

II. The Parliamentary System of the Russian Federation

Presentation by Mr Nikolai N TROSHKIN, Secretary General of the State Duma, and Mr Vladimir A NIKITOV, Secretary General of the Council of the Federation, Moscow Session (September 1998)

Mr Troshkin spoke as follows:

Dear Colleagues - members of the Association.

On behalf of the Secretariat of the State Duma of the Federal Assembly of the Russian Federation I welcome you to Moscow.

We appreciate our co-operation with the Association of Secretaries General of Parliaments and we are sure that the contacts of the secretariats of both chambers of the Federal Assembly of Russia with this organisation will be most useful.

The fact that every Inter-Parliamentary conference is accompanied by the meetings of the Association is both logical and important. It is acknowledged that the quality of activities of the supreme legislative and representative bodies and the degree of their influence on the formation and implementation of state policies depends in great measure on the effectiveness of the functioning of the parliamentary secretariats.

No doubt, there exist certain functions typical for all parliamentary secretariats. But it is also obvious that each of those secretariats has its own specific tasks. That is why it is so important to get acquainted with the practice of each other's work.

We want you to understand correctly the current situation in Russia. Within a short period there were many changes of the political system, relations between property and power, the material and social status of millions of citizens, and the customary norms regulating their life.

All this has its impact on legislative activities. Our parliament faces some quite difficult tasks:

- to promote the formation and development of the democratic state based on the supremacy of law, to secure the actual separation of branches of power, to improve the judicial system;

- to adopt laws which would guarantee the effectiveness of Russian reforms, the increase of the people's well-being, strict observation of human rights and social justice;
- to establish a legal basis for fighting organised crime and corruption;
- to secure legislatively the implementation of the foreign policy of the State aiming at the promotion of the international prestige of Russia.

It is vitally important for us to adopt within a very short period many fundamental laws, i.e. Land, Administrative, Housing, Labour and other codes, to complete the work on the Civil and Tax codes.

Unlike many other parliaments, in our country the main legislative initiative comes from the deputies of the State Duma. Thus, from 468 bills included in the legislative programme one of the last spring session of the State Duma, 35 bills were introduced by the president, 97 - by the Government, 23 - by the Council of the Federation, 43 - by the legislative bodies of constituent entities of the Russian Federation, and 269 bills were introduced by the deputies of the State Duma.

All this complicates the functioning of the Chamber, and imposes high demands on the supreme legislative body of our country and on its parliamentary secretariat, respectively.

Before I turn to describe the principal directions of the work of the Secretariat of the State Duma, I would like to make some observations.

Unlike the parliaments of many countries, where secretariats, administrations and directorates are functioning, the similar body of the State Dumas is called Apparatus. The post of the Chief of the Apparatus corresponds to the post of the Secretary General of the Chamber of Parliament.

Originally, after parliamentary elections in December 1993, a joint Secretariat was established for both Chambers of the Federal Assembly. But soon we had to reject that model in the interests of improving our work.

Now there are ten departments and two independent divisions, secretariats of seven deputies' unions, of 28 committees and of the Credentials commission in the Secretariat of the State Duma. One of the Secretariat's structural divisions is the Parliamentary Library which serves both the State Duma and the Council of the Federation.

About 1800 persons work for the Secretariat. The structural divisions are headed by highly-qualified officials, possessing wide experience of practical work in federal government bodies, 249 employees have Ph.D. degree. The Secretariat of the State Duma is relatively young: the average age of employees is 44. Almost every third employee is younger than 30 years old.

Each parliament has in the secretariat its own legal advisory service. Our Legal Department provides the legal and linguistic expertise on the bills and other official documents adopted by the Chamber. It also gives advice to deputies of the Duma and its personnel on legal matters.

As a rule, the deputies of the Duma pay serious attention to the verdicts of the Legal Department. Nevertheless, the legislative process does not always go smoothly. Unfortunately, the laws adopted by the Duma are sometimes rejected by the Council of the Federation or by the President. In such cases the Legal Department together with the Organizational Department assists the deputies of the Duma to work in the conciliating commissions over the rejected laws.

Consultative and expert advisers work in the Legal and other departments, and in secretariats of the committees of the Duma. Leading experts of the largest Russian research centres draft the bills.

In order to work out new draft laws the deputies, as well as the personnel of the Secretariat, have to use all available analytical and information resources. Using the experience of foreign countries, we have drafted "The principal directions of the informational - analytical work of the Secretariat of the State Duma". This document contains a systematic approach to the organisation of this work and list of analytical and informational services offered to the deputies of the Duma by corresponding structures of the Secretariat. The implementation of "The principal directions" allows all divisions to concentrate their efforts on securing the legislative process.

For example, the Analytical Department deals with providing the informational - analytical background of the bills. It also provides the deputies of the Duma with reports on different social - economic and political issues, on domestic matters and foreign policies. The Department publishes a monthly bulletin where the current activities of the State Duma are analysed.

Like other parliaments, the State Duma wants the public to be well-informed about its activities. The Secretariat makes every effort to secure the transparency and openness of the Chamber for everybody who is interested in full and objective information about the complicated and intensive work of the legislators.

