3.9</td>
</tr>
<tr>
<td>LDPR</td>
<td>5.93</td>
<td>4.8</td>
</tr>
<tr>
<td>SPS</td>
<td>9.04</td>
<td>8.67</td>
</tr>
</tbody>
</table>

*Unity merged with OVR in 2001 to form United Russia.
**A Just Russia formed in 2006 from the merger of Motherland, the Pensioners’ Party and the Party of Life.

Abbreviations:
OVR = Fatherland—All Russia
CPRF = Communist Party of the Russian Federation
LDPR = Liberal Democratic Party of Russia
SPS = Union of Rightist Forces
Table 3.2  Passage rates for legislation, Russian State Duma, 1994–2007

<table>
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<tbody>
<tr>
<td></td>
<td>No.</td>
<td>As %</td>
<td>No.</td>
<td>As %</td>
</tr>
<tr>
<td>Total no. of</td>
<td>(na)</td>
<td>2133</td>
<td>2125</td>
<td>2713</td>
</tr>
<tr>
<td>bills considered</td>
<td>in any reading</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Laws passed</td>
<td>464</td>
<td>100</td>
<td>1045</td>
<td>100</td>
</tr>
<tr>
<td>(in 3rd reading)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vetoed by</td>
<td>263</td>
<td>29.3</td>
<td>185</td>
<td>18</td>
</tr>
<tr>
<td>president only</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vetoed by</td>
<td>113</td>
<td>11</td>
<td>10</td>
<td>1</td>
</tr>
<tr>
<td>president + FC</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Signed by</td>
<td>354</td>
<td>76</td>
<td>724</td>
<td>69</td>
</tr>
<tr>
<td>president (of</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>those passed</td>
<td></td>
<td></td>
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<tr>
<td>in this period</td>
<td></td>
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Source: Based on Analytic Reports of Russian State Duma, various years.

Naryshkin, in fact, the Duma has come to be called ‘the mad printer’. Many close observers have noted that the rapid pace of work results in legislation that often needs to be amended because of ambiguous language, and deprives controversial laws of public understanding and approval. The government’s own liaison to the Supreme Court, noting that Duma Chairman Gryzlov once boasted that in one term the Duma passed 632 new laws, observed that ‘in my opinion, this is nothing to be proud of, this is a catastrophe!’ (Kharat’yan 2013).

It is notable that whereas Yeltsin had often resorted to his decree powers to enact major decisions, Putin almost never does: thanks to his commanding base of support in the parliament, he is able to pass a far more sweeping legislative agenda than Yeltsin had proposed. Putin’s early legislative achievements included significant reductions in taxes, legalization of a market for transactions in land, the foundations of a system of mortgage lending, sweeping changes in the pension system, overhaul of the labour market, major changes to federal relations, substantial liberalization of the judicial system, and breakups of major national monopolies. Painful as many of these changes were for the deputies to swallow, they ultimately passed them, albeit sometimes in modified form.

The 2003 elections produced a decisive victory for the president’s forces and a humiliating defeat for the opposition both on the right and the left. The liberal democratic forces failed entirely to win party-list seats and the Communists’ share of the party list fell by nearly half, while the party backed by the Kremlin, United Russia (the successor of Unity) took more than 37 per cent of the party-list vote. Together with deputies elected in single-member districts, United Russia wound up with two-thirds of the seats in the new Duma. No party had held so dominant a position in parliament since the late 1980s, and United Russia used its commanding majority to make sweeping changes to the way parliament was run. They replaced the old power-sharing, proportional arrangements of the previous three Dumas with a new majoritarian system in which their members held nearly all the committee chairmanships and seats on the governing Council of the Duma, and their leader was elected the Duma’s chairman. And they quickly moved to impose a gag rule on their members, demanding that no member speak to the press without party approval.

But for all their ability to control the Duma, theirs was a pyrrhic victory, because the power to make policy decisions lay in the Kremlin. As total as United Russia’s influence is in the Duma, the Kremlin’s monopoly on policy-making is just as absolute. As a result, United Russia is completely dependent on the Kremlin for its power and privileges. Its base of support in society is thin, and it has identified itself completely with the interests of office-holders rather than offering a clear policy programme. This is a mixed blessing for the Kremlin. The party’s effectiveness in delivering reliable majorities in parliament depends on its ability to win elections. Therefore, if the Kremlin were to withdraw its support from the party and its fortunes collapsed, the president and government might not be able to ensure such solid voting support in parliament. President Putin has repeatedly said that Russia needs a ‘capable’ (deepspsobnyi) parliament and has tied that to the ability of United Russia to forge consistent, coherent majorities.

