

## BSR INTERREG III B project



**“Promoting Spatial Development by Creating COMon MINdscapes”**

**English**

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# THE PLANNING SYSTEM OF RUSSIA

## I. Constitution, government and administration

### 1. Constitutional System

#### 1.1. General description and key data of the constitutional system

Russian Constitution currently in force, was adopted after disintegration of USSR by the Assembly of elected representatives in 1993. According to Constitution Russia is the federal state with the republican form of government. Russian Federation (RF) unites subjects of Federation: republics (i.e. regions, where dominates some non-Russian nationality), territories (krais – largest regions), oblasts (majority of regions) and two cities of federal importance (Moscow and St-Petersburg), which by Constitution are equitable RF subjects. RF subjects according to Constitution and essential principles stipulated by federal legislation establish by regional laws systems of their representative and executive bodies. Republics have their constitutions and legislation, other regions – their charters and legislation. The Constitution, which stipulates rights of RF subjects, allows contractual relationships between Federation and its subjects (regions), which however have not got significant development. Key principles inserted at the foundation of Constitution correspond to principles, adopted in countries with developed democracy.

The human rights and freedoms are considered as highest values. According to this principle the Constitution anticipates:

- multi-party system as a base of political arrangement;
- freedom of mass-media, associations, political mass-meeting and demonstrations;
- private property on land and any economic complexes (along with state property and municipal property);
- housing supply of indigents;
- right for favorable environment, trustworthy information on environmental conditions and for reparation of damages to parties or persons, whose health or property are aggrieved by violation of ecological legislation.

The Russian country people is considered as the only source of authority. The Constitution stipulates free and general elections of country President, the representatives of legislative bodied at the federal level and representatives at local (municipal) levels.

The state power is divided into independent branches: representative (legislative), executive and judicial ones. The representative bodies include the Federal Assembly and regional

representative bodies; executive bodies are represented by the Russian Government, regional heads, governments and sectoral bodies (federal and regional). Judicial power is represented by judicial bodies of different levels and jurisdiction. The municipal level of public bodies is not considered as state power, but as institution of local self-government.

The important stipulations of the Constitution include:

- right of indemnification caused by actions or negligence of public bodies or their staff;
- right of citizens to appeal to transnational organizations, capable to save rights and freedoms, when appeals to Russian responsible bodies do not succeed;
- priority of international agreements above Russian laws.

## **1.2. History of the constitutional system**

The first country constitution was adopted in 1918 – one year after socialist revolution. This constitution at once abolished all existed state institutions and struck out all the Russian state forming experience. The constitution of the country, which since 1924 become Soviet Union, has changed three times (in 1924, 1936 and 1977), but key principles declared and affected political and economic activity till the adoption of the last Constitution reminded stable:

- all the power is at hands of the workers and peasants;
- the private property on the land, factories, transport (save cars), infrastructures and housing stock (but single-family houses) is forbidden;
- under central planning system all decisions regarding needs of the people were taken at the top.

The constitution of 1924 outlined federal competences, republics' competences and status. The constitution of 1936 declared and constitution of 1977 confirmed one-party political system, which was established in Russia long before. Most important feature of political system, based on previous constitutions was the specific organization of the feedback between political leaders issuing decisions and the rest of population: the feedback was limited by the fight with signals, which have not corresponded to strategy adopted by country leaders. Other principal aspect consisted in the absence of natural and world-wide known stimulus for the development of effective economy. In the long run such features caused stagnation both the policy and economy.

## **1.3. Main specifics of the constitutional system**

The state authority at the national level exercise RF President, Federal Assembly, RF Government and RF Supreme court.

The RF President

The RF President is the head of the state, guarantor of human rights, freedoms and the Constitution observance. In accordance with established procedure he takes steps to preserve country sovereignty, independence and integrity, ensures coordinated actions of state authorities, defines the essences of internal and foreign state policies, and represents Russia within and outside country.

#### The Parliament

The Federal Assembly (below FA) or Parliament is the RF representative and legislative body which consists of two chambers: upper chamber (Federal Council, below FC) and lower chamber (State Duma, below SD). FA carries out lawmaking at the Russian scale, including laws on federal budget, and exercise control of executive powers' actions. Both chambers of FA are independent: each has its functions, regarding lawmaking procedure. Federal laws are to be adopted by SD (majority vote); most important laws shall be afterwards approved by FC.

#### The Government

RF Government is the highest federal executive body, which includes federal ministers and is headed by Chairman of Government. Resolutions and decrees of RF Government are valid throughout Russia.

#### Juridical power

The Constitution lists: RF Constitutional court, RF Supreme Court, RF Supreme Arbitral Court, respective regional courts. RF Constitutional court is enabled to control all state authorities, to pronounce judgments on conformity to Constitution of all normative acts, international agreements and to settle conflicts between federal and regional authorities. RF Supreme Court is highest judicial authority on civil, criminal and administrative cases. RF Supreme Arbitral Court is highest judicial authority on economic cases. Courts are financed by federal budget. After joining the Russia to Council of Europe the European Court Jurisdiction extends within Russian territory.

#### RF subjects (regions)

The state power of RF subjects is exercised by regional authorities, established by regions independently, according to Constitution and general principles, stipulated by federal laws. Each region has its elected representative body, head of the region (governor or president of republic), has its government and sectoral bodies, subordinated to government. According to federal laws there are established regional courts of different jurisdictions: constitutional (for republics) or charter courts (for other regions), courts of general jurisdiction (criminal and civil violations) and arbitration tribunals (economic conflicts). RF subjects are listed in RF Constitution. At the beginning there were 89 regions, but as the result of amalgamation of two regions there are now 88 of them and some more of regional amalgamations are expected.