The Parliament has its own newspaper, journal and TV programme. The Press Service of the Duma regularly organises press conferences of the officials of the Chamber, leaders of parliamentary factions, or individual deputies, provides material for weekly radio - and TV programmes about the work of the Parliament. It also sends on a permanent basis information to the media about the deputies' current activities. For example, the total circulation of the publications of "Duma's Panorama", intended for the regional press, is up to 3 million copies.

We now have tours around the Duma's premises for Russian and foreign visitors. Special attention is paid to educational and informational programmes for youth groups, representing the new generation of Russian citizens who will have in the future to develop and strengthen the traditions of the Russian parliamentary system.

The assistance in strengthening of links between deputies of the Duma and their constituencies is an integral part of the work of the Secretariat. The Reception Office of the State Duma, which any citizen can approach, is acting effectively. Only this year, in the Reception Office about 4,000 visitors were received, more than 700 of them directly by deputies of the Duma and the rest by the employees of the Secretariat. More than 30 thousand requests of citizens addressed to the Duma were considered. The informational - analytical reviews with suggestions, remarks, comments of the voters concerning the legislative activities of the Duma and the general situation in the country are prepared regularly. These reviews are sent to the deputies of the Duma and to the parliamentary committees.

These functions we regard as the contribution of the Secretariat to the maintenance of the legislative as well as representative role of the State Duma.

Practically all informational - analytical services of the Secretariat are computerised. The computer network of the State Duma has access to the Internet. We have a programme of transferring all principal working processes to computer technologies. A computerised system for legislative activities has been installed. The conditions for computerising document circulation have been worked out. But we would like to have a more sophisticated technological base.

We work on the basis of the annual plans formulated in accordance with the document "The principal directions for improving the activities of the Secretariat of the State Duma to 2000" which we have produced.

The key questions relating to the work of the structural divisions of the State Duma are discussed at monthly conferences with the heads of different levels. These issues are also considered annually at the general meeting of the Secretariat.

In accordance with the provisions of the Russian civil service legislation we try to raise the professional level of our employees, because we fully realise that nowadays high professionalism, and civil, legal and political culture in governmental employees are much appreciated.

We draft the legal documents which regulate questions of the official status of the State Duma Secretariat. The Russian laws require that a governmental employee should act in the interests of the State, not in the interests of certain

political parties. This legal rule is particularly relevant for parliamentary employees, with 'representation of deputies in the Chamber from different parties and public movements. Though the political composition of the deputies' body in the Chamber of the first convocation was essentially different, there were no significant changes in the staff of the Secretariat of the State Duma when the deputies of the new convocation came. The only changes occurred in the structures which directly serve the deputy factions. In this way the principal staff and the professional potential of the Secretariat are retained. This is very important in securing continuity in the work of the Chamber.

The Secretariat of the State Duma co-operates continually with the secretariats of different governmental institutions. Meetings of the officials of the Secretariat and its structural divisions with the representatives of the President, the Government, and federal executive bodies are held annually. The different problems of the legislative process are discussed at these meetings.

Regional seminars are held on a regular basis with the officials of the secretariats of the legislative bodies of the constituent entities of the Russian Federation and with representatives of local self-government. Besides that, training of the employees of the secretariats of the regional legislative bodies are held in the Secretariat of the State Duma. The Secretariat fully understands its responsibility to improve the effectiveness of the legislative and representative bodies at all levels, in order to maintain the unity and integrity of our country.

We consider co-operation with the Secretariat of the Council of the Federation as our major priority. Both secretariats are united by the common legislative process. We manage to keep constructive and good relations. Inspired by close co-operation and common aims, the secretariats of the State Duma and the Council of the Federation worked together in the preparation of the 100th Inter-Parliamentary Conference.

The assistance of the inter-parliamentary activities of the deputies of the Duma is an important part of the work of the Secretariat. In addition, we have established links with the secretariats of the parliaments of United Kingdom, France, China, Finland, Germany, Sweden, Canada and other countries. These links are not limited only to the exchange of delegations. We act within the framework of long-term co-operation agreements.

Recently we have completed the project TACIS and have summed up the results of this unique work. Its content, aiming at studying the actual issues of the development of parliamentary system in Russia, was extremely important.

It is the result of serious work by a large group of experts. The project contains a comparative analysis of the parliamentary experience of European

countries, as well as analysis of organisation of the legislative process in the State Duma. There are suggestions for improving the legislative process, structure of the Secretariat, personnel policy and information systems.

I would like to express our gratitude to all the participants of this Project, the representatives of the parliamentary secretariats of a number of countries, the European Commission for the opportunity of useful co-operation. We intend to think over and put into practice the results of this co-operation. I can assure you that all useful results will find their proper place in our everyday work.

The European Commission has adopted the new project. We have decided that special attention will be paid to the examining of the following problems:

- interaction of the branches of power;
- interconnection between the legislative process and the practical needs of society;
- the preparatory stage of drafting of bills and the planning of the legislative process;
- democratic procedures for debating the bills.

I think that future meetings of the Association of Secretaries General of Parliaments within the framework of the Inter-Parliamentary Conference could be devoted to specific problems. In particular, it would be very useful for us to discuss the legal and information - analytical aspects of the legislative process, practice in material and technical service to the deputies' body.

