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Executive Control over Parliament and Law-Making in Russia:

The Case of the Budget Bills

OGUSHI Atsushi

Introduction

- I. Law-Making in Russia: an Overview
- II. Passing the Annual Budgetary Bills: an Overview
- III. The Cases of the 2000, 2007, and 2013 Budget Bills Conclusion

Introduction

Recent literature has paid much attention to the political institutions of authoritarian regimes. Apart from such non-political factors as the need for economic development, containment of social unrest, psychological desire for dictatorship, and so forth for explaining the persistence of authoritarian regimes, many scholars investigate the role of political parties, legislatures, and elections in non-democracies.¹⁾ In Russia, we have seen the emergence of competitive authoritarianism. Russia periodically has elections in which opposition parties can compete, but the ruling party takes advantage of its massive financial resources, administrative resources, and distorted media coverage. Thus, the elections are competitive but unfair.²⁾ By winning such elections, United Russia became a dominant party supporting the consolidation of Russian competitive authoritarianism. According to existing accounts, United Russia helps the executive to control potentially rebellious regions, and is a tool for controlling the parliament by passing massive bills that are useful to the Kremlin.³⁾

Nevertheless, relatively few studies have been conducted to understand the mechanism of the concrete law-making process in Russia.⁴⁾ It is particularly surprising that the budgetary process in the Russian parliament is inadequately studied, as approving the budget is one of the most important roles of the parliament in any country. This article attempts to shed some light on the budgetary process in Russia since the 1990s. By taking this long time span, we can recognise what has changed before and after United Russia's dominance, and some changes under United Russia dominance. By analysing the process for approving the budget bill, this article demonstrates that United Russia deputies tried to modify the budget plans despite the wishes of the executive bodies. Thus, contrary to the conventional wisdom that United Russia is an obedient tool of the Kremlin, we argue that United Russia's dominance has been sustained by its somewhat independent role in law-making. This argument implies that a recent change toward tighter control by the executive body may have a subversive or detrimental effect on United Russia's dominance.

This article consists of three parts. First, we will generally discuss law-making in Russia. Then, we will consider the case of the budget in the following two parts. In the second part, we will overview budget bill approvals since 1996. We will take a closer look at how some individual budget bills are attempted in the third part.

I. Law-Making in Russia: an Overview

It is well known that no party in the Russian parliament (State Duma) had a solid majority in the 1990s. Although the rise of the (apparently) radical right-wing Liberal Democratic Party in the 1993 Duma election surprised many people, the first Duma was characterised not by the rise of the radical right but by the fragmentation of parliamentary factions. There was little party discipline; deputies frequently changed factions; and the executive could not work with the parliament. This picture did not change in the second Duma that was chosen in the 1995 election. Because of the financial crisis in 1998, a sort of 'cohabitation' between President

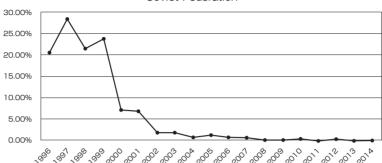


Figure 1: Rate of Veto by the president of both the president and Soviet Federation

Source: Calculated by the author from State Duma Website (http://www.duma.gov.ru/legislative/statistics/).

Boris Yeltsin and Prime Minister Evgenii Primakov emerged.

Some changes took place as a result of the 1999 Duma election. The political movement 'Unity' that was backed by then Prime Minister Vladimir Putin won against 'Fatherland-All Russia'. After a few years, Unity merged with Fatherland-All Russia and established 'United Russia' in 2001. United Russia became the first dominant party in post-Soviet Russia. United Russia won the 2003 and 2007 Duma elections. Although it lost support in the 2011 election, it had a majority of parliamentary seats.⁵⁾

What matters here is not this well-known story, but whether or not United Russia's dominance led to some changes in the law-making process, and, if it did, what these changes were. There is consensus among scholars about one change: United Russia's dominance led to executive dominance over the parliament.⁶⁾ As Figure 1 shows, the veto by the president or joint veto by the president and the Soviet Federation (the Upper House) had almost disappeared after 2002 (that is, after the establishment of United Russia). President Putin did not have to veto the bills approved by the parliament that was dominated by United Russia.⁷⁾

Moreover, the bills initiated by the executive bodies (president and government) have been more assured of approval since 2002, as Figure 2 shows. About 90 per cent of the bills advanced by the executive have

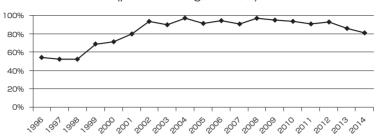


Figure 2: Rate of approving the bills initiated by the executive (president and government)

Source: Calculated by the author from State Duma Website (http://www.duma.gov.ru/systems/law/).