#### Municipal units

In compliance with the Constitution within territorial parts of regions, as municipal districts, urban okrugs (municipal cities) and municipal settlements, the management of public property, urban development and the guarding of public order are performed by local municipal bodies. These bodies adopt their charters and by-laws, establish local taxes and dues, compose, adopt and implement local budgets. Local self-government is exercised by municipal units, which are usually established within territorial administrative units marked by some features. In Russia there are types of municipal units as follows: city, village, municipal district, city okrug (city with adjacent area) and for cities of federal importance (Moscow and St.-Petersburg) - part of city area. To 2007 in Russia there were 24 510 municipal units, including 520 city okrugs, 1819 municipal districts and 20 109 villages. At some territories municipal structures have two tiers: level of municipal districts and level of municipal settlements. Municipalities are enabled to join into associations to coordinate their activity, to establish municipal enterprises for local needs. According to federal law on local self-government within cities of federal importance – RF subjects Moscow and St. Petersburg "...to guarantee city services unity" the competences of municipalities (more than hundred of them in St. Petersburg and in Moscow) are defined by laws of these cities-regions. These municipal competences are smaller in both cases than elsewhere in country: the territorial planning (city master plans), land planning (for smaller areas, including blocks) and urban development regulation are performed at regional level. Municipalities of two megalopolises carry out townscape accomplishment works, introduce proposals to regional executive bodies regarding construction of local objects, register families with housing needs and coordinate the activity of public associations.

#### **1.4. Fundamental principles of the political and the administrative system**

By Constitution political and administrative duties are substantially separated. The representation of political alliances at federal and regional representative bodies is the results of general elections. The administration must act within framework of valid federal and regional legislation. The federal administration has not the right to command by regional structures, which must act according to federal laws and white papers (acts of executive bodies). The municipal bodies are not subordinated to federal and regional bodies, but are under control of local population.

##### RF exclusive competence covers:

- adoption of (or adoption amendments to) the Russian Constitution and federal laws, federal legislation compliance control;
- federal composition and federal territory;
- regulations and protection of the human rights and freedoms, Russian citizenship; regulations and protection of national minorities' rights;

- establishment of all federal authorities, their structures and procedures of activity;
- federal property management;
- establishment of the federal policy base and federal programs of state, economic, ecological, social, cultural and national RF development;
- establishment of the legal base at national-scale market: finances, currency, credit, custom regulations, emission, price policy base, federal economic services including federal banks;
- federal budget, federal taxes and dues, federal funds of regional development;
- federal energy systems, nuclear energy, federal transport, federal communications and information, space activity;
- foreign policy and international RF contacts, international agreements, peace and war issues;
- RF foreign economic contacts;
- defense and safety, defense industry, the procedure of munitions trade, the production of poisonous substances and drugs;
- demarcation and control of state boundaries, territorial waters, air space, exclusive economic zone and continental shelf;
- judicial system, public prosecution system, criminal legislation, amnesty and forgiveness, civil and arbitration legislation, legislation on intellectual property;
- conflicts of federal laws;
- meteorological service;
- federal public service.

Joint RF and regional competence covers:

- compliance of regional constitutions, charters, laws and other normative acts to RF Constitution and to federal laws;
- issues of ownership, use and disposal of land, bosom, water and other regional natural resources;
- nature management, nature protection and ecological safety, cultural landmarks preservation;
- delimitation of the state property;
- general issues on upbringing, education, science, culture and sport;
- general issues on public health protection, family protection, social protection and social maintenance;
- implementation of steps against accidents, natural disasters, epidemics;
- establishment of general principles of taxation and dues;

- administrative, labor, family, housing, nature protection legislation, legislation on land, water, forests and bosom;
- the stuff of judicial and law-enforcement bodies, attorneys, notaries;
- the protection of the traditional environment and way of life of ethnic minorities;
- the establishment of general principles of state, regional and local public bodies.

Issues, which are not covered by the Constitution are at the regional competence. Once the Constitution is a very general document, the specific procedures regarding the establishment of political and administrative institutions are stipulated by federal legislation, which is changing in the course of state institutions reforming. The urban planning and development activity is not attributed in a direct way by the Constitution as the issue of federal or joint (federal and regional) competence. Proceeding from their attribution to administrative justice urban planning and land development activity are considered as subjects of joint competence.

### **1.5. Division and interrelation of the political and the administrative system**

Independence of key ruling functions and institutions in Russia, as in other countries, has the goal to eliminate actions, favoring but the part of political and business groups and causing corruption. The Constitution and federal laws stipulate some procedures of mutual impact of different state institutions on the decision-making: the executive bodies may issue legislative proposal, give effect to laws, adopted by representative bodies; different bodies establish conciliatory commissions or arrange meetings of institutions' representatives. The Constitution allows to representative bodies to express distrust to executive ones, RF President and regional heads may dissolve representative bodies of respective levels.

The RF President may apply conciliatory procedures to resolve conflicts between federal and regional public bodies or between regional ones. If the conciliatory procedure fails, he has to rely on court decision. If RF President defeats a bill in two weeks after adoption by Parliament, SD and FC once again consider the bill and may adopt it by two thirds of votes (each chamber), thus obliging President to sign the law and to publish it. The similar procedures are applied in regions according to their constitutions or charters. Administrative functions for political persons and structures are limited (they may have some positions at political parties and representative bodies), meantime the political involvement of administrative structures is much more typical. Though regional governors by RF legislation are heads of executive bodies, they have enough stimulus and possibilities to participate in regional (and sometimes in national) political activity. The public policy at other administrative positions is not prevalent, but administrative decisions more than often follow from political orientations of administrative structures and persons.

## **2. Political System**

### **2.1 General description, history and key data of the political system**

Russian political system is changing one. After collapse of USSR declaration of political freedom, there appeared great number of political initiatives and alliances of liberal, communistic, centrist, nationalistic and religious trends. At the beginning obviously dominated new Communist party (CPRF) acquiring majority vote at the SD and at many regional bodies. The dominance of CPRF in Parliament embarrassed the economic reforms, too urgent for a Russian country, where GDP within 10 years fell down dramatically and per capita incomes were about ten times less than in Western Europe.

After collapse of USSR in Russia appeared regions, trying to get special status if not to runaway the Russia (Chechnya, Tatarstan). As a palliative, federal authority concluded treaties with such regions, granting specific forms of regional public bodies, official status of national language within region etc. In some regions the role of regional political and financial elites was significant. First noticeable step to change political system (to consolidate “powerful vertical”) provided the creation in 2000 of seven federal okrugs (macro-regions), headed by RF President’s representatives. President’s representatives are enabled to inspect the compliance of regional legislation to federal one, thus such an administrative structure is aimed to hold in check some political initiatives of regional parliaments.

