

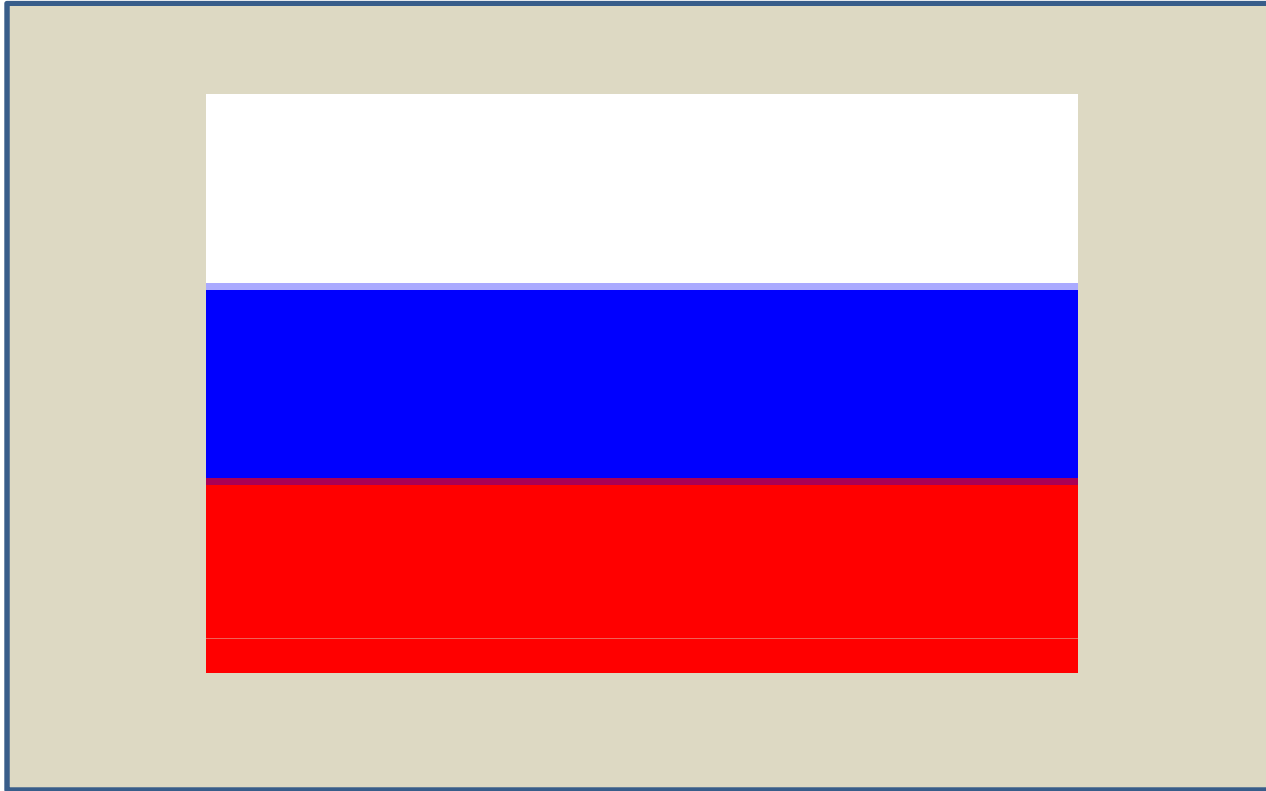


**SUNICOP**

## Comparative governance in CEE



**SUNICOP**



Russia

# Unified set of principles

**External principles**



**Internal principles**

democracy, being a  
republic, state sovereignty,  
territorial integrity, federal  
structure, separation of  
powers

# External principles

- legal status of the individual and citizen
  - recognition and protection of FR's
  - equality of citizenship and rights
  - prohibition of deprivation of citizenship
- relationship bw state and social institutions
  - economic (market economy)
  - social (social state)
  - political principles (multi-party system, local govts; political diversity)
- relationship bw states, state power and law
  - state of rule of law, supremacy and direct applicability of the Const.
  - relationship bw international and national law



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# The democratic state and the sovereignty of the people