*Note that 'approved' means that the bill was signed by the president and that this approval may take place later that year. For example, a bill introduced in 2007 may be approved in 2009. In this case, we regard that the approval rate for 2007 increased. Thus, some bills that were registered in 2014 must be considered to remain in the Duma at the time of writing this article (Summer of 2015). For example, a bill introduced in December 2014 usually could not be approved in 2014, and we can expect that the bill is under discussion in the Duma at the time of writing this article. Thus, the apparent decrease in 2014 should not be regarded as final.

been approved, in contrast to less than 60 per cent in 1996-1998. Now the executive can expect its bills will be approved without serious difficulties.

In the end, the Duma has approved massive bills since the 2000s (see Figure 3). The number of bills the Duma has approved has increased, particularly rapidly since 2004 (since the 2003 Duma election). The Duma under United Russia's control appears fully obedient to the executive body. In this context, many researchers argue that United Russia is just a docile agent of the executive body and does not play any independent role in law-making.⁸⁾

However, this thesis may be wrong if executive dominance over the parliament does not require United Russia to independently manage the law-making process. For example, some observations can be made by looking at Figure 4. In the 1990s, about 60 per cent of the Duma-approved bills were initiated by the executive. This tendency continued until 2002 when the rate became nearly 65 per cent. However, in 2003, the rate began to decrease. From 2004 to 2009—which one can consider the best

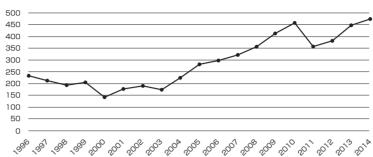


Figure 3: Number of approved bills (signed by the president)

Source: Calculated by the author from State Duma Website (http://www.duma.gov.ru/systems/law/).

Note that the definition of 'approved' is the same as in Figure 2. Thus, the approval rate in recent years may increase later.

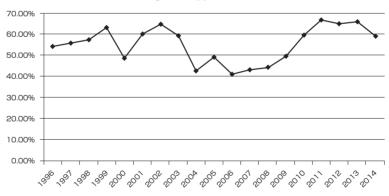


Figure 4: Rate of approved bills that were initiated by the executive among total approved bills

Source: Calculated by the author from the State Duma Website (http://www.duma.gov.ru/systems/law/).

Note that the definition of 'approved' is the same as Figure 2 and 3.

period for United Russia—the rate was less than 50 per cent. That is, many bills initiated by deputies were approved in this period. As we can assume with a certain confidence that such deputies were from United Russia rather than opposition parties, United Russia deputies may have improved their ability to make laws during this time. Alternatively, this

Table 1: Distribution of Committee Chairs and First Deputy Chairs for United Russia Deputies

		Chairs	First Deputy Chairs
Third Duma	Total	28	
(2000–2003)	United Russia	13 (46.43%)*	
Fourth Duma	Total	29	31
(2004–2007)	United Russia	29 (100%)	23 (74.19%)
Fifth Duma	Total	32	35
(2008–2011)	United Russia	26 (81.25%)	31 (88.57%)
Sixth Duma	Total	30	59
(2012-)	United Russia	15 (50.0%)	28 (47.46%)

The committee compositions and party affiliations of deputies in the third and fourth Dumas are based on those at the end of each Duma's term of office. Thus, United Russia's share of chairmen and deputy chairmen (*) is based on both Unity-based and Fatherland-based factions.