Second important step, initiated and implemented in 2001 by RF President’s political adherents was the establishment of party, capable to support President’s reforms. As such a party United Russia was established, and then it acquired centrist status, the majority vote at SD and at many regional assemblies. Thus the number of CPRF representatives in SD diminished and at the last elections (2003) and small liberal parties failed to pass legally established bar (3%). The main centers of political impact in a Russia are SD, heads of regions, then – regional representatives, much less – local (municipal) representatives. The RF President is not party member; regional leaders (presidents of republics, governors) mostly are party members. Parties may address to voters through mass media, at meetings and in legislative bodies, if they have there party representatives.

### **2.2 National level of the political system**

To 2005 SD personnel was represented by four parties and some deputies, which were not nominated as candidates by parties (independent candidates, some of them are members of “right” or liberal parties, but were not officially registered in party candidates lists).

United Russia party directive lines:

- the strong President’s authority, capable to guarantee political stability;

- implementation of administrative reform directed to improve country management and optimization of public structures;
- civic control of public bodies through activity of parties and NGO;
- the development of self-government, active involvement of population into public activity;
- political responsibility of deputies at all tiers;
- effective system of social guaranties, repartition of privileges to support indigents;
- support of international policy, aimed to elevate the world-wide status of Russia, participation of Russia in the European integration process;
- involvement of Russia in the international associations of collective safety against international terrorism and extremism;
- advocacy of rights and interests of Russian citizens abroad, the encouragement of international public and humanitarian connections.

CPRF (Communist party) directive lines:

- establishment of the power of working-people and patriotic movements instead of bourgeois mafia power;
- preservation of Russian state unity, rebirth of the soviet peoples Union, encouragement the national unity of Russians (by birth);
- strengthening the political independence of the Union, the rebirth of its traditional world-wide interests and positions;
- securing the civil peace, resolution of disagreements by legal procedures and dialogue;
- saving of scientific and defense potential.

LDPR (Liberal-democratic party of Russia) directive lines:

- rejection of federal structure and creation of unitary state (once the current regional boundaries are artificial, they neither mirror national specific, nor economical all-sufficiency of territories, Russia does not need national republics or districts as state subjects);
- governors shall be appointed by RF President and accountable to President; there must be power vertical of executive power down to all settlements;
- key mass media shall be state owned and subject to democratic, multi-party control;
- reinforcement of powerful structures of state safety;
- rebirth of Russian state within its former boundaries on the voluntary base, to start from Byelorussia, Ukraine and some others;
- revision of the disarmament policy under consideration of country safety;
- rebirth of state sector economy, the support of national enterprisers;

- effectively utilization of Russian geographic location, enforcement the construction of speed transport communications” East – West” and “North – South”.

Fatherland party directive lines:

- consolidation of Russian peoples by legal stipulation of the key goal for all the society: powerful state capable to establish proper conditions for everyone’s adequate life;
- creation of permanent dialog to coordinate interests of different social groups to reach the joint, nation-wide strategy;
- encouragement of responsibility of all social groups’ for the national goal achievement; the installation of respective monitoring;
- advocacy of equality of all RF subjects principle;
- maintenance of the young people as the country strategic resource.

<http://gd2003.cikrf.ru/partii.html>

The current legislation does not mention party membership of governors or executive bodies’ staff. By the end of 2005 most regional leaders belong to party United Russia. The party membership of executives at federal and regional bodies is not the subject of active public discussions and, as by results of sociological surveys, has but a little concern for the majority of population. Meantime the procedure of elections to GD is changed by federal law, aiming to stuff federal Parliament but by parties, according to the share of party voters and then to enable the leading party to form the Government. Adherents of such amendments expect that political responsibility of parties and electoral activity of population shall increase. For judges, prosecutors and military personnel the party activity is forbidden by law.

### **2.2.1 Organs at national level**

By Constitution the RF President is elected for four years by Russian citizens at universal, direct and equal elections by secret ballot. The same person cannot be elected as RF President more than two times without a break. The procedure of FC and SD staffing is stipulated by federal laws. FC members are changed once in a four years according to principle: two representatives from each RF Subject. But the system of assignment changed. At the first convocation FC representatives were elected by citizens. At the second convocation FC was staffed by heads of regional executive and representative bodies. By current (2006) federal legislation the regional representative body elects one person; head of regional executive body appoints other representative to FC. The SD deputies (450 persons) shall be elected each four years at equal elections by secret ballot.

According to the Constitution President may initiate pre-term dissolution of Parliament in three cases: 1) after the President's candidate for Government Chairman was trice rejected by Parliament; 2) SD within three months expresses second time distrust to Government; 3) If SD refused to express the trust to Government in response to request of Government Chairman. The work of federal chambers (FC and SD) is headed by speakers and vice-speakers, elected by chamber members. Both chambers of the Parliament have similar sectoral committees, including:

- on constitutional legislation and state structure;
- on civil, criminal, arbitral and procedural laws;
- on labor and social policy;
- on budget and taxation;
- on industry, construction and on science intensive technologies;
- on regional policy;
- on foreign affairs;
- on local self-government.

### **2.2.2 Authority / function at national level**

The RF President must take appropriate steps to guard the country sovereignty, independence and integrity, ensure coordinated actions of state structures, determine basic directions of internal and external state policy, and represent RF inside and outside country. RF President, FC and its members, SD deputies, regional representative bodies and superior judicial bodies are enabled to initiate laws concerning issues of their jurisdictions. All drafts of federal laws are introduced into SD. Drafts regarding taxation, government loans, financial obligations of the state, other drafts, envisaging federal budget expenditures, being introduced must be supplied by the conclusion of RF Government.

There are established at federal level two bodies with advisory functions. State Council comprises heads of regions and is enabled to by request of RF President examine projects of federal laws and normative acts. The Public Chamber involves 126 established public persons (as well known authors, scientists, mayors etc.). Public Chamber also may discuss projects of laws and issue social initiatives.