## Source of power

The multinational people

## Excercise of power

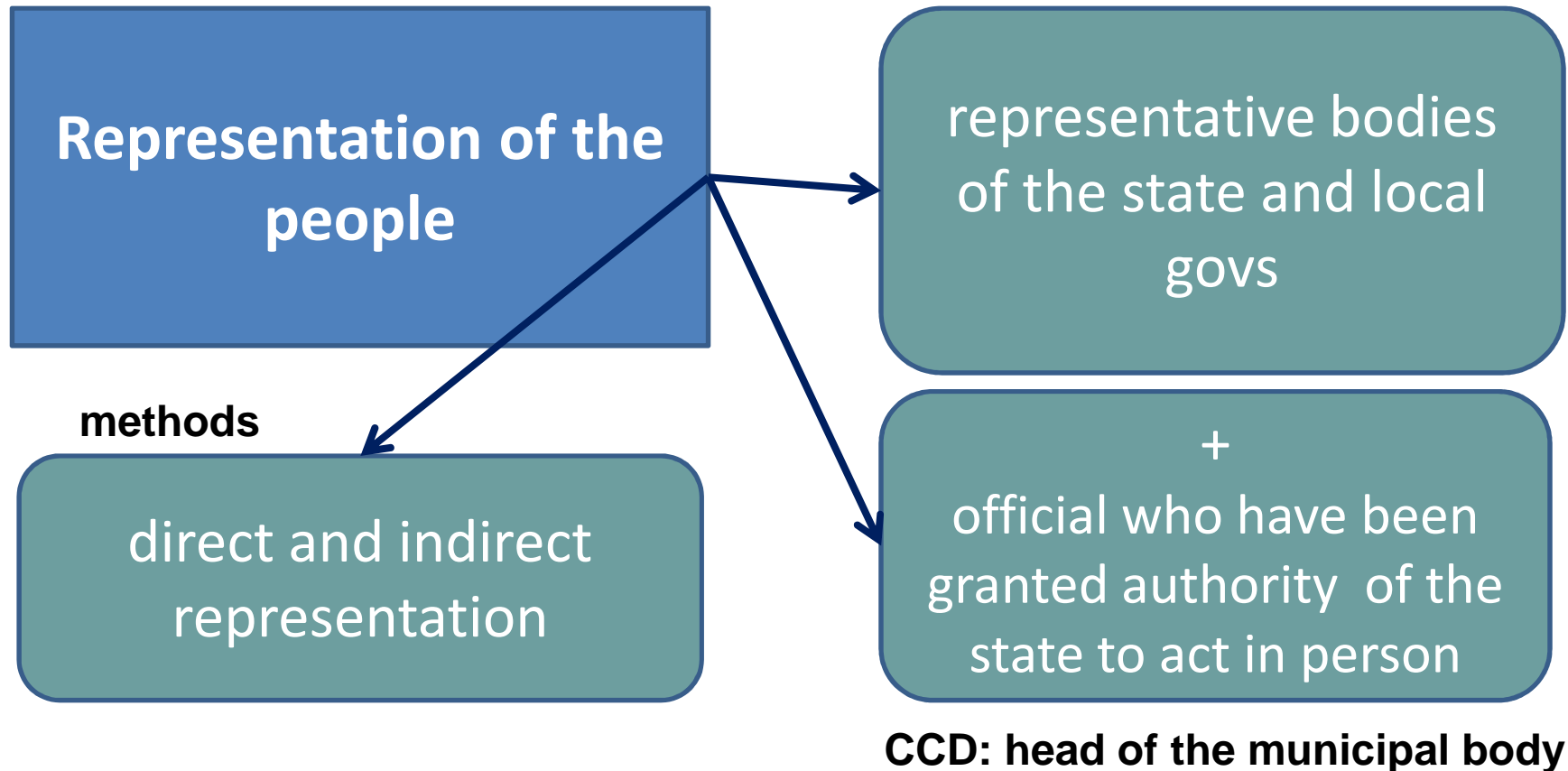
Direct and representative democracy

LIMITS

Direct sovereignty: local self-governments

elections, referenda,  
lawmaking initiatives of the citizens  
public hearing; creation of new bodies

# The democratic state and the sovereignty of the people



# Direct representation of the people

State Duma

450 representatives;  
proportional system

Legislative organs of the  
„federal subjects”

chamber1

chamber2

one chamber is elected by the people  
50% of this chamber is elected  
in a proportional system

