

Putin's Undemocratic Federation Council

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Even when the Kremlin introduces a modest legislative initiative geared toward political reform, it often becomes watered-down and ineffective by the time it gets put into practice. This is precisely what happened with the new bill on amending how Federation Council senators are selected. The bill passed both chambers of parliament and now awaits the president's signature.

This is the fourth model for determining the Federation Council's composition since the Soviet collapse. After the new Constitution was approved in 1993, which established the Federation Council as the upper chamber of parliament, senators were initially chosen through direct elections. In 1995-2000 there were governors and regional speakers who represented their regions ex officio. But when President Vladimir Putin introduced his federal reforms in 2000, governors and regional parliaments simply sent their representatives to the Federation Council.

With the current bill, it was initially announced that gubernatorial candidates would list their three candidates for senator, effectively giving voters the right to choose both governors

and senators simultaneously. But as the bill stands now, the elected governor can choose any of his three senatorial candidates to send to the Federation Council.

What initially looked democratic in theory has become very undemocratic in practice. First, with the new system of filters in place, only incumbent governors have been elected to office. Second, governors are now free to use two of their senatorial candidates as figureheads to appease their constituents. Then they can choose a third candidate who will do their bidding in the Federation Council. What's more, it will be difficult for other gubernatorial candidates to persuade prominent local politicians to run on the same ticket as senatorial picks.

Regional lawmakers are now the only members who are eligible to become senators from the legislative branch. That eliminates a loophole in the "innovations" introduced several years ago by then-President Dmitry Medvedev in which businessmen or officials who had fallen out of favor could be quickly elected to some municipal council so that they could then be appointed as senators. That is exactly how former St. Petersburg Governor Valentina Matviyenko became the speaker of the Federation Council in September 2011. Before she could be eligible for this post, she had to be elected by popular vote to a public office. A month prior to her appointment, she won an ad hoc election as head of two tiny municipalities in St. Petersburg with roughly 20,000 residents.

If Putin signs the Federation Council bill by the end of December, which is all but a given, it will take effect Jan. 1. But with no elections of governors or legislative assemblies in the near future, the composition of the Federation Council will not change much. The situation in which half the members of the council are appointed by governors, who were themselves appointed by the president, looks like it will continue for some time to come. This is a fundamental violation of the principle of separation of powers.

At last week's meeting with leaders of the four factions in the State Duma, Putin said the Federation Council bill meets democratic standards. He also suggested that it might be possible to directly elect senators in the future but that doing so would require changes to the Constitution. This is misleading because the Constitution requires only that each region send two representatives to the Federation Council, one from the executive branch and one from the legislative. Therefore, if each of the two branches puts forward its own candidates and voters select one of each, there would be no constitutional violation whatsoever.

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