### **2.2.3 Tasks / Responsibilities at national level**

General tasks of federal structures are depending from their functions and competencies. These tasks are specified at an annual message of RF President to Federal Assembly, then in speeches and publications of federal bodies' heads. Public bodies' competencies serve as instruments for the solutions of tasks. SD competencies include:

- to approve the person, appointed by RF President as RF Government Chairman;

- to give (or to reject) to the Government a vote of confidence;
- to designate and dismiss RF Central Bank chairman;
- to designate and dismiss Counting Chamber chairman assistant and half of Counting Chamber auditors;
- to designate and dismiss ombudsman;
- to announce an amnesty;
- to bring an accusation against RF President aimed to dismiss him.

Adopted by SD Federal laws, in following five days must be delivered to FC. The law is approved, when it is supported by more than half of FC members or in the case it was not examined by FC for two weeks. If the law is rejected by FC, both chambers may establish conciliatory commission and then amended version of law again is to be delivered to SD.

Under FC examination must be laws, concerning:

- federal budget;
- federal taxes and dues;
- financial, currency, credit, custom regulation, emission;
- federal funds of regional development;
- ratification and denouncement of international agreements;
- demarcation and control of state boundaries;
- peace and war issues.

Besides FC competence covers:

- the confirmation of regional boundaries changes;
- the confirmation of RF President's decree on martial law and on state of emergency;
- issues on involvement of RF armed forces outside state boundaries;
- setting of the RF President's elections;
- the RF President dismissal;
- the designation and dismissal of RF Constitutional court, RF Supreme Court, RF Supreme Arbitral Court judges, RF public prosecutor;
- the designation and dismissal of Counting Chamber chairman and half of Counting Chamber auditors.

For RF Government the permanent task is an implementation of policy, established by RF President. Prior tasks for last years are: the GNP growth, inflation reduction, growth of per capita incomes (first of all for state and municipal employees), revelation of development factors for economic sectors others, than extraction of natural resources.

## **2.3. Regional level of the political system**

### **2.3.1 Organs at regional level**

According to the Constitution the upper regional political body is legislative assembly, with its representatives reelected once in four years. Meantime in most of regions the political role of the heads of executive structures is great, most of them are members of the United Russia party. At all regions the representative bodies include members of different parties. The number of deputies at regional parliaments are determined by regional charter (by constitution for republics). Until 2005 heads of executive structures were elected by regional population. According to federal law adopted in 2005 the candidature of the regional head shall be nominated by RF President for adoption by regional representative body. This alteration was vigorously criticized, mostly by liberal politics. Advocates of new procedure believe that now regional heads will be more responsible both to regional parliaments and to RF central authority at the expense of local business elites. The head of executive authority forms government, according to regional charter. The structure of regional government must be approved by representative body.

### **2.3.2 Functions at regional level**

Regions are independent regarding issues which by the RF Constitution refer to their competencies. Form of regional participation in issues of joint federal and regional competencies is stipulated by federal legislations. The real possibilities of regions essentially depend on budget per capita receipts, which differ dramatically among regions. Almost 70 regions annually get financial support from Federation. Between stable regions-donors are Moscow, St. Petersburg, Moscow oblast, Leningrad oblast, Tatarstan, Tumen oblast, Tomsk oblast and some others. Last time an expediency to expand regional competences regarding the use of natural resources (as forest and water) is under active discussion.

### **2.3.3 Tasks at regional level**

Regions are enabled to adopt their charters and laws, to form legislative, executive and judicial bodies, to establish regional taxes, to adopt budgets, to settle territorial issues within regions, to adopt schemes of territorial planning and programs regarding state, economic, ecological, social and cultural development. Legislative bodies deliver laws after adoption to heads of regions for authorization. If the head of region rejects to sign the law legislative body may adopt it by 2/3 of votes. The head of region is competent:

- to represent region at Federation, to subscript agreements with RF and with other regions;
- to propose to RF President and to RF Government drafts of federal legislative acts;
- to perform regional legislative initiatives;

- to form regional executive bodies (with participation of regional representative body) and to control their activity.

## **2.4 Local level of the political system**

### **2.4.1 Organs at local level**

The mission of municipal self-government is to settle population activity on local issues. Municipal public bodies cover elected and other structures, established according to municipal charter. Elections are performed each four years. The municipal bodies are not considered as the state authorities and are essentially accountable to local population. Municipal organizations include representative body, head of municipal unit, local administration (executive body), control authority and may include (in cases they respond to local competencies) others bodies and elected posts, stipulated by the charter of respective municipality. In small municipal units the meeting of citizens may replace the representative body. Municipalities may initiate referenda. The actions of municipal bodies may be appealed to the court.

### **2.4.2 Functions at local level**

According to current federal legislation the functions (competences) of municipal self-government include:

- adoption of local charters, other normative acts;
- formation, adoption and execution of local budget, establishment of local taxes and dues;
- ownership, usage and disposition of municipal property;
- establishment of organizations, capable to perform local tasks.

The autonomy of municipal management is substantially limited by accessible financial resources.

### **2.4.3 Tasks at local level**

Tasks of municipal self-government may include:

- social and economic development of municipal territory;
- maintenance and use of the municipal housing and non-housing stock, pre-schools, schools and medical establishments;
- protection of sanitary well-being and public order;
- territorial planning and land development regulation;
- use of land, local waters and bowels of the earth control;
- development and maintenance of local transportation and engineering infrastructures;
- preservation of cultural heritage objects, owned by municipality;

- arrangement of conditions for population employment, for physical training and sport development;
- nature protection and fire protection.

The above listed tasks do not extend on municipal territories within cities of federal importance Moscow and St. Petersburg, where municipal competences are stipulated by regional laws and minimized. The crucial constraints for local activity, especially in rural settlements, are caused by municipal budgets. Sometimes for rural municipal bodies are valid and come to execution only decisions, taken at the level of municipal districts, in which settlements are located. Current legislation is directed to adjust the scope of municipal tasks and respective financial capacities.