Dear Colleagues

We are now trying to evaluate critically the results of our work. First of all we have paid attention to the development of our collaboration with the deputies of the Duma. During the last two years officials of the Secretariat and its structural divisions had meetings with all the deputies' factions and groups. During these meetings prospects for improving the work of the Secretariat were discussed, the legislators' needs requiring the support of the Secretariat were determined. It allowed us to extend considerably our assistance to the deputies' body.

Every year in December we send to all the deputies of the Duma questionnaires with the request to evaluate the work of the Secretariat and to make suggestions. We take into consideration these suggestions in our work in the forthcoming year.

I must say that there is still considerable potential for improvement of the work of the Secretariat. First of all we don't always manage to satisfy the needs of the whole deputies' body, connected with its legislative activities and with the control over the implementation of the decisions of the State Duma and of deputies' interpellations. There are some drawbacks in objective description of the activity of the Duma in media. In addition, the financial difficulties have not been overcome. But we have programmes for finding solutions to all these problems and their implementation will improve the situation.

Dear colleagues, let me express my confidence that, using the wide opportunities and the authority of the Association of Secretaries General of Parliaments, the secretariats of the supreme legislative bodies will considerably contribute to the further development of inter-parliamentary co-operation and to solving many problems for the sake of the peoples of our countries.

I sincerely wish you great success in your many-sided and honourable activities, health, happiness, kindness and peace!

Thank you.

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Mr Nikitov spoke as follows:

Parliamentarism in Russia has its "own history and national traditions. The Veche (people's assembly) was a body of Russian state governance and self-government as early as the Kievan Rus and later in the republics of Novgorod and Pskov. Supreme legislative and judicial authority belonged to the veches.

But the first stage of parliamentarism in the European meaning of this word was connected to the work of the State Council - the supreme law-advisory body of the Russian empire from 1810 to 1906. With the creation of the State Duma in 1906 a new period of Russian parliamentarism began.

The next stage of parliamentary development in Russia was represented by the Soviets created everywhere on the people's initiative during the February revolution of 1917 (the first experience of Soviets as bodies to direct the workers' strike struggle and armed uprising took place in 1905-1907). The Soviets became bodies of the new revolutionary authority. In January 1918 there was a merger of separate Soviets of the workers, soldiers, Cossacks and peasants' deputies, and the All-Russia Congress of Soviets was announced as the supreme body of state authority.

Subsequently they were transformed first into the Soviets of working people's deputies (in 1936) and then into the Soviets of people's deputies (in 1977). The Soviets were representative bodies. In terms of organisational forms it is possible to consider them as a parliament. But in terms of the principles and content of their activities the powers of the Soviets differed from the concept of a parliament that has come into being in the contemporary practice of statehood-construction.

A revival of ideas of parliamentarism occurred only with the election of the Congress of People's Deputies of the RSFSR in 1990. With that a parliamentary system ceased to be viewed merely as a parliamentary form of governance, but as a system under which an independent and democratic legislative authority operates.

The new period in the establishment of parliamentarism in Russia began in January 1994, when the Federal Assembly of the Russian Federation, elected on the basis of the new Constitution of the Russian State, began its work.

The Federal Assembly - the parliament of the Russian Federation - is a representative and legislative body. Its representative nature is determined by the fact that it consists of representatives of both the entire population and the political parties. A two-chamber parliamentary system is typical of federal states. The Federal Assembly of the Russian Federation in this respect is not an exception. It consists of the State Duma, to which deputies are elected at free democratic elections, and of the Council of Federation, formed of representatives of state authority bodies from all the parts of the Russian Federation. In a two-chamber legislative body of a region of the Russian Federation its representative is decided by a joint decision of both chambers. In practice chairmen of both chambers of these legislative bodies of a part of the Federation execute the duties of Members of the Council of Federation in turn, each serving for one half of the term for which they are elected. Such a way of proceeding guarantees the accomplishment of tasks and functions of an all-national representative body by the Russian parliament.

It is necessary to emphasise three basic aspects of the Russian parliament.

- The use in the Constitution of the Russian Federation of the definition of the Federal Assembly as the parliament of the Russian Federation means the official recognition of the idea of parliamentarism, with the experience of world civilization, as well as of Russian traditions and specific features, taken into account.
- The definition of the Federal Assembly as the representative body means that the parliament of the Russian Federation represents the interests of all Russian citizens. Through their representatives in the parliament the people

exercise their sovereignty and their powers of authority. Only the parliament is competent to express the will of the people in the form of law.

- The Federal Assembly is the legislative body of the Russian Federation. Although in the Constitution of the Russian Federation it is established that federal laws are adopted by the State Duma, yet the Federal Assembly as a whole is the legislative body of Russia. Such a conclusion derives from the contents of a number of the constitutional provisions concerning the legislative initiative right of the Council of Federation and its individual members, and the mandatory consideration of federal laws adopted by the State Duma in the Council of Federation.

Control functions of the Russian parliament are limited to the approval of the federal budget and the exercise of control over its implementation through the Accounts Chamber.

The specific nature of the parliamentary system in Russia lies also in the fact that the Federal Assembly, unlike the former Supreme Soviet, is not a superior authority body with regard to the representative and legislative bodies of the parts of the Russian Federation. Under the new Constitution the interaction of the Federal Assembly with the representative bodies of state authority of the regions of the Federation and the representative bodies of local self-government is limited to the adoption of federal constitutional and federal laws on matters of competence of the Russian Federation and on matters of joint competence of the Federation and its regions.