Source: For the third and fourth Dumas, Gosudarstvennaia Duma Rossiiskoi Federatsii, 1993–2006: entsiklopediia (Moscow: Rossiskaia politicheskaia entsiklopediia, 2006); For the fifth and sixth Dumas, the State Duma website, http://www.duma.gov.ru/(accessed on 10 April 2009 for the fifth and on 20 June 2014 for the sixth).

tendency may suggest that the executive let United Russia deputies initiate bills in order to avoid the work of advancing bills itself. If the former interpretation is correct, it requires us to reconsider the typical image of United Russia as an entirely docile tool of the Kremlin. It may mean that, even if United Russia is the 'agent' of the Kremlin (its principal), some 'agency problems' can take place in the executive-dominant party relationship.

In fact, United Russia developed several mechanisms for law-making. One such mechanism was its (near) monopoly of committee chairs. As Table 1 shows, United Russia took over all of the Duma's committee chair posts in the fourth Duma and more than 80 per cent of the chair posts in the fifth. It is instructive that, as mentioned above, the rate of the bills initiated by the executive decreased, and many bills that United Russia deputies initiated were approved in the fourth and fifth Dumas.⁹⁾ The recent rise of the approval rate of bills initiated by the executive may be due in part to United Russia's failure to monopolise the chair and first deputy chair posts.

Another mechanism is a so-called 'zero-reading'. Many bills are scrutinised and negotiated between the United Russia faction (sometimes including other party factions) and the ministries before they are submitted to the parliament. All interests that are important for United Russia deputies are reflected in the bills beforehand. Thus, the role of parliament appears to be a mere formality. However, negotiations behind the scene promote unusually quick approvals of bills by the parliament.¹⁰⁾

These mechanisms are important because they imply a lobbying role for United Russia. As the committees in the Duma modify bills after the first reading, they become the forums for negotiations among interested players. 'Zero-reading' is conducted to coordinate conflicting interests among ministries and United Russia deputies. We may assume as well that negotiations and confrontations frequently take place between executive organs (of course, executive organs themselves are not monolithic) and the United Russia faction, which the following case study of the annual budget will demonstrate. In addition, any attempt by the executive—hoping to escape from onerous negotiations—to curtail these processes may discredit the role of the Duma and United Russia, which eventually can seriously damage the regime itself because the sign of dominant party weakness will destroy the myth of the regime's invincibility. The case of budget bills will make this claim clear.

II. Passing the Annual Budgetary Bills: an Overview

One of the most important roles of the parliament in any country is to approve the annual budget. In Russia, it was one of the most onerous tasks for both the government and Duma.

The process to approve the annual budget is regulated by the Budget Code, which was enforced in 2000 and modified in 2007.¹¹⁾ Before 2000, the budgetary process was loosely defined by the law 'on the basis of budgetary formation and process in the RSFSR' adopted in October 1991. In addition, the schedule to adopt the budget bill had to be passed as a separate law every year. Since 2000, the process of budget approval has

Second Duma Third Duma Year of Budget Bill 1998 1999 2000 2001 2002 2003 2004 1997 1996/|1997/|1998/|1999/|2000/|2001/|2002/|2003/ Date of Duma Registration 9/2 | 8/25 | 12/12 | 8/25 | 8/26 | 8/26 | 8/24 | 8/26 1996/|1998/|1999/|1999/|2000/|2001/|2002/|2003/ Date of Duma Approval 12/28 3/4 12/3 | 12/14 | 12/14 | 12/11 | 11/28 2/5191 Number of Days Duma Required 117 55 100 110 110 109 94

Table 2: Days Required for Passing the Budgetary Bill, 1996-2013

Source: Calculated by the author from State Duma Website (http://www.duma.gov.ru/svstems/law/).

become more regulated, though, as discussed below, it was not always an easy process.

The formal process is as follows.¹²⁾ The Russian Ministry of Finance is mostly responsible for drafting the budgetary bill. Taking into account its analysis and prognosis of the economic situation, the presidential address on the budget, and so forth, the Ministry of Finance begins to work in February, and submits the bill to the government. After approval by the entire government, it sends the budgetary bill to the Duma. Only the government has a right to introduce the budgetary bill to the Duma. Until 2007, the budgetary bill was discussed in four readings. Since 2007, the Duma has conducted three readings, as for other laws.