Putin’s legislative agenda shifted after 2003. Modernizing economic reform took a back seat, while anti-terrorism legislation, generous increases in social spending, and the establishment of a number of new state corporations taking over ownership and control of many of Russia’s most significant public and private industries occupied much more of the parliament’s time. These pieces of legislation gave deputies, particularly those from United Russia, many opportunities to showcase their effectiveness in bringing benefits back to their home districts and to the powerful business lobbies that backed them. So although they ceded even more power to the executive branch (for example, supporting the law replacing direct elections of governors with a system of presidential nomination and greatly expanding the power of the security police to deal with terrorists), they also reinforced the popularity of United Russia with the electorate.
Preparations for the December 2007 Duma election proceeded amidst great uncertainty about the presidential succession. President Putin resolved many fears and doubts when he announced that he intended to run at the top of United Russia’s list of candidates and to stay on in power—but not as president. The presidential administration pulled out all the stops to ensure a smooth and controlled succession. The first step was to guarantee a large victory for United Russia in the Duma election by methods that included manipulation of media coverage, massive funding for United Russia’s campaign, disqualification of popular opposition politicians, and outright falsification of voting returns in many districts (see Chapter 4). The official results gave United Russia 64.3 per cent of the vote. Because this election was entirely based on proportional representation from party lists (there were no longer any single-member district mandates), and because the threshold to receiving seats was raised from 5 to 7 per cent, only four parties won representation. As in the fourth Duma, United Russia took three-quarters of the seats and full control of the Duma, and the party’s leader, Boris Gryzlov, was once again elected speaker.

The 2011 elections yielded a much slimmer majority for United Russia. Its official total was just under 50 per cent but independent analysts calculated that the true vote share was closer to 35 per cent (Lyubarev 2012). It took a clear majority of seats and retained control over the Duma’s calendar. As a result, United Russia continues to provide consistent majorities for the president’s legislative agenda.

The Federation Council

The president and government also dominate the upper house of parliament, the Federation Council. Like the United States Senate, the Federation Council is designed as an instrument of federalism in that every constituent unit of the federation sends two representatives to it. Thus the populations of small ethnic-national territories are greatly over-represented compared with more populous regions. Members of the Federation Council were elected by direct popular vote in December 1993 but since the constitution was silent on how they were to be chosen in the future, requiring only that one representative from the executive branch and one from the legislative branch from each region be members of the chamber, new legislation was required to detail how members of the Federation Council should be chosen. Under a law passed in 1995, the heads of the executive and legislative branches of each constituent unit of the federation were automatically given seats in the Federation Council, and this was the system in force between 1996 and 1999.

In 2000, new legislation was passed which provided that the governors and legislatures of the regions were to choose full-time representatives to occupy their regions’ seats in the Federation Council. In 2012, the procedure was changed again, so that each regional legislature would elect one of its members to serve as a member of the Federation Council from the legislative branch while the executive branch’s representative would be chosen by the governor from candidates that he or she identified before being elected. In practice, regardless of the formal procedure, since Putin took power, his advisors have had the final say on all decisions over the selection of members. The frequent changes in the procedures used to form the Federation Council reflect conflicting pressures over its role; many in the political elite think it should be popularly elected. The desire for greater legitimacy, however, is thwarted by the constitutional provision that its members must represent the legislative and executive branches of government in each region, and by the authorities’ desire to guarantee a pliant and loyal body.

Because the Federation Council rejects the use of political factions to organize its deliberations, United Russia has only an informal status in the chamber. Nevertheless, the president and government guide its decisions closely. Under the constitution, some legislation is not required to be considered by the Federation Council, although the chamber can choose to take up any bill it wishes to consider and can initiate legislation. Actual voting in the Federation Council routinely produces lopsided majorities favouring the president’s position; the chamber spends very little time on floor debate, since the decisions are agreed upon beforehand in consultations among committee chairs and the president’s representatives. Federation Council members also spend a good deal of time in lobbying with federal government agencies on behalf of their home regions or business interests (Remington 2003).

The Federation Council has important constitutional powers. It approves presidential nominees for high courts such as the Supreme Court and the Constitutional Court. In addition, it approves presidential decrees declaring martial law or a state of emergency, and any actions altering the boundaries of territorial units in Russia. It must consider any legislation dealing with taxes, budget, financial policy, treaties, customs and declarations of war. In the Yeltsin period, the Federation Council defied the president’s will on a number of issues. After President Putin entered office, however, the Federation Council lost its independence. Its members, although often caught between the conflicting imperatives of their home regions and the president’s domination of the political system, have rarely had much difficulty deciding to take the president’s side. The highly centralized nature of the current system means that it is far more costly to members to oppose the president than to side with the president against their home regions.
The legislative process in the Federal Assembly