Each part of the Russian Federation has its own system. The specific features of each region of Russia, including national peculiarities, is manifested even in the names of their legislatures called: дума, legislative assembly, state council, kurultai, khasae, etc.

Two-chamber parliaments operate in the republics of Bashkortostan, Karelia, Kabardino-Balkaria and Sakha (Yakutia) and the Sverdlovsk oblast. They are formed according to the principle of national ethnic representation, as well as the territorial principle.

The structure of the District Assembly of the Deputies of the Nenets Autonomous District has its own specifics: deputies working on a permanent basis form the Chamber of Legislative Proposals.

According to federal constitutional norms, federal laws are adopted on matters of joint competence of the Federation and its subjects, and laws and other normative legal acts of the regions of the Russian Federation are adopted on their respective basis. This enables regional law-makers to take into account the geographic, climatic, social, economic, ethnic and other peculiarities of their territories.

As concerns the matters within the exclusive competence of a region of the Federation, its legislative (representative) body has the right to pass independent legal regulations.

The competence of legislative (representative) bodies of state authority of the parts of the Russian Federation is established in their constitutions, statutes and laws. The basic functions of regional legislative bodies are:

- adoption of basic constituent documents (constitutions and statutes) and laws, making amendments and additions to them, interpretation of individual articles of the normative legal acts issued;
- exercise of the right of legislative initiative in the Federal Assembly of the Russian Federation;
- approval of the structure of executive bodies of state authority as proposed by the head of that part of the Federation;
- consideration of questions concerning changes of borders and administrative-territorial division;
- approval of plans and programmes of socio-economic development, consideration and approval of the regional budget and the report on its implementation;
- establishment of the general rules of governance and of regional property management;
- introduction and abolition of regional taxes, levies and other mandatory payments, their collection procedures, etc,

At the regional level, as well as at the federal one, the principle of separation of powers is observed.

This presentation of the parliamentary system in the Russian Federation would not be complete without mentioning the third level of representative authority - representative bodies of local self-government. Under the Constitution the bodies of local self-government are not included into the system of bodies of state authority. Therefore the relations of representative bodies of local self-government with federal and regional legislative bodies are practised on the basis of their own competence. Representative bodies of local self-government do not adopt laws, but they have the right to carry out legal regulation within the territory of municipal entities in accordance with the federal and regional laws and with local conditions, traditions and peculiarities taken into account.

The Constitution of the Russian Federation provides for the possibility of granting the bodies of local self-government some state authority powers,

including the powers of legislative (representative) bodies of the state authority. And such practice already exists. In most cases regional legislative bodies delegate to the representative bodies of local self-government their right to establish privileges for certain categories of citizens or rates of deduction for certain taxpayers to regional budgets.

As a rule, regional legislation establishes that the exclusive powers of legislative (representative) bodies of state authority of the parts of the Russian Federation shall not be delegated to representative bodies of local self-government.

The powers of representative bodies of local self-government are summarised in three basic functions - adoption of statutes of municipal entities and other normative legal acts, making amendments and additions to them; approval of local budgets and control over their implementation; introduction of local taxes and levies.

As the Federal Assembly is a two-chamber body, let us provide a more detailed account of its chambers.

The Council of Federation is a representative body new to Russia. Its uniqueness lies in the fact that it embraces federal and regional, legislative and executive authority. Local ethnic, regional and common federal interests come together, both separate from each other and at the same time in unity. That certainly serves as a factor of federal stability and sustainability for our multi-ethnic state.

Unlike the State Duma, there has been no analogue to the Council of Federation in the centuries-old history of the Russian state. And though the terms "senate" and "senators" in application to the Council of Federation have become habitual, it cannot be considered a successor to the Russian Senate of the 18th century. That collective body, which was established on 22 February 1711 by a decree of Peter the Great and existed in various forms till November of 1917, being subordinate to the Tsar, enjoyed no real legislative power, but rather limited its work to law-advisory functions at best.

The specific nature of the Council of Federation also lies in the fact that its membership is quantitatively predetermined by the number of parts of the Russian Federation, with two representatives per region (the heads of representative and executive bodies of the state authority) being included in the Chamber. Thus, the principle of parity in formation of the Council of Federation is incorporated in the Constitution itself.

The Council of Federation holds its sessions within the period of 16 September to 15 July, at least once a month. Extraordinary sessions of the Council

of Federation can be convened upon a proposal by the President of the Russian Federation, the Chairman of the Council of Federation, the Federal Government, a region of the Russian Federation acting through its legislative (representative) body of state authority, committees of the Council of Federation or upon a demand supported by at least 1/5 of the total number of the Members of the Council of Federation.

Although the Council of Federation and the State Duma represent a single body, that is the Parliament of Russia, they, due to their different powers and competence, hold separate sessions and adopt independent decisions.

The constitutional forms of interaction between the Council of Federation and the State Duma are:

- joint sessions for hearing addresses of the President of the Constitutional Court and speeches of leaders of foreign countries;
- transfer of federal laws adopted by the State Duma to the Council of Federation;
- consideration by the Council of Federation of federal laws adopted by the State Duma;
- establishment of conciliatory commissions on the federal laws rejected by the Council of Federation;
- overcoming a "veto" of the Council of Federation by the State Duma;
- the right of the Council of Federation and its Members for legislative initiative in the State Duma;
- creation of the Accounts Chamber on a parity basis for exercising control over the federal budget's implementation.