Representative organs of  
local governments

people

# Indirect representation of the people

Legislative body, other chamber

Council of the Federation

2 representatives/subjects

Federal subjects (LEG –EXEC. Branch)

Republics

Territories  
(Krai)

Regions  
(Oblast)

Cities of  
federal  
importance

Autonomous  
regions and  
areas

- equal  
subjects

- 83, although 89 mentioned (mergers,  
2008) in the Constitution

people



**- Oblasts**

- |                 |                      |                |
|-----------------|----------------------|----------------|
| 1 - Astrakhan   | 9 - Moscow           | 17 - Tambov    |
| 2 - Chelyabinsk | 10 - Nizhny Novgorod | 18 - Tula      |
| 3 - Ivanovo     | 11 - Novgorod        | 19 - Ulyanovsk |
| 4 - Kaluga      | 12 - Oryol           | 20 - Vladimir  |
| 5 - Kemerovo    | 13 - Penza           | 21 - Volgograd |
| 6 - Kostroma    | 14 - Ryazan          | 22 - Voronezh  |
| 7 - Leningrad   | 15 - Samara          | 23 - Yaroslavl |
| 8 - Lipetsk     | 16 - Sverdlovsk      |                |

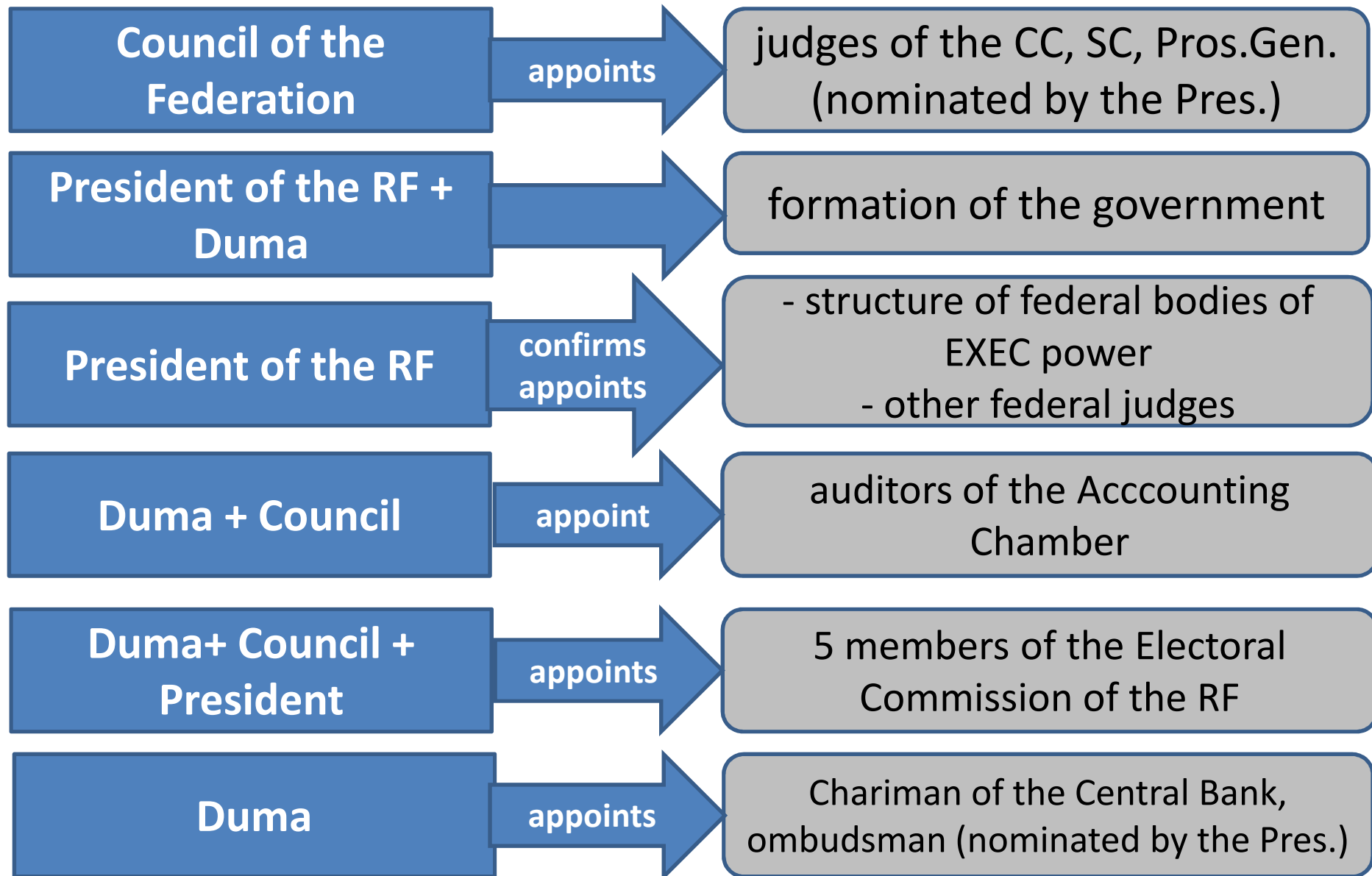
**- Republics**

- |                        |                         |
|------------------------|-------------------------|
| 1 - Adygeya            | 8 - Kalmykia            |
| 2 - Bashkortostan      | 9 - Karachay-Cherkessia |
| 3 - Chechnya           | 10 - Mari El            |
| 4 - Chuvashia          | 11 - Mordovia           |