## **2.5. Intermediate levels of the political system**

In policy directed to reform local self-government, including modification of their administrative boundaries, participate regional associations of municipalities (there are in Russia about 30 active associations) and RF Congress of municipalities, connecting almost all existing associations. On July 07 2006 representative bodies of RF subjects created Unified Russian Association of municipal units (Congress). Its form responds to criteria, established by federal law "On general principles of municipal self-government organizations in Russia" (asset 67) and the Congress is enabled to interact with federal bodies and international organizations.

[http://www.russia-today.ru/2004/no\\_15/15\\_local\\_admin\\_2.htm](http://www.russia-today.ru/2004/no_15/15_local_admin_2.htm),

[http://www.yavlinsky.ru/said/direct\\_speech/index.phtml?id=2435](http://www.yavlinsky.ru/said/direct_speech/index.phtml?id=2435)

## **2.6. Further information on the political system**

Critics of the Russian political system believe that the business penetration into Russian policy makes part of authority functions similar to business activity and corrupts public institutions. As one of possible solutions critics propose to develop a legal base for civilized lobbying. In spite of certain economic progress majority of political parties and groups admit the following defects of current political system:

[http://www.yavlinsky.ru/said/direct\\_speech/index.phtml?id=2435](http://www.yavlinsky.ru/said/direct_speech/index.phtml?id=2435)

- After appearance of the United Russia party, supporting RF President and represented by the majority at SD, this body lost its important functions once almost all legislative proposals of executive body do not meet an effective opposition. The similar situation is at regional parliaments, in which United Russia represents major votes.
- The population can not exert influence on political system, once candidates represent great many political groups, more than often hardly distinguishable; elected deputies change their political priorities and party membership; the stuff of

federal and regional governments does not depend from parties, leading in parliaments.

- The dependence of all public bodies from financial elites has great significance; confidence level to all public bodies is very low, only RF President to 2005 enjoys significant confidence of most population.
- There is stable warp of economy to export oriented primary sector (raw materials).
- Along with the development of well-off social strata the incomes of about 20% of population do not reach subsistence wage; the economic difference between regions is enormous: the per capita GDP in Moscow is 8-12 times higher than in backward regions.
- Sources for completion regional and still more local budgets do not correspond to respective challenges and tasks.

The adherents of “power vertical” policy criticize too small steps of RF President, directed for strengthening his power, too weak international policy and slackening of RF position among former USSR republics. The adherents of civil liberties dispute “power vertical” policy. They state, that assignment of regional heads by RF President enfeebles the influence of population on authorities. Though by Constitution the RF Government is enabled to exercise executive power, very key decisions are issued by RF President. The expediency of such situation is rather essential subject of political discussions: some critics suppose that transitional period anywhere needs “power vertical”, others apprehend the return to the recent past, far from democracy.

For the predictability of political orientations of deputies, consolidation of the liberal parties, and independence of parties from business elite the system of elections to SD has changed. By new federal law now these elections are being held only for party lists of candidates (until 2005 there participated independent candidates), voting bar for party to pass into SD is lifted up to 7, 0% (it was 3, 0%); the deputy, leaving his party, loses his chair at SD. The election campaigns of parties, numbering more than 50 000 members, are financed by state budget.

The state of affairs with municipal organizations is considered as the very unsatisfactory both by critics of state authority, and by federal authority itself. One has to assume, that local self-government in Russia has not acquired yet proper status. By opinions of most analysts its value is rather low, as perceived by originated in authoritarian regime population, accustomed to respect but omnipotent state structures. Municipal bodies, which are not financially self-sufficient and dependent more from regional policy than from their own decisions currently cannot manage properly urgent local issues. Critics say that the success of local activity must depend from attraction of territories for investments, from

municipal attitudes and actions toward business structures. Municipal territory should have budget at the expense of local taxes, independent from upper tiers. Then the population will comprehend, that resources are spent to support schools, to maintain roads and to carry out other municipal obligations. The current situation may be changed by the more active involvement to economic turnover of the land and other real property. There are proposals to establish, as there is in most countries, land and property taxes as essential financial sources at local level.

Since 2006 is valid a new federal law "On general principles of municipal self-government organizations in Russia". This law is designated to establish distinctness regarding the delimitation of competencies, tasks, financial resources and property between two levels of state public bodies and two levels of municipalities. In the course of implementation of the Law there were specified boundaries of municipalities at local levels (villages and cities) according to the principle of pedestrian accessibility. Municipal districts (upper municipal level) include groups of settlements. Public order, clinics, transportation and engineering infrastructures connecting settlements, will cover tasks of districts. Tasks of municipal settlements located within municipal district cover territorial planning and land planning documentation issuance, adoption of land use and development codes, development of local infrastructures. Big cities which acquire the status of urban okrugs must meet the challenges of both municipal levels. Regional structures shall control the appropriate supply of municipalities by resources.

[//www.polit.ru/research/2005/01/27/polit\\_system.html](http://www.polit.ru/research/2005/01/27/polit_system.html)

By opinion of leading political institutions (including RF President, FC and SD) as most important courses of legislative work to improve political system in Russia are considered:

- the legislation on corruption;
- laws, considering budgets at different tiers in relation to respective competencies;
- the legislation increasing regional competencies at the expense of federal ones;
- the legal base for self-government.

## Levels and specific aspects of the political system:

Aspect Level	Institutions	Authority/function	Tasks
<b>National level</b>	<ul style="list-style-type: none"> <li>• RF President – country leader</li> </ul>	<ul style="list-style-type: none"> <li>• Nominates (after SD approval) Government Chairman</li> <li>• Dissolves RF Government</li> <li>• Represents to SD the person as Central Bank Chairman candidate</li> <li>• Represents to FC candidates for judges of superior courts</li> <li>• Forms and heads the Security Council</li> <li>• Forms the RF President Administration</li> <li>• Designates President's representatives at federal macro-regions, high command of army, ambassadors, governors (as proposal for regional representative body)</li> <li>• Dismisses SD by established procedure</li> <li>• Legislative initiatives</li> <li>• Signature of federal laws</li> </ul>	<ul style="list-style-type: none"> <li>• Advocacy of the Constitution</li> <li>• Key directions of the state policy: internal and foreign</li> <li>• The protection of the country sovereignty, state integrity</li> <li>• Coordination of RF public bodies' activities</li> </ul>