The procedural provisions for the sessions of each of the Chambers of the Federal Assembly are established by their Standing Orders. Of greatest importance in this respect is the matter of quorum, ensuring legitimacy to the sessions and the activities of the Chambers. According to the Standing Orders of the Council of Federation and the State Duma their sessions are considered competent, if they are attended by more than a half of the total number of Members of the Council of Federation and the Deputies of the State Duma. Sessions are held in public, however the Chambers can adopt a decision to hold closed sessions, in cases stipulated by their Standing Orders.

The Council of Federation and the State Duma create committees consisting of the members of the chamber and hold parliamentary hearings on the matters within their competence.

The competence of the Council of Federation includes approval of changes of borders between the parts of the Russian Federation (the Chamber has the right to make decisions on these matters in case of mutual consent of the regions).

The Council of Federation is bestowed with such important powers as approval of Presidential decrees on the introduction of martial law or a state of emergency. In introducing martial law or a state of emergency in the territory of Russia or some of its localities, the President shall immediately notify the Council of Federation and the State Duma. These legal norms serve as a guarantee ensuring the interests and the status of the regions of the Russian Federation.

Within the competence of the Council of Federation there also lies the decision on the possibility of using the armed forces of Russia outside its territory.

Calling Presidential elections belongs within the exclusive competence of the Council of Federation.

Another of the most important powers of the chamber concerns making a decision on the impeachment of the President. Such a decision can be adopted only on the basis of an accusation of high treason or perpetration of other serious crimes put forward by the State Duma and subjected to special procedures.

The appointment of the Judges of the Constitutional Court, the Supreme Court and the High Arbitration Court and of the Procurator General of the Russian Federation is within the competence of the Council of Federation. The candidates to these positions are proposed by the President of Russia.

In addition to the above-mentioned powers the Council of Federation appoints the Deputy Chairman of the Accounts Chamber and half of the number of its auditors.

But the main function of the Federal Assembly is, certainly, the legislative one. The Council of Federation actively participates in the law-making process and fully uses its right to legislative initiative.

The federal laws adopted by the State Duma are within five days transferred to the Council of Federation for consideration. The Standing Orders of the chamber establish that a federal law adopted by the State Duma and the enclosed documents shall within a period not exceeding 48 hours be addressed to all Members of the Council of Federation and to the committee which according to the decision of the Chairman of the Council of Federation is to prepare a conclusion for the chamber concerning the given law.

The Constitution establishes a fourteen day period for the Council of Federation to consider a federal law received from the State Duma. The Chamber may consider the law (approve or reject it) within this term.

Some of the laws adopted by the State Duma, according to the Constitution, are subject to mandatory consideration by the Council of Federation. Those include the laws concerning the Federal Budget, federal taxes and levies, financial, currency exchange, credit and customs regulations, money emission, ratification and denunciation of international treaties of the Russian Federation, the status and protection of the state border of the Russian Federation, war and peace, as well as drafts of all federal constitutional laws.

A federal law is considered approved by the Council of Federation, if it has been voted for by more than half of the total number of the Members of the Chamber or if it has not been considered at a session of the Council of Federation within fourteen days. An approved federal law is within five days submitted to the President of Russia for signing and publication.

The Council of Federation adopts resolutions on matters within its competence. Generally they are adopted by the majority of votes of the total number of the Members of the Chamber. A decision of the Council of Federation on impeachment of the President shall be adopted by two thirds of votes, and approval of a draft federal constitutional law requires at least three quarters of votes of the total number of the Members of the Council of Federation.

The principle of separation of powers is established in the Constitution of the Russian Federation. The main condition for it to be observed is the possession of its own competence by each of the branches of authority, the development of a mechanism for their interaction, interconnection and cooperation to ensure the unity and balance of the authorities. The nature of the mutual relations of the Federal Assembly with the President, the executive and judicial authorities is stipulated in the Constitution.

The transition from the principle of appointing to the principle of electing the heads of the regions of the Russian Federation has enhanced the role of the Council of Federation in society. In fact the Council of Federation has become not just one of the chambers of the Federal Assembly, but also an original convention of the heads of the regions of the Federation who have the right to take political decisions on a nation-wide scale. Bestowed with the trust of the **whole population** of their regions and with real authority, they have indeed become the **people's representatives**. Therefore it completely stands to reason to say that despite a difference in the ways the chambers are formed the Federal Assembly represents as a whole the **legislative authority of Russia**.

Under the Constitution, the Council of Federation is a permanent working body, while the State Duma is elected for the period of four years. That is a testimony to a stabilising role of the Council of Federation in the Russian society. At a time of elections to the State Duma or its dissolution by the President, the Council of Federation remains the functioning all-national legislative body. And that is a guarantee of preservation of the balance of authorities and the democratic structure of our state.

Nevertheless, the main result of the activities of the upper chamber of the Federal Assembly in the past years is its practical establishment as "a chamber of the regions", wherein each region of the Federation, irrespective of its status, is provided with equal representation, equal votes and equal rights to participation in making decisions on any matter lying within the sphere of competence of the chamber.