| 5 - Ingushetia         | 12 -                    |
| 6 - Kabardino-Balkaria | 13 -                    |
| 7 - Khakassia          | 14 -                    |

**- Autonomous okrugs**

- |                     |
|---------------------|
| - Krai              |
| 1 - Stavropol       |
| - Federal cities    |
| 1 - Moscow          |
| - Autonomous oblast |

# Indirect representation of the people



# Local self governments and state power

**Institution of the civil society**

- recognition of the independence
- pre-existing social institutions (people solve problem together)

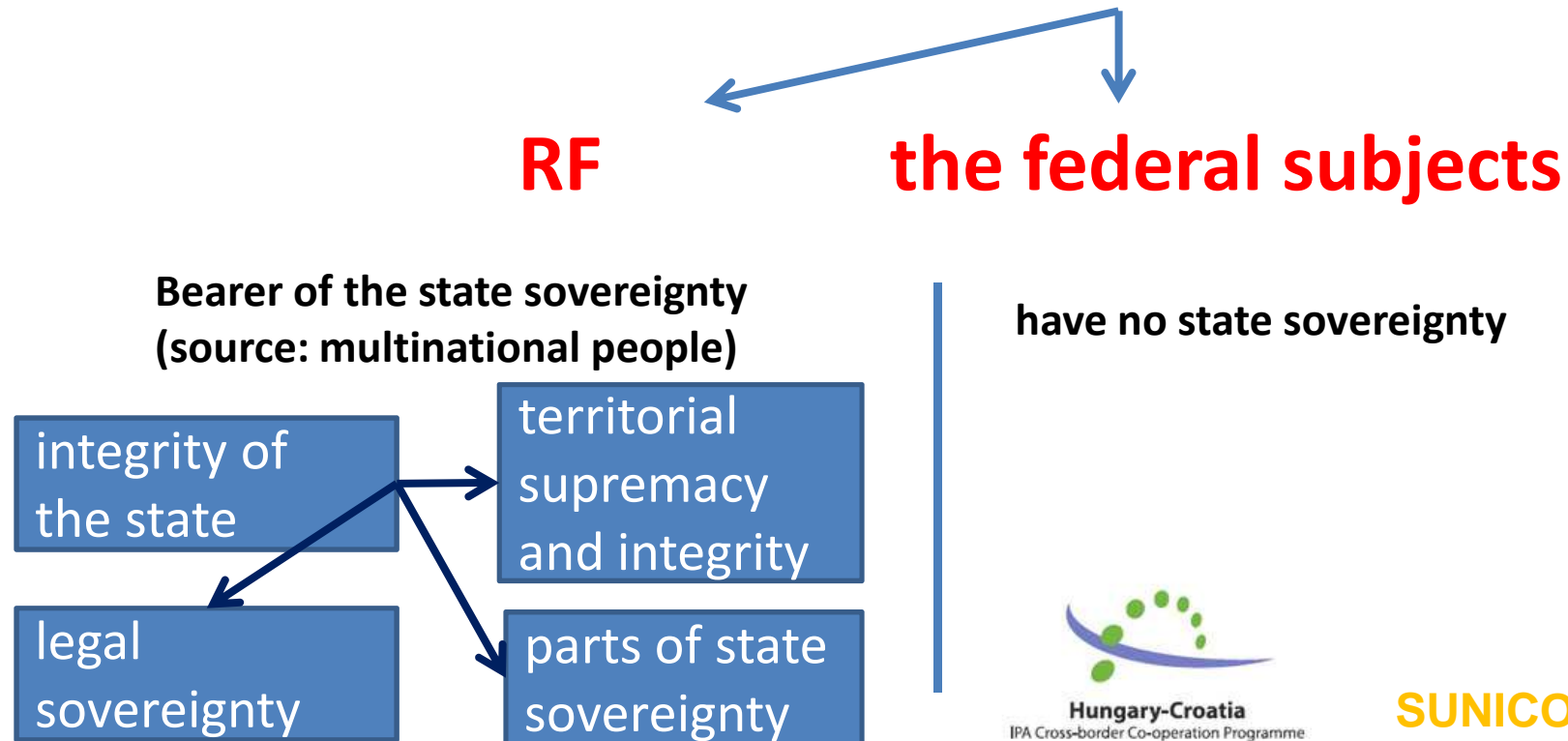
**Form of organisation of legal and political authority**