	<ul style="list-style-type: none"> <li>Federal Council (FC – Upper Chamber of RF Parliament)</li> </ul>	<ul style="list-style-type: none"> <li>Legislative initiatives</li> <li>The examination of most important laws, adopted by SD</li> </ul>	<ul style="list-style-type: none"> <li>RF budget taxes and dues approval;</li> <li>Regulation of financial issues</li> <li>International agreements confirmation</li> <li>Demarcation and control of state boundaries</li> <li>Peace and war issues.</li> <li>The confirmation of regional boundaries changes</li> <li>The confirmation of RF President's decree on martial law and on state of emergency</li> <li>Issues on involvement of RF armed forces outside state boundaries</li> <li>Setting of the RF President's elections</li> <li>RF President dismissal</li> <li>The designation and dismissal of judges of superior courts</li> </ul>
	<ul style="list-style-type: none"> <li>State Duma (SD – lower Chamber of RF Parliament)</li> </ul>	<ul style="list-style-type: none"> <li>The adoption of federal laws</li> <li>Interpellations to RF President, to RF Government</li> <li>Deputies' investigations</li> </ul>	<ul style="list-style-type: none"> <li>The approval of President's decision on appointment of Chairman of Government</li> <li>Giving to the Government a vote of confidence (or refusal)</li> <li>The designation and dismissal of Central Bank Chairman and of representative on human rights (Ombudsman)</li> <li>Announcement an amnesty</li> <li>Accusation toward RF President to achieve his dismissing</li> </ul>
	<ul style="list-style-type: none"> <li>State Council under RF President (regional governors and presidents)</li> </ul>	<ul style="list-style-type: none"> <li>Advisory powers</li> </ul>	<ul style="list-style-type: none"> <li>Examination of projects of federal laws and normative acts after RF Presidents request</li> </ul>
	<ul style="list-style-type: none"> <li>Public Chamber under RF President (126 authoritative public representatives nominated by different institutions)</li> </ul>	<ul style="list-style-type: none"> <li>Advisory powers</li> </ul>	<ul style="list-style-type: none"> <li>Public expertise of bills, social initiatives</li> </ul>

<b>Regional level</b>	<ul style="list-style-type: none"> <li>Regional representative body</li> </ul>	<ul style="list-style-type: none"> <li>The adoption of regional laws</li> <li>The control of executive body activity</li> </ul>	<ul style="list-style-type: none"> <li>Determined by regional charter and dominated political parties. Close to tasks of RF Parliament, but at regional level</li> </ul>
<b>Local level</b>	<ul style="list-style-type: none"> <li>Representative body of urban okrug</li> </ul>	<ul style="list-style-type: none"> <li>The adoption of local by-law</li> <li>The disposition of municipal property</li> <li>Establishment of local public priorities</li> </ul>	<ul style="list-style-type: none"> <li>The adoption of local charter, budget, master plan, land use ordinance</li> <li>The control of the local administration activity</li> </ul>
	Representative body of municipal district	<ul style="list-style-type: none"> <li>The adoption of local by-law and other normative acts</li> <li>The disposition of municipal property</li> <li>Establishment of local public priorities</li> </ul>	<ul style="list-style-type: none"> <li>The adoption of local charter, budget, master plan, land use ordinance</li> <li>The control of the local administration activity</li> </ul>
	Representative body of municipal settlement	<ul style="list-style-type: none"> <li>The adoption of local by-laws</li> <li>The disposition of municipal property</li> <li>Establishment of local public priorities</li> </ul>	<ul style="list-style-type: none"> <li>The adoption of local budget, master plan, land use ordinance</li> <li>The control of the local administration activity</li> </ul>

### 3. Administrative System

#### 3.1 General description, history, and key data of the administrative system

The essential administrative bodies in Russia include: RF Government and its executive structures, regional governments with their executive structures and municipal administration. The undeveloped civil self-consciousness and public institutions at Russia has as outcome certain traditions and preferences, which form both current political and administrative systems. In spite an obvious orientation of Russian legislation toward European values, analysts stress, that the as key consolidating and mobilizing factors still are not parties, political lines or state public bodies, but certain personalities. Russian bureaucrat serves more to persons, than to law, be these persons his direct chiefs, RF President or businessmen. At the start of 1990s the presidency was established against a background of economic and political crisis, worsening of national relations, slackening of the executive power and its unity. Decisions taken by authorities were not accurately implemented even by state bodies, non-coordination between national and regional legislation increased. The representative bodies failed to establish effective executive structures and communicate with them without interfering into their routine executive activity. The strong President's authority, independent from elected body, was considered as an instrument to provide stability, efficient state management and law-abiding

activity. RF President is authorized by large and real powers. He is not subordinated to any state body, once by Constitution the President got his power directly from country population; he is not accounted for his policy to Parliament. Only exclusions are in the case of his accusation in high treason or other grave crime by complicated procedure, carried out by FA chambers. The head of Russia therefore enjoys immunity, which provides the stability of his power.

[http://www.budgetrf.ru/Publications/Analysis/sash/sash\\_index.htm](http://www.budgetrf.ru/Publications/Analysis/sash/sash_index.htm)

By estimations of many analysts Russian bureaucracy has got extraordinary competences. But these competences do not correspond to the quality of the executive power. In spite of numerous staff of state administration (some 1.5 millions or more than 1% of country population) there is deficiency of skilled managers in all state structures. Till the very last time intersected duties of different ministries and performance of decision-making and its control by the same body corrupted executive structures.

<http://dissertation2.narod.ru/avtoreferats7/i14.htm>

Each region has its government. As well as at national level the largest part in taking key decisions has head of the region. Most part of self-government structures also has their heads and administrations. The budgets of the country and its regions are adopted by representative bodies. Local budgets are to be adopted according to municipal by-laws. Deductions to budgets of different levels are allocated annually, but can not be less than established by federal law. For federal budget the main sources are: value added tax, excises for mineral and spirits. Regional budget gets profit tax, part of Income tax paid by physical persons, and part of property tax. Municipality gets part of Income tax paid by physical persons, part of property tax, land tax, municipal property gains.