Parliamentary hearings, on the spot sessions, various scholarly and practical purpose conferences, symposiums, round table discussions, forums and seminars, including international ones, have become effective forms of parliamentary activities in the Federal Assembly.

Development of inter-parliamentary cooperation is an important component of the foreign policy activities of the Council of Federation. International contacts of the Council of Federation are aimed at realisation of the foreign policy of Russia and the development of mutually advantageous cooperation in the political and economic spheres, assistance in the study of parliamentary experience, and to get acquainted with models of foreign economies in transition. The Council of Federation maintains constant ties with the parliaments of 89 states.

Of first importance for Russia are its relations with the Member Countries of the Commonwealth of Independent States. That explains the extreme importance attached and attention paid to the Inter-Parliamentary Assembly of the Member States of the Commonwealth, the Council of which is headed by the Chairman of the Council of Federation.

The Council of Federation, nevertheless, proceeds on the basis of the principle of universal cooperation. Its ties with international parliamentary organisations, first of all with the Inter-Parliamentary Union, parliamentary organisations of the Council of Europe, of the Black Sea Economic Cooperation, with the North Atlantic Assembly, the Nordic Council, the Asian Pacific Parliamentary Forum, the Inter-Parliament Organisation of the South East Asian Nations and other international parliamentary organisations are being actively developed.

Comprehensive contacts of the Council of Federation with the Congress of Local and Regional Authorities of Europe are promising. Eighteen constituent parts of the Federation are represented in the Congress by their heads who are Members of the Council of Federation. That allows for the establishment of mutually advantageous ties with European regions and their bodies of local self-government. The Council of Federation attaches paramount importance to regional cooperation.

The Council of Federation more and more often becomes the initiator of major international activities. The Saint Petersburg Economic Forum, attended by more than 3000 parliamentarians and leaders of both neighbouring countries and those further afield, representatives of business communities and public figures, was a remarkable event of 1997-98. The Forum is now becoming established on a permanent basis.

In supporting the legislative activities of the Council of Federation as a chamber of the Federal Assembly much depends on the precise and coordinated work of its staff. This work consists of providing organisational, legal, information and analytical, documentary and other kinds of support to the upper chamber.

The structure of the staff of the Council of Federation is constantly improved in order to assist as much and efficiently as possible in the execution by the chamber of its constitutional functions.

At present the staff of the Council of Federation consists of its committees and commission staff, secretariats of the Chairman of the Council of Federation and of his deputies and of seven departments: legal, organisational, information and analysis, international relations, personnel affairs and public service, office document management and business administration and the press service.

Each unit of the staff of the Council of Federation has its own specifics, its own functions and tasks. At the same time the staff are a single integrated body functioning in accordance with parameters, rules and defined goals.

The specifics of the work of the staff of the Council of Federation lie in the fact that its officials have to interact directly with the staff of the State Duma, the Administration of the President of the Russian Federation, the Government and the staff of state authority bodies of the regions of the Russian Federation, to hold joint activities (seminars, conferences, round table meetings) for improvement in the quality of the legislative work, the promotion of legislative initiatives, and coordination of the actions of the regions and the Council of Federation.

In the establishment and development of Russian parliamentarism the staff of the Council of Federation strive to ensure active participation of regional

leaders in inter-parliamentary cooperation, in parliamentary hearings, while holding round table meetings of the Council of Federation with wide regional representation. Continuous working contacts with all the Members of the Council of Federation and their assistants allow them to feel the mood in the chamber regarding various federal laws, and to facilitate the preparation of analytical materials and situation forecasting, the organisation of the sittings of the Council of Federation, and the improvement of its Standing Orders.

The ties of the staff of the Council of Federation with foreign partners are multifaceted. About ten cooperation agreements have been signed. There are fact-finding missions and joint seminars. Just recently such bilateral seminars have been organised jointly with the administrative staffs of the Senates of France and Italy, the German Bundesrat, with colleagues from the People's Republic of China, Finland, Sweden, the United Kingdom and Canada. The TACIS and the TRANSFORM projects are implemented successfully and with great benefit.

The Russian parliament in its present democratic form is young. Its establishment and development continue.

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Mr Michael DAVIES thanked Mr Nikolai TROSHKIN and Mr Vladimir NIKITOV for their presentations and for all they had done for the ASGP conference, particularly given the difficulties resulting from the conference taking place at the same time as the sitting of the Duma. It appeared that the Council of Federation had the right to approve and to reject the laws passed in the Duma. If, however, a bill was rejected it was in the end the decision of the Duma that would be supreme. He noted that if a legislative proposal was not considered within 14 days by the Council of Federation, it was deemed to be approved. Mr DAVIES asked how this worked. He also asked about the composition of the Council of Federation. How did one become a member of the Council of Federation and what happened if a member of the Council died? Was there an age of retirement? He also asked Mr TROSHKIN whether the Duma papers were available on the Internet.