- cannot be abolished by the will of people
- connected with state power (functional interdependence)
- guarantee of legality

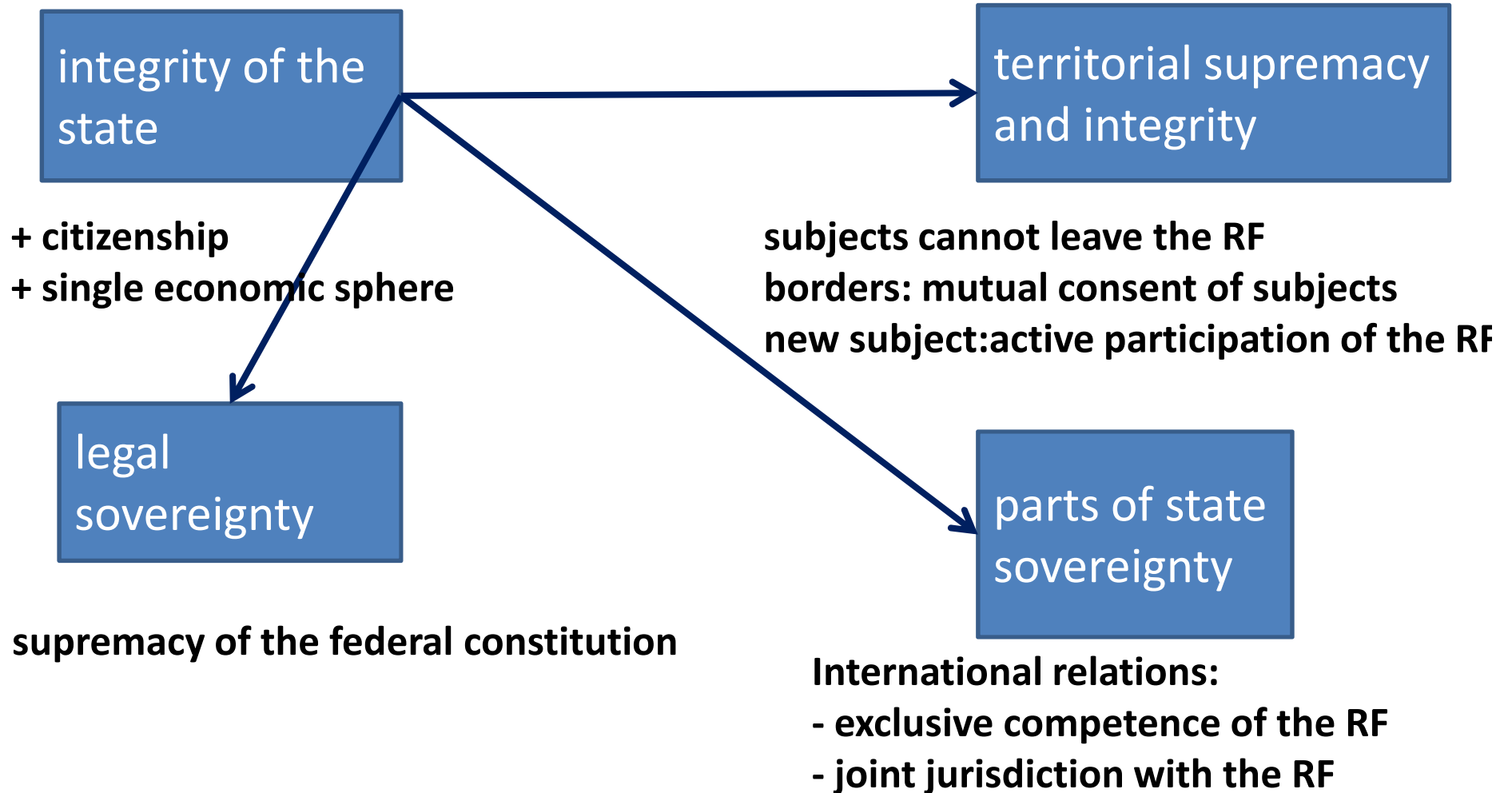
# Principle of federal structure

*“The Russian Federation consists of Republics, territories, regions, cities of federal importance, an autonomous region and autonomous areas - equal subjects of the Russian Federation.”*

**Federalism is founded on the division of competences**



# Principle of federal structure



## Federal subjects

- 21 republics (*“respubliki”*)
  - Highest level of autonomy
- 6 territories (*“krajs”*)
- 49 regions (*“oblast”*)
- 2 cities of federal importance
- 1 autonomous region
- 10 autonomous areas
- Federal competencies
  - e.g. federal legislation and administration; jurisdiction; security policy; diplomacy; protection of HR’s, minorities
- Common competencies
  - Education, science, culture; health care and social security; environmental policy
- Competencies of federal subjects
  - in all fields not explicit mentioned

# Republican form of government

## Direct election of the President

- appoints the government of the RF;
- provides the **general leadership** for government action;
- has the right **to chair** meetings of the government;
- **confirms the structure** of federal bodies of the executive branch of government;
- **directly manages certain** bodies in the exec branch of the federal government;
- has the right to **cancel** resolutions and orders of the government where they contradict the Constitution, federal laws or Presidential orders;
- has the right to take a decision **dismissing** the government