## **3.2 National level of the administrative system**

### **3.2.1 Institution(s) at national level**

At 2004 the RF President initiated administrative reform, aimed cutting down the number of ministries, liquidation of duplicative functions and separation of structures allocating resources from ones which control both resources allocation and usage. After reform the federal executive authority includes 16 ministries and dozens federal offices and federal agencies, partly subordinated to ministries. Five ministries are subordinated directly to the RF President; others are subordinated to Government Chairman. Government Chairman is nominated by RF President and approved by SD.

### **3.2.2 Functions at national level**

Currently to the RF President are subordinated: Ministry of Home Affairs, Ministry of extraordinary situations, Ministry of Foreign Affairs, Defense Ministry, and Ministry of Justice.

Presidents' activity is supported by Presidents' Administration, which includes advisers, assistants and consultants. To Government Chairman are subordinated the chief of Governmental Administration and heads of Ministry of Public Health and Social Development, Ministry of Information Technologies and Communications, Ministry of Culture and Mass-Media, Ministry of Education and Science, Ministry of Natural Resources, Ministry of Industry and Energy, Ministry of Regional Development, Ministry of Agriculture and Fishing, Ministry of Economic Development and Trade.

The federal ministry works out general policy for a certain field, adopts normative acts, responds for the activity within accountable sector. Meantime ministry is not enabled to issue licenses, to appoint and dismiss employees, to manage state property. Along with ministries there are established federal offices and federal agencies. Federal office supervises the legality of executive actions within some sector. Federal agency performs state service and manages state property, finances subordinated structures and works as a customer of federal programs within sector, but it can not establish procedures or control activity (issue permits, licenses, quotas etc.).

### **3.2.3 Tasks at national level**

RF Government tasks include:

- safeguarding the unity of national policy on the subjects of finances, culture, science, education, health protection, social maintenance, ecology;
- federal budget supervision;
- federal property management;
- arrangements regarding national defense and safety, international policy, legality, civil rights and freedoms, property protection and struggle with criminality.

Ministries implement development strategies and plans within sectors, introduce proposals on sector financing, control the performance of plans, programs and represent reports to RF Government.

Territorial planning is under responsibility of Ministry of regional development which is enabled to work out national policy and implement normative regulations regarding socio-economic development of RF subjects (regions) and municipal units. Its tasks cover issues of administrative boundaries, delimitation of federal, regional and municipal competencies, concerning construction, architecture, territorial planning, housing, public utilities, and national policy within Russia. Ministry submits to RF Government projects of laws and by-laws, issues federal urban planning normative, stipulates the procedures on approval and adoption of urban planning and land development documentation, determines the cost of social housing, issues principles for tariffs to be established on housing maintenance and public utilities, manages the

working out of federal guiding programs of regional development. To Ministry of regional development is subordinated the Agency of construction, housing and public utilities. This Agency is empowered as the customer of some federal guiding programs on housing and public utilities, as manager of competitions regarding design and construction of federal objects; it is obliged to render services on construction and repair in the cases of extraordinary situations and to manage operations involving federal property.

The supervision of legislation compliance on nature management is carried out by the Federal office of supervision on nature management, subordinated to Ministry of natural resources. Federal office on hydrometeorology and environmental quality monitoring carries out appropriate activity, management of state property used for its tasks and render respective services. The preservation of the cultural heritage is carried out by Ministry of Culture and mass-media, which incorporate Federal supervision office of cultural heritage and mass-media. Federal antimonopoly office (not subordinated to any ministry) controls compliance of laws on competitiveness of goods markets and financial markets, on natural monopolies, on advertising.

Federal offices have their territorial subdivisions within regions (sometimes one body for several regions) enabled to control activity, concerning specific sector. There are territorial subdivisions enabled to control the nature protection, the use of natural resources, the preservation of cultural monuments, sanitary situation, and capability to prevent extraordinary situations, the use of the state property.

### **3.3 Regional level of the administrative system**

#### **3.3.1 Institutions at regional level**

The general guidance at regions is exercised by regional heads of executive authorities (governors or presidents of republics) which may have several substitutes. Regional executive power has the status of government, which usually includes vice-governors and chairmen of essential subdivisions, as committees or departments. The structure of regional government is stipulated by regional charter (constitution for republics); structures of sectoral and territorial branches are determined by head of the region. The necessity and procedure of approval by regional legislative body of personalities for regional government is stipulated by regional charter (or by constitution of republic).

#### **3.3.2 Functions at regional level**

Regional government outlines problems and strategy of regional development, works out and introduces to regional legislative body regional budget, finances subordinated structures, adopts guiding development programs, may enter into agreements with federal executive bodies on the mutual delivery of some competences. The competencies and responsibility of sectoral

structures are specified by regulations, adopted by head of the region. Chiefs of the committees and departments issue acts and commands regarding activity within administrative subdivision in charge. Large regions may be divided to administrative districts, which are not municipal units, but have executive bodies subordinated to regional ones and responsible for the districts' conditions and development.

### **3.3.3 Tasks at regional level**

Regional government is responsible for the budget execution, regional property management, for conformity to federal and governors' normative acts, for regional ecological situation, human rights and freedoms, for the social order and crime rate. Under its charge is regional socioeconomic development and operation of business, which engage regional public resources. Regional government has to introduce reports on its activity to head of the region and to regional representative body. Regional executive structures are responsible for the territorial planning and development within regional boundaries, for transportation and engineering infrastructures of regional scale, for regional social infrastructure (educational, cultural, medical, sportive facilities of regional significance), for enterprises owned by region, for nature protection, law-enforcement and financial support of municipalities. To achieve goals, established by regional government for specific sectors, responsible administrative subdivision acts as a customer of works and issues reports to regional government. The priority among tasks depends from regional problems. Once most grave problems follow regional economic and demographic trends (emigration from northern and eastern regions, immigration, including illegal one to large cities), the situation at region often depends both from federal legislation, regarding taxation, migration control and from federal financial support.

