

## Political Parties and Parliament

*Alexander Kynev*

### WHAT IS A RUSSIAN POLITICAL PARTY?

Russia has a unique but exceedingly weak party system. The system is weak in terms of the political and policy influence of the parties and the general absence of “thick” organisational networks for parties at the local or grassroots level across the country. In the majority of the country’s 85 regions, there are few active local party organisations, with the exception of the short periods during which actual election campaigning occurs. To the contrary, Russia’s parties are very dependent on the state. Moreover, the national and regional parliaments have little effective power.

### THE 1990S TO THE 2000S: FROM CHAOS TO STATE CONTROL

Until the 2000s, there had been no law on political parties in Russia; instead, various norms (e.g. on elections) from the laws of the former Soviet Union were used. From 1995, the Russian law on social organisations was the main legal framework for political parties, which meant that any social organisation could participate in elections as a de facto “party”. As a consequence, labour unions, veterans’ and women’s associations,

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and even associations of sanitation workers could independently promote candidates for the national elections in 1995. On June 17, 1995, then, 258 social associations and 15 unions had the right to participate in Russia's nation-wide parliamentary elections.

In 1997, a new juridical form—the “sociopolitical organisation”—was introduced into Russian law. In order to preserve the right to participate in elections, organisations were required to re-register with the Central Election Commission in their new capacity (as “sociopolitical organisations”) and enshrine in their charters wording to the effect that their primary purpose was political activity. As a result, in the 1999 State Duma (lower house) elections, the number of political parties participating decreased significantly—that is, only 139 “sociopolitical organisations” had the right to participate.

The most radical changes began under the presidency of Vladimir Putin from 2000. State regulation of political parties became far stricter following the passage in 2001 of the law on political parties. Federal control over the regions increased. The law stated that only parties had the right to independent participation in elections. In order to obtain this new status (eligibility), a group had to have a minimum of 10,000 members, as well as offices in more than half of the country's regions. Regional parties were forbidden, as were parties based on gender, ethnicity or religion (e.g. the Christian Democratic Party). In 2002, betraying the extreme weakness of the parties in the country, independent candidates dominated regional parliamentary elections. (Candidates put forward by the parties represented only 14.3 per cent of all candidates; among these, only 9.6 per cent were elected.) Party lists were used in only 4 regions in those elections, with the majoritarian system used in the others, and with significant variations in voting rules from region to region. By the end of 2003, there were only 44 parties in existence. A peak of 46 parties was reached in 2004. From July 13, 2004, the regions were required to select no less than half of the deputies of their parliaments by proportional representation.

The structure of the parties implied a strict hierarchy, with candidates standing in regional elections requiring approval of the central leadership. At first, there were no articles in the law on political parties about the rights of ordinary party members. The leadership of the parties had the de facto right to exclude any members in order to control the party majority. Between 1990 and 2000, then, there was not a single case of a democratic transition in power in any serious Russian party—that is, no case in which the internal opposition to a party leadership came to run

the party. Indeed, the leaders of all the leading parties today have essentially held their posts since the early 1990s. Changes in party leadership have only occurred in the event of problems in the relationship between a party and the government or a retreat of the de facto leader of the party to the *arrière-plan* (e.g. “Just Russia” in 2011–2013, and “Yabloko” from 2008).

Today, Russian parties are formed from the top down, starting at the centre in Moscow, with the federal organs subsequently establishing regional parties for the national parties. Once registered in Moscow, each party must, within 6 months, register its offices in no less than half of the country's regions. Law enforcement agencies actively check party data, attempting to identify lists of people supporting specific political parties. The registration requests of regional offices can be rejected by regional authorities for very small inaccuracies in party data. For their part, the federal organs that control the activities of the parties (i.e. the Ministry of Justice and also certain departments of the Presidential Administration) are directly answerable to the Russian president. It follows that the President has the exclusive, effective right to decide whom to admit to elections—that is, the said law on parties has essentially become a law on state control of political parties.

Alongside Russia's “executive vertical” system and other verticals (in the security structures, the corporate structures and other spheres of Russian life), a “party vertical” has been created, where the final word in any party lies effectively with its central leaders. To be sure, a key argument of the defenders of this system is that the party vertical serves the unity of the country and its internal integration and coherence. This includes the idea that, symmetry oblige, the regional parliaments should be no less dependent on the federal centre than the regional governments.<sup>1</sup>

From 2003, half of all regional deputies were required to be nominated by the regional offices of the national parties. As the activities of the majority of parties in the regions had, by the early 2000s, a fictional character, this move led unsurprisingly to the rapid commercialisation of the parties. Having obtained the right to nominate candidates, the regional offices were still without resources. Other actors—for starters, business leaders—did have resources, but did not have the right to nominate candidates independently. Demand and supply predictably intersected: local business groups and other leaders began to effectively purchase from parties the right to run in regional elections. The consequence has been the constant migration of candidates among the parties, often even among parties

of opposing philosophies. When there is conflict with one's new party, a candidate may reach an agreement with another party. A single business group may thus control several parties at once and run candidates with different political ideologies in different regions. Consider that United Russia (the "party of power") and Just Russia could not be more different between themselves, and yet one can readily find within each of them former members of all past and existing parties (from former liberals to former communists and nationalists). It follows that the parties often have no motive for their activities other than to obtain rents or benefits from leasing out the right to nominate candidates during the short periods of election campaigns.