It is clear that approving the budget was extremely time-consuming during the 1990s. According to Minagawa, the bill on the 1995 budget was registered by the Duma Council on 5 October 1994, but rejected by the Duma in December. The modified bill again received more than 700 amendment proposals. The Duma did not pass the bill during 1994, but finally approved it on 15 March 1995. It took 161 days since the registration for the bill to pass. The prolongation was in part caused by the lack of the procedural law as mentioned above. However, this was not the only reason. Chaisty's work that analysed the process to approve the 1993 budget bill gives further reasons. According to him, absent a parliamentary majority, too many political actors participated in the process. Each ministry had its own interests. Thus, each ministry lobbied

Fourth Duma			Fifth Duma			Sixth Duma				
2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
2004/	2005/	2006/	2007/	2008/	2009/	2010/	2011/	2012/	2013/	2014/
8/26	8/25	8/26	4/30	8/25	9/30	9/30	9/30	9/28	9/30	9/30
2004/	2005/	2006/	2007/	2008/	2009/	2010/	2011/	2012/	2013/	2014/
12/8	12/7	11/24	7/6	10/31	11/20	11/24	11/22	11/23	11/23	11/21
104	104	90	67	67	51	55	53	56	53	52

the parliamentary committees to attempt to advance its interests. In addition, many economic groups (agrarian, industrial, and so on) lobbied. Eventually, various committees took different positions and could not compromise and reach an agreement. Finally, the lobbying practices that amended the budget bill and increased expenditures led to budgetary deficit. These lobbying activities by various actors made it difficult to pass the budget bills. Thus, we might expect that the enactment of the Budget Code and the presence of a parliamentary majority after 2000 would significantly improve the budgetary process.

However, this has not always been the case. Table 2 shows how many days were required to approve the budgetary bill in the Duma from 1996 to 2013. Certainly, since 2000 (the third Duma), the process seems to have become more regulated. Nevertheless, it usually cost more than 100 days in the third Duma. Even in the fourth Duma, the first two years also required more than 100 days. Given that, in the third and fourth Dumas, 'zero-reading' had already been introduced, the prolongation meant that passing the budgetary bill in the Duma was more onerous work for the government than passing other ordinary bills. In this period, the compromise among various interests was probably conducted within the United Russia faction and between the government and United Russia, but the compromise was not easy to reach.

The turning point was the amendment of the Budget Code in 2007. This amendment precisely defined the annual budgetary schedule. In

addition, the schedule was shortened in 2010 by the further amendment of the Budget Code. As several deputies admit, the work in the Duma's budget committee became easier.¹⁵⁾ Now, it appears that passing the budgetary bill became a simple process, which apparently demonstrates the extent of executive control over the parliament.

Nevertheless, the swift passing of the budget bill may not result in the budget that the government wants. First, since the global financial crisis in 2009, the Russian state has faced budgetary deficits. Notwithstanding the Ministry of Finance's call for a balanced budget, this has not yet materialised. As the budget deficits seem to be a partial reason for the current inflation that the president favours curtailing, 16) the executive should have serious interest in a balanced budget. Nevertheless, it has been difficult. The deficits are due not only to the decrease in state income, but to the failure to suppress expenditures. The government has failed especially to control the rise of social security expenditure, which is the largest part of total expenditures.¹⁷⁾ Second, it seems plausible that this rise in social security payments may not only be the result of objective factors such as an aging society, but also of lobbying pressure from various sectors of the society. United Russia deputies, various ministries, and several industrial groups may reach a compromise before the formal process starts, which results in swift approval but is not necessarily what the government wanted. Furthermore, such closed negotiations behind the scene may have serious negative effects on regime stability. Some case studies will help to demonstrate the changes in the budgetary process.

III. The Cases of the 2000, 2007, and 2013 Budget Bills

We will have a look at three cases of approving budget bills: 2000, 2007, and 2013.¹⁸⁾ Though any case selection inevitably entails some bias, these three can be taken as typical examples. The 2000 budget bill was examined in 1999 when Boris Yeltsin was still president. That year, there was much turnover in cabinet, and finally Vladimir Putin assumed the premiership in August 1999. In this sense, this year was transitional, and

we can recognise the previous chaotic practice in the Duma, which Putin had to face later as president. The Duma scrutinised the 2007 budget bill in 2006 when United Russia took more than two-thirds of the Duma seats. At that time, the 'zero-reading' had already been conducted, and discussion in the Duma was considered to be ceremonial. Nevertheless, this case study will reveal that passing the budget bill was onerous for the government at that time. Finally, we will look at the 2013 budget bill that the Duma approved in 2012, after several years had passed since the beginning of the global financial crisis in 2008. The year 2012 seemed appropriate for the government to call for a return to a normal balanced budget, but the budget bill anticipated financial deficits.

