The Politics of Law-making in Russia

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Introduction

On 19 February 2015 the Russia and Eurasia Programme at Chatham House hosted an event at which Ekaterina Schulmann spoke about the dynamics of the law-making process in Russia and the country’s legal environment. The event formed part of the New Faces in Russia series, which aimed to give a platform to speakers with little or no previous exposure in the UK. Schulmann illustrated her talk using a series of graphics. The speaker encouraged experts to rely on documents and open sources, and on lessons learnt from other semi-autocratic regimes, rather than seek information from those working within the system. The following text provides a summary of areas covered.

Initiating law

The number of bodies that are able to create legislation significantly slows the process of law-making in Russia. Laws can come from the State Duma, the Federation Council, the regional legislative assemblies, the president, the government and the higher courts. These multiple bodies create bureaucracy and mutually block – but are unable to defeat – each other’s proposals.

The State Duma, with its 450 deputies, represents an ‘administrative stock exchange’. Deputies often put forward other people’s laws, and sometimes propose more laws than does the government (as was the case in the State Duma’s sixth convocation in 2011). The party list system (whereby the party, rather than the populace, selects candidates for election) means that deputies are not forced to justify themselves before electors, and therefore feel a disconnect and a lack of accountability; their allegiance is first to their party, rather than to voters. The law regarding ‘foreign agents’ and the so-called ‘Dima Yakovlev Law’ imposing restrictions on foreign adoptions of Russian children by US citizens were approved by requiring each deputy to sign the bill individually. Deputies generally therefore refuse to take responsibility for the legislation, claiming that they were pressured into the decision.

Citizens can also suggest laws through the structure of public initiatives. Such proposals go to government commission if they receive 100,000 signatures of support. Alexei Navalny twice took advantage of this structure; his anti-corruption bill was reviewed by the government earlier in 2015.

The graphics presented by the speaker illustrate in detail the volume and success rates of bills presented by different authors.

Passing law

A ‘zero reading’ takes place before a bill is officially introduced. This is the most formative stage of the process; the later, official readings are often mere formalities. The Civic Chamber is a ‘decorative structure’. It was designed to represent citizens’ views in light of the above-mentioned disconnect between voters and government, and can offer expertise on bills of ‘social significance’. The State Duma is not obliged to heed its advice. Many claimed that elections to the Civic Chamber in 2014 were fixed, and campaigned that voting should instead be conducted online. Each ministry also has a civic council for consultation. NGO representatives and experts in such councils are usually selected and approved by ministers, which limits the diversity of voices; however, ministers do have less control over their selections from some sectors, such as health care. The vast majority of bills vetoed by the Federal Council are later approved by a two-thirds majority in the Duma, thus overriding the Council’s veto.

Some NGOs overestimate the role of the president, who in fact seldom initiates or vetoes laws. The presidential administration is, however, very active informally. This has perhaps been less the case under
Vyacheslav Volodin, the current first deputy chief of staff of the presidential administration. One example of presidential intervention was in the 2003 amendments to the criminal code that make the laws on human-trafficking easier to enforce, and which were backed by Putin.

Some legislation follows an exceptional process. The bill on the annexation of Crimea (March 2014) was discussed not so much a piece of legislation as a political declaration. Schulmann described Crimea as ‘an island of exceptions’, much like Chechnya.

**Amending law**

The process of amendment often begins in earnest after a law has been passed; the phrase ‘ramochniy zakon’ (‘framework law’) describes legislation that is immediately open to interpretation and adaptation. Many lobby for changes only after the effects of the law have been realized – an example being Russia’s counter-sanction measures.

**Repealing law**

Ill-thought-through laws are sometimes simply later repealed. One example is the law on advertising (2014), which banned commercial advertising on paid cable and satellite TV channels. This was backed by Mikhail Lesin, the head of Gazprom-Media, as it clearly targeted channels such as Dozhd and protected state channels. Having been rushed through parliament in 11 days, the legislation was subsequently repealed with the justification that it was no longer relevant.