## Direct election of the Duma

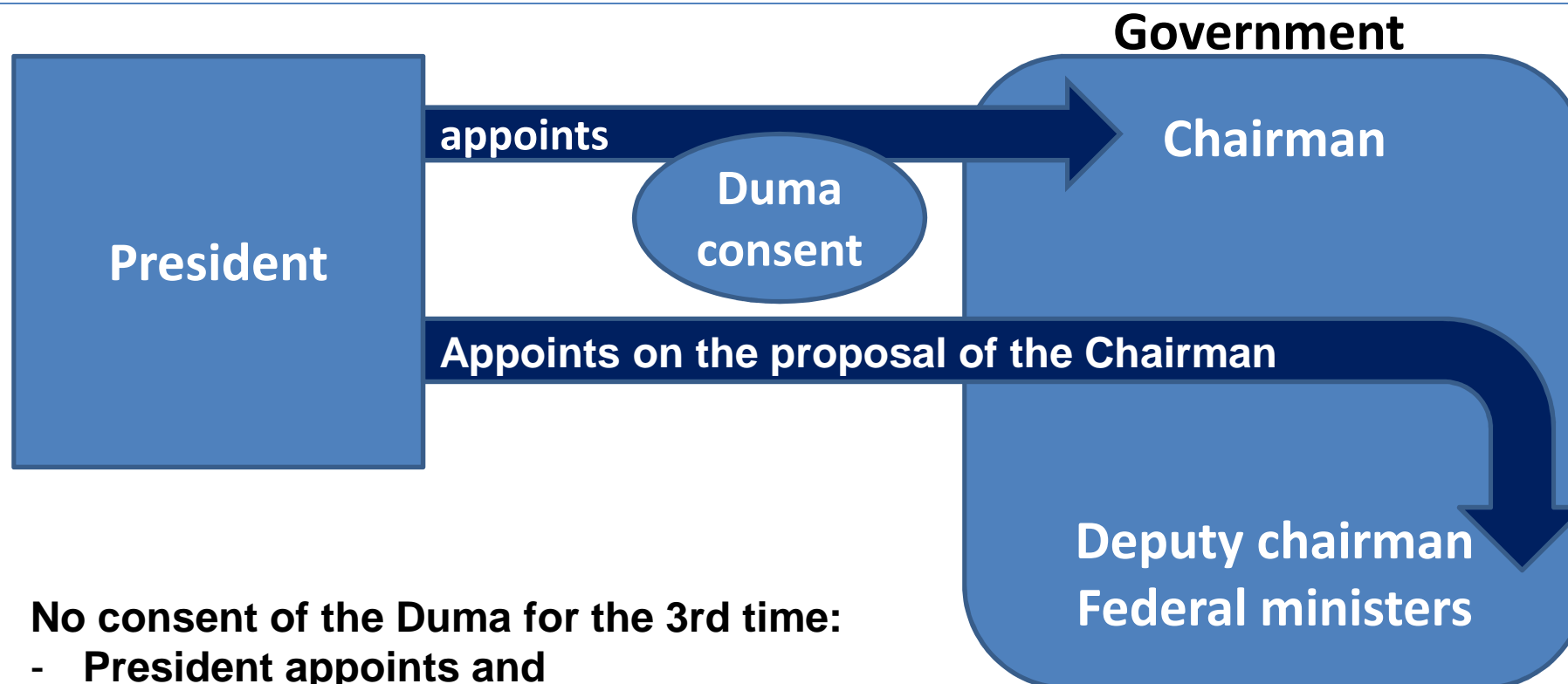
- formation of the government
- trust and responsibility (control)



- **semi-presidential**
- **presidential with some modifications**

# Executive power – formation of the Government

*The government exercises executive power and heads the system of federal bodies of executive power.*



**No consent of the Duma for the 3rd time:**

- President appoints and
- dissolves the Duma

# Executive power – termination of the mandate

- Has to resign: due to the election of a new President
- May resign
  - expression of no-confidence on the part of the state Duma
  - the government itself passed a motion of no-confidence
  - when the chairman of the Government has been dismissed

# Issue of confidence

**State Duma formulates distrust**

**President dismisses  
government**



**Government not  
dismissed**



**State Duma formulates distrust again  
(within 3 months)**

**President dismisses  
government**



**President dissolves  
Duma**

# Question of confidence

**Government requests for confidence  
and State Duma declines**

**President dismisses  
government**



**President dissolves  
Duma**

# Constitutional Court

- **abstract** supervision
- **specific** supervision (complaint, judges)
- resolution of **disputes over competencies**
- **interpretation** of the Constitution (Pres, Leg, Exec.)
- examining the constitutionality of motions to accuse the President of treason or other serious offence (**impeachment**)
- put forward legislative proposals on questions within its competence



# Impeachment

**State Duma accuses president of state betrayal or another severe crime (with  $\frac{2}{3}$ -majority)**

**Supreme Court confirms the elements of crime**

**Constitutional Court confirms this procedure as constitutional**

**Council of the Federation dismisses the president**

„In practise”

# Freedom House

<http://www.freedomhouse.org/template.cfm?page=1>

- Freedom House, a non-profit, nonpartisan organization, is a clear voice for democracy and freedom around the world. Through a vast array of international programs and publications, Freedom House is working to advance the remarkable worldwide expansion of political and economic freedom.