The 2000 Budget Bill

Russian government covered its financial deficits by short-term government bonds and foreign loans.¹⁹⁾ The Russian government had to adopt a more balanced budget. On 12 April 1998, President Yeltsin made a budget address in which he appealed for a balanced budget. Finance Minister Mikhail Kas'yanov was responsible for drafting the bill. On 25 August 1998, the bill was registered by the Duma, and the first reading was conducted on 28 September. At the first reading, several ministers explained the contents of the budget bill. Kas'yanov, for example, called for escape from an 'unrealistic budget'. The budget bill that was tabled anticipated an income of 745 billion roubles and 803 billion roubles in expenditures. However, a chair of the budget committee, A. Zhukov, said that the committee was against the bill. In addition, the Communist Party, Yabloko, and People's Power factions were against the bill. In the end, the Duma rejected the bill. Some 79% of deputies voted for rejection.

On 20 October 1998, the revised bill was examined at first reading. The revised bill anticipated the rise both of incomes (RUB 791.5 billion) and expenditures (RUB 849.3 billion). The first reading required several days. Finally, on 26 October 1998, the Duma approved the bill at the first reading (with 54% of deputies in favour). However, various proposals for

amendments were advanced at the second and third readings. At the third reading, Zhukov said that the budget committee had received more than 3,000 amendment proposals, many of which seemed to ask for more expenditure for the regions. The bill was finally approved by 64% of deputies at the fourth reading on 3 December 1999. Eventually, the bill anticipated an income of RUB 797.2 billion and RUB 855 billion in expenditures. As the Duma election neared, even this complicated bill was adopted faster than any budget bill in the 1990s. The 2000 budget bill tells us that the rejection and so many serious amendments were daily occurrences in the 1990s.

The 2007 Budget Bill

The picture changed significantly during the 2000s. In 2006, when the 2007 budget bill was examined, the economy was growing; the budget was in surplus; and the presidential approval rating was high. These positive phenomena were reflected in the budget bill discussion. On 30 May 2006, President Putin made abudget address, in which he remarked on the many positive directions of the budget, including realisation of national priority projects and increase in investment expenditure. One problem was controlling inflation. Under such circumstances, it might be expected that the approval process of the budget bill was a smooth one.

To some extent, this was the case. As Table 2 shows, the bill was passed (only) in 90 days. However, the process also shows some other aspects. First, the bill was amended. Although the 'zero-reading' was conducted between the government and the Duma on 5 June 2006, at the second reading, the bill faced more than 300 amendment proposals, some 185 of which were adopted. Many of these proposals were related to the concrete targets of the expenditures. At the third reading, more than 1,179 amendments were proposed, of which 368 were adopted. Second, pressure for spending on social security continued. Several expenditures, including for securing soldiers' housing, social security for rural citizens and children, and supporting regions, increased as a result of the discussion in the Duma. This demonstrates that, though the bill was swiftly approved

with impressive 77% support, the Duma deputies continued to lobby and seek 'pork'. Even the 'zero-reading' could not control such pressure.

The 2013 Budget Bill

Passing the budget bill has recently become simpler, as the 2013 bill process shows. Nevertheless, this does not mean that technocratic executive elites totally control the content of the bill. First and most importantly, despite the government's call for decreased budgetary deficits, it has failed to balance the budget. The partial reason for that is apparently that there is no consensus among the ruling elites. For example, President Putin met with Finance Minister Anton Siluanov on 22 August 2012. Siluanov voiced his expectation that the deficits would diminish in the coming years. However, the president emphasised that priority should be given to social security. In addition, the Duma deputies continued to lobby for governmental expenditures. At the second reading, Andrei Makarov, chair of the budget committee, said that the committee received some 600 amendment proposals. Although only 163 proposals were adopted in the end, some amendments were adopted to increase social security expenditures.²⁰⁾ Thus, while amendments in the Duma became more difficult in these years, various concerned actors are still negotiating even in the increasingly narrow parliamentary arena.