## **3.4 Local level of the administrative system**

### **3.4.1 Institutions at local level**

Developed administrative structures at municipal level are similar to regional ones: to city mayor or to head of municipal district are subordinated his substitutes, heading sectoral departments. The scope and magnitude of specific structures depends from local situation. At rural settlements municipal administration sometimes is limited by the head, his deputy and by few professionals.

### **3.4.2 Authority / function at local level**

Competencies of sectoral administrative subdivisions arise from the federal law, which determines municipal competencies (see tasks at subsection 2.4.2.). The municipal executive bodies are enabled to participate in the working out of strategy of local development, to introduce to mayor and to the representative body projects of local budgets, orders, resolutions, and agreements, to control works, carried out for municipality.

### **3.4.3 Tasks at local level**

Tasks of municipal administration may cover the territorial development, development of local transportation, engineering and social infrastructures (incl. kindergartens, schools, and local cultural, sportive and medical establishments), nature protection arrangements, law-enforcement activity, public safety, monitoring of socio-economic and urban planning/development trends, dissemination of relevant information and provision of feedback with local population. Administration of municipality provides municipal service based on the system of subordinated establishments, renders municipal property for municipal needs, acts as a customer of works and issues reports to local representative body. The administrative body of municipal district acts as the customer of territorial planning schemes, which are focused on the development of infrastructures and objects, financed and maintained by districts, or under districts' control. Administration of settlements and urban okrugs acts as the customer of master plans, land use and development codes (zoning ordinances), the same administration regulates working out, approval and adoption of land planning documentation, approves and controls construction design, construction process and land use.

### **3.6 Further information on the administrative system**

The federal and regional executive bodies may use different tools to influence municipal level: introduce projects of laws, regarding allocation of the state property to municipalities, establishment of minimal social standards, the distribution of budget revenues among levels, the compensation of municipal expenditures caused by state level decisions. Besides regions may adopt laws to change municipal boundaries. Moscow and St. Petersburg are enabled to introduce regional law, aimed alter the scope of municipal competencies.

At all levels are applied different techniques of feedback between administration and deputies, administration and population. There are representations of leading administrative persons at Parliament and regional councils, consultations of administrators with party leaders, interpellations of deputies to administration, roundtables, public councils at different levels, public waiting rooms in key offices, press conferences, Internet sites. But at Russia, where population historically is not accustomed to initiate contacts with administration, forms of feedback must not only be convenient, but rather trigger responses and to convince participants that their appeals are not but futile.

Primary claims to administrative system are:

- according to Corruption Perception Index (applied by Transparency International) the Russian rank among all countries is 128 by 2005 (by 2004 rank was 90);
- the transparency of administrative activity for public control is insufficient;

- there is not ensured the responsibility of administration for the breach of the law;
- the participation of professional experts, public associations and other civil structures in administrative decisions is not sufficient;
- there does not exist system of prevention, exposure and elimination of administrative misuses;
- administration more than often demonstrate low level of professional ethics.

As a device to solve problem analysts propose to establish system of stimulus, capable to transform motivations of administrative staff. Most likely the reorganization of administrative system shall continue. [http://www.ruspravda.ru/facts\\_and\\_thoughts/macro/20041020-3/](http://www.ruspravda.ru/facts_and_thoughts/macro/20041020-3/) and <http://www.nacbez.ru/akmonitor/article.php?id=82>

### Levels and specific aspects of the administrative system

aspect level	institution(s)	authority/ function	tasks
national level	RF Government	<ul style="list-style-type: none"> <li>• Governing of federal ministries</li> <li>• Issuance of resolutions and arrangements</li> <li>• Introduction of RF budget to SD</li> </ul>	<ul style="list-style-type: none"> <li>• Safeguarding of the unity of national policy on the subjects of finances, culture, science, education, health protection, ecology</li> <li>• Federal budget and federal property supervision and management</li> <li>• Arrangements regarding national defence and safety, international policy, legality, civil rights and freedoms, property protection and struggle against criminality</li> </ul>
	Federal ministries	<ul style="list-style-type: none"> <li>• Working out general strategy at sectors</li> <li>• Adoption of normative acts</li> </ul>	<ul style="list-style-type: none"> <li>• Implementation of general strategy at activity sectors</li> <li>• Reports to RF Government</li> </ul>
	Federal agencies	<ul style="list-style-type: none"> <li>• Financing of subordinated structures</li> <li>• Acting as the customer of federal programs at sector</li> </ul>	<ul style="list-style-type: none"> <li>• State service performance</li> <li>• State property management</li> <li>• Reports to ministry</li> </ul>

	Federal offices	<ul style="list-style-type: none"> <li>• Disposition of federal budget at sector</li> <li>• Investigations within sector</li> <li>• Engagement of scientific institutions and experts</li> </ul>	<ul style="list-style-type: none"> <li>• Legality control within sector</li> <li>• Reports to ministry</li> </ul>
Regional level	Regional government	<ul style="list-style-type: none"> <li>• Working out of the strategy of regional development</li> <li>• Working out and introduction to legislative body of regional budget</li> <li>• Regional property management</li> <li>• Adoption of orders</li> <li>• Financing of subordinated structures</li> </ul>	<ul style="list-style-type: none"> <li>• Safeguarding of the unity of regional strategy</li> <li>• Regional budget supervision and regional property management</li> <li>• Arrangements regarding legality protection</li> <li>• Reports to the regional head and legislative body</li> </ul>
	Administration of regional departments, committees	<ul style="list-style-type: none"> <li>• Commands within departments</li> <li>• Financing of subordinated structures, signing of agreements</li> </ul>	<ul style="list-style-type: none"> <li>• State service performance</li> <li>• State property management</li> <li>• Reports to regional government</li> </ul>
Municipal level	Municipal administration	<ul style="list-style-type: none"> <li>• Participation in the working out of local development strategy</li> <li>• Issuance of proposals regarding local budget, by-laws, contracts</li> <li>• Financing and control of subordinated items, contractors</li> </ul>	<ul style="list-style-type: none"> <li>• Municipal service performance</li> <li>• Municipal property management</li> <li>• Reports to municipal representative body</li> </ul>