Basic legislative procedure

The State Duma originates all legislation except in certain areas of policy that are under the jurisdiction of the upper house, the Federation Council. Upon final passage in the State Duma, a bill goes to the Federation Council. If the upper house rejects it, the bill goes back to the Duma, where a commission comprising members of both houses may seek to iron out differences. If the Duma rejects the upper house’s changes, it may over-ride the Federation Council by a two-thirds vote. Otherwise it votes on the version of the bill proposed by the commission (see Figures 3.1–3.3). When the bill has cleared both chambers of the Federal Assembly, it goes to the president for signature. If the president refuses to sign the bill, it returns to the Duma. The Duma may pass it with the president's proposed amendments by a simple absolute majority, or over-ride the president's veto, for which a two-thirds vote of the entire membership is required. The Federation Council must then also approve the bill, by a simple majority if the president's amendments are accepted, or a two-thirds vote if it chooses to over-ride him.

Figure 3.1  The legislative process: overview

State Duma → Federation Council → President

The legislative process begins in the State Duma. Draft legislation can be submitted by the government, the president, or members of the Federal Assembly either individually or collectively. After a law is passed by the State Duma, it is considered by the Federation Council.

The Federation Council considers laws passed by the Duma. If it passes them, they go to the president for his signature. If it rejects a bill, the Duma may try to override the rejection. Or the two chambers form a conciliation commission to iron out their disagreements. The resulting compromise version is then voted on by both chambers and if both pass it, it is sent to the president for his signature.

The president decides whether to sign or reject the laws sent to him by parliament. If he signs a bill, it becomes law. If he rejects it, it is sent back to the Duma for further consideration. The Duma may vote to override a presidential veto. A two-thirds vote of each chamber is needed to override successfully. If the chambers cannot override the veto, normally they form a commission with representatives of the president and attempt to agree on a compromise version of the law.

Figure 3.2  The legislative process: bill introduction

Government ministries

President

Council of the Duma

Standing Committee

Draft legislation can be submitted by the government, the president, or Duma deputies either individually or collectively. Bills may also be submitted by regional legislatures as well as by members of the Federation Council. The three high courts may also propose legislation on judicial matters. Most draft legislation is introduced by members of the Duma, by the government, and the president.

When a bill is introduced, the Council of the Duma reviews it to ensure it meets the standards for draft legislation, and assigns it to one or more standing committees. The Council of the Duma is made up of the leaders of each party faction or registered deputy group.

The committee to which the bill has been assigned prepares the bill for first reading. When a bill is ready for first reading, the Council of the Duma puts it on the agenda of the floor.

State Duma

The steering committee of the Duma is the Council of the Duma. The Council of the Duma makes the principal decisions in the Duma concerning the agenda and acts, on occasion, to overcome deadlocks among the political groups represented in the Duma. Until the sweeping changes of 2004, it was made up of the leader of each party faction or registered deputy group regardless of size, which served to diffuse political power in the chamber. Since 2004, however, it has been dominated by the United Russia faction.

All deputies in the Duma belong to the political faction tied to the party on whose list they were elected. Under new Standing Rules, they may not change factions (on pain of losing their seat). Each party that has won at least 7 per cent of the party-list vote is entitled to form a faction in the Duma made up of its elected deputies. The factions use the Duma as a means for showcasing their pet legislative projects, giving their leaders a national forum, obtaining organizational support for their party work, and providing service to their constituents. However, only the United Russia faction has any real power to shape legislation. It is so large and diverse that it has sub-divided into three internal policy forums, one with
amendments to approve and which to reject. At that point the floor votes on the bill in its entirety, and sends it back to the committee for a final editing and polishing. The third reading gives the Duma’s final approval to the bill, after which it goes to the Federation Council.

In recent years, a practice has evolved whereby much of the bargaining over legislation occurs before the first reading as the government discusses the proposed budget with its parliamentary allies before submitting the budget bill formally. Through the ‘zero reading,’ as it is called, deputies in the United Russia faction are able to reward their friends and supporters by such budget revisions – something much easier to do when oil revenues are swelling the budget.

Some deputies are lobbyists for particular interest groups. All those regarded as the most effective belong to the United Russia faction. One deputy is known as the champion of the insurance industry, another as the advocate for the legal profession, and several others are regarded as voices of the oil and gas industries. One is known as an effective lobbyist for Tatarstan. Such deputies cultivate close ties with allies in the presidential administration and government, and involve themselves actively in the legislative process to ensure that the details of legislation serve the interests of those they represent. Many have dozens of successful bills to their credit (Tsveetaeva 2011).