# Russia 1991-1999

- Collapse of the SU - December 1991; new Constitution 1993
- President Boris Yeltsin
- 1999 - Yeltsin appointed Vladimir Putin, then the head of the Federal Security Service (FSB), as prime minister
- Chechen wars (1994-96, 1999; attacking Dagestan, bombing in Russian cities) dramatically increased Putin's popularity
- December 1999 Yeltsin resigned – acting President is Putin

# 2000 presidential election

- March 2000 - presidential election – Putin won (53%-29%)
- Putin – consolidating power
  - reduction of the influence of the legislature
  - elimination of elections for regional leaders
  - taming the business community and the news media
  - strengthening the FSB
  - alteration of the composition of the ruling elite through an increased influx of personnel from the security and military services

# 2003 Duma – 2004 presidential elections

- December 2003 Duma elections (Seats 306/450 – United Russia Party)
- March 2004 presidential election
  - Putin refused to debate the other candidates
  - won - 71,4%
- Both: bias in media coverage

# United Russia

- Self-description: centrist, pragmatic, conservative
- Political analysts: populist, “presidential party” or “party of power”, centralist
- Supported presidency candidates: Putin, Medvedev
- Chairman: Vladimir Putin  
(not member)
- Mikhail Gorbachev: “worst version of the Communist Party of the Soviet Union”



# Putin's second term

- increase in state power over civil society
- eliminated direct elections of governors in favor of presidential appointments (hostage-taking crisis in North Ossetia region, Beslan)
- the legislation made it easier for the authorities to shut down NGOs that were critical of official policy
- murder of journalist Anna Politkovskaya (2006)

# 2007 Duma – 2008 presidential election

- December 2007 parliamentary elections – heavily manipulated (Seats 315/450 – United Russia Party)
- March 2008 presidential election
  - Dmitry Medvedev, then first deputy prime minister, won 70%
  - appointed Putin as prime minister
- appointed Putin as his prime minister
  - November and December: the constitution is amended (significantly for the first time)
  - to extend the presidential term from 4 to 6 years (Art 81)

# Political Rights and Civil Liberties 1 – democracy, freedom of speech, media

- „Russia is not an electoral democracy” due to electoral system
  - governors are appointed by President – members of the upper house
  - would-be parties must have at least 50,000 members and organizations in half of the federation’s 83 administrative units to register
- freedom of speech: the authorities put pressure on the media that are still critical of the Kremlin. Since 2003, the government has controlled, directly or through state-owned companies, all of the national television networks
- Sixteen journalists have been killed since Putin came to power, with only one case resolved. Two journalists were killed in 2008.

# Political Rights and Civil Liberties 2 - freedom of religion

- Freedom of religion is respected unevenly.
- 1997 law on religion
  - gives the state extensive control
  - requires churches to prove that they have existed for at least 15 years before they are permitted to register
  - registration is necessary for a religious group to conduct many of its activities
  - the operations of new and independent congregations are restricted
  - Orthodox Christianity has a privileged position in Russian society. Regional authorities continue to harass nontraditional groups, such as Jehovah's Witnesses and Mormons.

# Political Rights and Civil Liberties 3 – academic freedom

- Academic freedom is generally respected
  - corruption
  - education system is marred by corruption and relatively low salaries for faculty.
  - the Kremlin has sought to emphasize the positive aspects of Stalin’s leadership, while historians who examine his crimes have faced charges of being unpatriotic

# Political Rights and Civil Liberties 4 – economic rights, judiciary

- trade union rights are legally protected, but are limited in practice
- employers often ignore collective bargaining rights
- the largest labor federation works in close cooperation with the Kremlin
- „The judiciary suffers from corruption, inadequate funding, and a lack of qualified personnel who can assure the courts’ independence from the executive branch.”
- poor prison conditions
- law enforcement officials use illegal detention and torture to extract confessions

# Political Rights and Civil Liberties 5

## - minorities

- „Immigrants and ethnic minorities - particularly those who appear to be from the Caucasus or Central Asia - face governmental and societal discrimination and harassment.”
- „Racist and neo-Nazi attacks led to no fewer than 87 murders and 378 injuries in 2008, according to Sova, a group that tracks ultranationalist activity in the country.”

# Political Rights and Civil Liberties 6

## - women

- women in Russia have particular difficulty achieving political power
- they hold none of the key positions in the federal government
- the female governor of St. Petersburg is the main exception at the regional level
- domestic violence continues to be a serious problem, and police are often reluctant to intervene in what they regard as internal family matters
- economic hardships contribute to widespread trafficking of women abroad for prostitution

Thank you for your attention!