Mr NIKITOV said that the Council of Federation received many bills from the Duma. Some of them had on each occasion to be considered by the Council. These included the budget, taxes and international treaties. Other bills could not be considered by the Council of Federation. If on a relevant bill there was no Council of Federation decision within 14 days, the bill went to the President

who could approve or reject it. If the Council of Federation rejected a bill the Duma could overcome that rejection by a two thirds majority. If this happened, the bill was then sent to the President who could either approve or reject it. Recently another procedure had been used. If the Council of Federation rejected a bill, a Conciliation Committee was formed which usually worked over a period of one to two months. There were only a couple of examples where such a committee had worked for up to a year and not found a solution to the disagreement. Once the committee had decided on a solution, it was then sent to the two Chambers for approval and then finally to the President for approval.

Mr DAVIES' second question had concerned the composition of the Council of Federation. The Council of Federation consisted of the governors and heads of the legislative assemblies of the regions of the Russian Federation. They were thus members *ex officio* although they were elected to their various positions by the local population in the case of the governor and by the relevant assembly in the case of the head of that assembly. As soon as they were elected to their relevant positions they went to Moscow where their mandate was confirmed and they were made members of the Council of Federation. They had started work on the publication of State Duma papers on the Internet. This was still at a fairly basic stage and there was room for improvement and for more material in English.

Mr HONTEBEYRIE (France) thanked Mr NIKITOV and Mr TROSHKIN for a very full and interesting presentation. Mr NIKITOV had said that the scrutiny and control functions of the Parliament were limited to budgetary matters. Did that mean there was no question time in either the Council of Federation or the Duma? Was there no possibility of committees doing inquiries on government activity? How was it possible for the two Chambers to control the Executive when the budget was discussed?

Mr NIKITOV said that apart from the budgetary procedure, the Chambers could also conduct parliamentary hearings and invite ministers to explain their actions. They could, however, only make executive decisions through legislation. That day in the State Duma, they were acting on the basis of a constitutional law of government which had recently been adopted which stated that the State Duma had the right to confirm the head of government. One issue currently debated in Russia was whether such prerogatives between President, Council of Federation and State Duma should be redistributed.

M^{me} PONCEAU (France) asked about Conciliation Committees which sounded like a very interesting procedure. There were similar provisions in the French Constitution. She asked who took the decision to set up such a committee and how such a committee was constituted. Did it have an equal number of members from the Council and the State Duma?

Mr NIKITOV said that the Council of Federation adopted its decision on the basis of the recommendation of the Committee. It was sensible to believe that a decision was possible given that the Committee itself was roughly equal in its composition between the two Chambers.

Mr HALLER (Council of Europe) referred to Russia's co-operation with international bodies. He knew that members of the Russian delegation were very active in the Council of Europe. The Russian Parliament was still young. Mr HALLER asked what were its powers over its own budget and over the appointment of its own staff. Who took the decision on the parliamentary budget and who made the budgetary proposals? Was there one budget for both Houses and was the staff of the parliament specially appointed for that purpose or was it simply a part of the general civil service?

Mr NIKITOV said that the Parliament was directly financed by the Government until that year when Parliament had begun to finance itself directly. This was a result of the experience of other countries and their own conclusions. Parliamentary funds were a separate article of the state budget and adopted within the state budget. Each Chamber was financed directly by the Treasury where they had their own budget line. The staff of the two Chambers were independent both from each other and from the government. The system of civil service was different in Russia from that of other countries such as the United Kingdom where they had an independent parliamentary service. In Russia they had a single public service in the formative period which was recently created and governed by only a few acts. Some aspects then of this civil service were not as yet clear, for instance their legal protection. The hierarchy of the civil service, however, was approved. Parliamentary officials worked only in parliament.

Mr NYS (Belgium) noted that Article 91 stated that the President of the Federation enjoyed immunity. He asked what that meant with regard to the Parliament. Did it mean that the President could not be impeached?

Mr NIKITOV said that immunity was defined under the law and that the President could be impeached. Such impeachment would have to be initiated by the State Duma. Indeed, a committee had recently been established in the State Duma to impeach Mr Yeltsin.

Mr KAITOUNI (Morocco) congratulated Mr NIKITOV and Mr TROSHKIN on their presentations. He asked whether there was special reservation in the Parliament of the Federation so that cultural and ethnic representation was taken into account and balanced.

Mr NIKITOV said that there was no special reservation of that kind for cultural or ethnic groups. In the Council of Federation it was impossible since

the members were the *ex officio* heads of the different regions. The Russian Federation was multinational and multilingual. Russians were 90% of the population and lived throughout Russia. Some areas were considered ethnically distinct. An example might be Tatarstan. Thirty per cent of the population were Tatar and thus they were in the minority but nevertheless the country was given that name. Another example of such special reservation might be Kamchatka. Although the numbers in these regions were very small they were made distinct regions so that they could have representatives in the Council of Federation and thus equal voting rights. The State Duma had a majority representative system. Of the 450 member 225 were elected on party lists. The others were directly elected on a majority basis in the constituency. Any person of any ethnic background could stand but there was no special reservation provision.

Mr de BEAUFORT (Netherlands) congratulated Mr NIKITOV and Mr TROSHKIN on their presentations. He asked about the relation of parliamentary groups to the parliamentary structure. Mr NIKITOV said that in the Council of Federation there were no parliamentary groups. It was a non-partisan body though they did have party views. The rule was that members should not speak in a party political way. The State Duma was a political body with parties. There were four parties which had won seats through a passing of the 5% barrier in the last election. There were also independents structured into three groups. There were therefore in total seven party groups. All groups had their own staff in the State Duma.