This situation creates two problems. First, because executive control over the parliament has certainly tightened, the Duma has become less and less accountable to the wider public. Another apparent problem is that the present process has become a closed one. Even if we may assume that there are pressures for social expenditure by United Russia deputies, attempts to reach agreement are conducted behind the scenes. This may have resulted in discrediting the Duma and United Russia, and diminishing support for the regime. We may assume that United Russia's failure to win a constitutional majority in the 2011 Duma election is partially related to the increasingly tight control by the executive over United Russia. Although the Ukrainian crisis in 2014 brought the Russian competitive authoritarian regime renewed nationalistic support, support of this kind is

usually difficult to sustain over a long period. Therefore, the balance between United Russia's autonomy and control by the executive body will have a significant effect on the future of the political regime in Russia.

Conclusion

Our discussion of United Russia's activities in the Duma demonstrates the validity of recent political science literature—that apparently democratic political institutions, such as the legislature and political parties, are important even in an authoritarian regime. United Russia contributed to the executive control over the legislature and the swift passing of massive bills. In this context, many scholars argue that United Russia is an obedient tool of the Kremlin or the executive bodies in entirety. This article, however, argues that United Russia has been a channel for lobbying interests, which was of more importance in sustaining its dominance. Thus, contrary to the conventional argument, we attempted to demonstrate that United Russia has not always been an obedient tool, but has played an autonomous role in law-making.

However, there are some signs that the executive has attempted to escape from such lobbying. These attempts seem to have subversive effects. As discussed above, even the process of passing the budget bills, which were previously most useful in allowing United Russia deputies to lobby for their interests, is gradually coming under a tighter control by the executive. Although some negotiations apparently continue to be conducted behind the scenes, such a closed nature may discredit the very institutions that can support the regime.

This article forms part of the results of the research projects 'Political, Administrative, and Economic Elites in Postcommunist Russia and Ukraine' (April 2014–March 2017), 'Comparative Study of Competitive Authoritarianism' (April 2012–March 2015), 'Comprehensive Study of the Ukrainian Uprising' (April 2015-March 2018), 'Comprehensive Comparative Analysis of Secessionist Conflicts in Slavic Eurasia' (July 2015–March 2020), all of which are financed by the Japan Society for the Promotion of Science.

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- 9) Anastasiya Bulgakova, *Kak rabotayut rossiiskie deputaty: Kratkii ocherk zakonoproekthoi deyatel'nosti (4 Gosudarstvennaya Duma)* (Moscow: unknown publisher, 2007), p. 49.
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- 13) Shugo Minagawa, *Roshia Renpo Gikai: Seidoka no kensho, 1994-2001* (Hiroshima: Keisusha, 2002), pp. 131-136.
- 14) Chaisty, Legislative Politics, pp. 157–173.
- 15) See Chaisty, 'The Federal Assembly and the Power Vertical', p. 97; Paul Chaisty, 'Business Representation in the State Duma' in Lena Jonson and Stephen White eds., Waiting for Reform under Putin and Medvedev (Basingstoke: Palgrave Macmillan, 2012), p. 151.
- 16) Shinichiro Tabata, 'Gaikajunbi no chikuseki to gurobal inbaransu' in Akira Uegaki and Shinichiro Tabata eds., Yurashia Chiikitaikoku no Jizokuteki Hatten (Kyoto: Minerva Shobo, 2013), pp. 25–26.
- 17) Shinichiro Tabata, 'Roshia Zaiseiseido no Shiponshugika' in Manabu Sengoku and Tadayuki Hayashi eds., *Posuto Shakaishugiki no Seiji to Keizai: KyusorenTouou no Hikaku* (Sapporo: Hokkaido University Press, 2011), p. 311.
- 18) The processes of the annual budgetary bill in the Duma are summarised in the Duma website, to which I am basically indebted. URL: http://www.duma.gov.ru/analytics/library/federal-budget/.
- 19) Tabata, 'Roshia Zaiseiseido', pp. 306–307.
- 20) See the amendment table presented by the budget committee of the Duma, which is available from the Duma website (http://asozd2.duma.gov.ru/main.nsf /% 28SpravkaNew% 29?OpenAgent&RN=143347-6&02).