The relationship between the executive and the United Russia party illustrates the dynamics of a dominant party regime (Reuter and Remington 2009). In such a regime, rulers use the dominant party to control the political process. The party gives ambitious politicians an opportunity to build political careers. Thanks to their privileged access to the government, party politicians can reward the wealthy and powerful interests that back them, steering lucrative contracts or jobs their way. The party operates as a giant patronage machine. The rulers benefit by ensuring that politicians will be loyal to the authorities rather than competing against it. The party mobilizes support for the regime at the elections, and the authorities use all their powers of control over the media, money, election commissions, courts, police and the like, to make sure that opposition parties cannot make serious inroads into the ruling party’s dominant status. In parliament, the dominant party organizes large, lopsided voting majorities to pass the executive’s proposed legislation. In effect, politicians in the dominant party give up their political voice in return for access to the benefits of office. This allows them to pay back the business interests that have funded their election campaigns. On the other hand, the United Russia party offers little to the president and government other than reliable legislative support. The party is relatively unpopular in society, and heavily dependent on the administrative resources of the executive branch in winning legislative elections.
As a result of the new relationship between parliament and president established under Vladimir Putin, vetoes of legislation are rare but behind the scenes debate over legislation is routine. Sometimes a bill passes through all three readings in a matter of weeks or even days, but in other cases disagreements within the government or between the government and major social interest groups keep a bill bottled up for years. Bills can be slowed down by disagreements within the executive branch itself (as different ministries lobby for different versions of the legislation) or when the Kremlin changes United Russia's marching orders. Generally, however, the Duma remains on the sidelines over major national policy debates. The Duma does not exercise any influence over the basic directions of budget policy, for example. A difficult and protracted recent debate over reforming the pension system has taken place entirely within the executive branch, with the Duma simply left to ratify decisions that the president and government make. The Duma's role therefore is to supply secure legislative majorities for the executive branch when a policy takes the form of legislation. In return, Duma deputies enjoy a variety of perquisites, and some opportunity to modify the details of legislation.

The 1993 Constitution did not give the Federal Assembly a formal power of 'oversight' over the executive, such as the United States Congress has. Parliament, however, has other formal powers which it can use to monitor and check executive power if it is so inclined and if the executive allows it to do so. One of its instruments is the Audit Chamber, which reviews the accounts of state bodies including federal ministries, regional governments, and even private companies. Another is the practice of inviting government officials to parliament to respond to deputies' questions during a 'government hour'. Committees frequently organize hearings to gather public testimony on matters of public policy and assist in developing legislation. Parliament can also conduct investigations of allegations of executive branch misconduct. All of these powers, however, can only be exercised to the extent that parliament chooses to wield them and the executive branch consents to their being used. In the current period, when political power in the state is highly concentrated in the presidential administration, parliament's oversight power has been reduced to virtually nil.

The Federal Assembly in perspective

The ability of a legislature to exercise its constitutional prerogatives depends both on its own internal structures and on features of its institutional environment. One critical aspect of that environment in Russia is the degree to which the president dominates political processes. In the 1990s, Yeltsin's political and physical weakness, and his own fitful but sincere democratic instincts, allowed parliament to play a stronger role than has been the case under Putin and Medvedev. Putin changed these patterns immediately upon assuming power as president. He centralized and disciplined policy-making within the executive branch, and re-engineered the internal procedures of both chambers of parliament in such a way as to ensure him consistent and reliable majorities. In the Duma, this has come about through the domination of parliament by United Russia. In the Federation Council, Putin's reforms of 2000 deprived the Federation Council of any political independence, allowing him to shape the chamber's majorities as he chose. Thus neither chamber has the means or inclination to challenge the president. This state of affairs is not necessarily permanent, but a shift to a more balanced relationship between the branches would require deep changes on both sides. The president would need to give up much of the informal power he presently possesses, and parliament would need to win an independent political mandate from the electorate.

Over the past twenty years, parliament's role in the political system has changed fundamentally. In the early 1990s, parliament reflected the sharp polarization in the country, together with the grave debility of all the central political institutions. No one party held a majority in parliament, and the weakness of parliament and the president forced them to bargain with one another as best they could. After the August 1998 financial crash, Russia's political system gravitated toward a parliamentary model for a period of several months. Under Putin, the authorities took pains to construct a lasting dominant party system built around United Russia. If United Russia's current dominance were ever to give way to a competitive party system, then parliament would again become a more important arena for deliberation. Likewise, if the mass media, national interest groups, and judicial bodies grew more autonomous, that would encourage members of parliament to stake out policy positions independent of the president. Finally, if a future president himself were to recognize that making the government more accountable to parliament would make it a more reliable and effective instrument for exercising power, Russia would see a more even balance in the distribution of power between the executive and legislative branches.