Mr BENVENUTO (Italy) said that last November he had been a guest at the Council of Federation at the signing of an agreement between the Italian Senate and the Council. He was happy to be in Moscow again. He had a question relating to the current situation in Russia. He noted that only the State Duma could approve the head of government not the Council of Federation but the previous week the Council of Federation had expressed an opinion on Mr Chernomyrdin as Prime Minister. Was that the first time that this procedure had been followed and did it conform to the Russian Constitution?

Mr NIKITOV explained that that day the State Duma was to vote on whether Mr Chernomyrdin should be Prime Minister. There would then be a second process of adoption of the Prime Minister's government. The whole question of the presidential and parliamentary authority for the head of government was currently under discussion. Parliament wanted all cabinet appointments to be agreed by the parliament. That was now also being debated. The debate in the Council of Federation was the first time that such a procedure had taken place and it was not provided for in the constitution. Mr Kiriyenko often came to the Council of Federation for support, since its members were very

important and influential. Without their support the Prime Minister could not work effectively. The procedure had no constitutional standing.

Mr AL-MASALHA (Jordan) thanked Mr NIKITOV and Mr TROSHKIN and asked how the current argument would be settled, by the President or by the State Duma.

Mr NIKITOV said it was difficult to say. It was a political issue which needed ultimately a political response. He was only an administrator.

Mr TROCCOLI (Italy) asked whether there was any form of state financial contribution towards political parties:

Mr NIKITOV said that there was not. Parties were not part of the state structure.

Mr LANZ (Switzerland) asked about the competence of the Council of Federation in legislation. He noted that the Council had 14 days to examine a law brought from the State Duma. He asked how this was organised when members of the Council had to come from all over the country. Did they come for special sessions of the Council; did committees begin to study the matter in advance; and finally could the Council of Federation amend a bill or could they merely approve or reject it.

Mr NIKITOV said that it was true that the Council had to consider the bill within 14 days or it was deemed approved. This was a very strict regulation. It was very difficult for the Council of Federation to work within this time limit since it was not a permanent body and the 170 members had to come from all over the country - a country which was 10,000 kilometers from one end to the other. Nevertheless they did manage to work within this system. When the draft law arrived from the State Duma it went to a special committee which started working immediately. There was a special provision in the case of very important laws which could not be considered within the 14 day limit. The special committee could then decide that the law be officially adopted for consideration and that an extra month be given for the Council of Federation to deal with the draft law. The State Duma disliked this procedure of the Council of Federation but the Constitutional Court had recently accepted the Council of Federation practice for such important pieces of legislation. The members of the Council of Federation were interested in all the laws which came from the State Duma.

Mr DÄSTNER (Germany) thanked Mr NIKITOV and Mr TROSHKIN for their presentations. It seemed to him that there were similarities between the Council of Federation and the Bundesrat. In the Council of Federation all members had other tasks in their regions, whether they be the governor or the head of the legislative assembly and spent most of their time working in the

regional capitals. But they also had to participate in the decisions of the Council of Federation which had often to be taken quickly, within 14 days. Mr DÄSTNER asked how information was communicated to Council members in their different regional capitals so that they could prepare for work in Moscow, or was it the case that the Council members were only informed of the detailed issues on their arrival at the Council of Federation. He wondered what technical assistance existed between Moscow and the regional offices.

Mr NIKITOV said that there was continuing room for improvement in this area but the majority of laws did not arrive unexpected at the Council of Federation. They had previously been considered in the State Duma and the Council co-operated closely with the State Duma. If a draft law was particularly important, members of the Council might be informed in advance but when any draft officially arrived all members had to be informed within 48 hours, be it by fax, telephone or some other means.

Mr MFENYANA (South Africa) thanked Mr NIKITOV and Mr TROSHKIN for their presentations and their hospitality. He said that in the South African Second Chamber, the Council of Provinces, delegations to the Council were led by the provincial premiers. In this there was a combination of executive and legislative authority. He asked whether the situation was the same in Russia.

Mr NIKITOV said that Mr MFENYANA was right. The Council of Federation was a legislature at a federal level but it also consisted of those who had, at a local level, executive power.

Mr HOOPLOT (Suriname) thanked Mr NIKITOV and Mr TROSHKIN and asked how the Council of Federation dealt with the question of a quorum. Was a certain number of members present for a meeting to begin and was it necessary for a majority of members to be present for any decision to be taken. He also asked whether the deliberations of the Council were open to the public and televised.

Mr NIKITOV said that in order to start a session of the Council it was necessary to have 50 per cent of members plus one. If there were fewer present the meeting was not called to order. This was clear in the rules. If however a quorum was present meetings began at 10.00 am in the morning. The Council usually met on Wednesdays and Thursdays with committees on Tuesdays. Committees had to adopt any decision not later than the Tuesday evening. There were places for the public in the balconies. This had been recently introduced. But the space for the public was too small simply to allow anybody in. There were also television monitors.

Mr DAVIES thanked Mr NIKITOV for his *tour de force* in both presenting his account of the Council of Federation and then answering questions on both Houses.

Mr NIKITOV thanked members of the ASGP for their attention and said it was a great honour for Moscow to hold the 100th IPU Conference.