As electoral experience under the new rules increased, the federal centre began to establish additional control mechanisms in respect of the nomination of candidates. In 2005, electoral coalitions—that is, parties coordinating election activities, including joint candidates or common political programmes or platforms—were prohibited. Only registered political parties could run. The threshold of nation-wide support necessary for existing parties to obtain seats in the State Duma was raised from 5 to 7 per cent. Registration of candidate lists became far stricter and more cumbersome, involving lengthy processes of verification of party data by regional election commissions. In 2006–2007, for instance, it was no longer possible to include in party lists candidates belonging to other parties. And deputies were prohibited from changing parties over the course of the life of a single parliament.

Amendments in December 24, 2004 increased the minimum number of party members required for official party status to 50,000 (and no less than 500 per regional office). Parties that, on inspection, did not meet the new standard were, from September 1, 2007, required to dissolve. One such dissolved party was the Republican Party of Russia. (In 2011, it obtained a successful decision from the European Court of Human Rights on the illegality of its dissolution and of the dissolution procedure.) By the start of 2006, there were only 37 parties left, and only 15 parties by the end of 2007.

In 2001, state financing was introduced for parties that received at least 3 per cent of the nation-wide vote in elections for the Duma. By contrast, those that received no more than 2 per cent were punished financially and required to pay for any broadcasting time and newspaper space used up to that point. Therefore, all parties, apart from the 4 that made it to the Duma in 2007, became debtors. In lieu of paying debt, most of the

parties chose to dissolve. Only 6 parties remained, while a seventh—Right Cause—was created under the manifest patronage of the Kremlin to replace the Union of Rightist Forces (URF), the Democratic Party of Russia (DPR) and Civilian Power. Many members of the dissolved URF, including the late Boris Nemtsov, were unable to find a place in this new party. In July 2009, the debts of the losing parties were eliminated by massive backdating amendments to the tax code. By that time, however, all the debtor parties, except Yabloko and Patriots of Russia, had already self-liquidated.

Against the backdrop of the dissolution of most of the "old" parties between 2004 and 2011, and, with the said exception of Right Cause, there was no successful attempt to create a new party. The *prima facie* new parties of this period—Patriots of Russia, as well as Just Russia—were simply the result of changes in the nomenclature of extant state-controlled organisations.

The purpose of this system of increasingly restricted competition and managed "party-ness" is plain: if the proportion of deputies selected by party lists grows, and parties are themselves directly dependent on the federal state that controls their activities, then the control of the authorities over the parties entails indirect control over the deputies themselves. *Bref*, even weak representation is viewed as a species of threat to the existing political system and order.

The next reform was a gradual transition, during the presidency of Dmitry Medvedev (2008–2012), to a fully proportional (not mixed proportional) electoral system. From 2007, this system was introduced for the elections of deputies to the Duma. (By 2011, 11 of the then 83 regions had transitioned to the fully proportional system of regional parliamentary elections.) In 2009, a law on the mandatory use of party lists for municipal elections was introduced. Citizens were boxed into voting for a very limited number of approved parties.

The Presidential Administration of Medvedev tried to strengthen the "system" opposition—that is, the opposition deemed legitimate by the state *qua* having the status of a registered party, and that, in its most useful manifestation, plays a non-negligible policy brokerage and intra-executive conflict resolution role in the Duma. In the context of his constitutional majority (enjoying more than two-thirds of total seats in the Duma), Vladimir Putin (then prime minister and leader of United Russia) also worked to strengthen other players, thereby reducing his own dependence on the "party of power". To this end, amendments were made to ensure

that the political work of party representatives in the regional parliaments was officially considered full-time work. Moreover, the minimum number of party members was lowered slightly—to 45,000 (from January 1, 2010), and then to 40,000 (from January 1, 2012).

### REFORM 2012: RENEWED “DE-PARTY-SATION” OF ELECTIONS

New opposition forces grew under Medvedev in the context of the 2009–2010 economic crisis, with social media and external events like the Arab Spring also playing a catalysing role. Discontents in the Russian electorate started massing around the few remaining alternative parliamentary parties. One of the leaders of the unregistered (“non-system”) opposition, Alexey Navalny, led a public campaign advocating “voting for any party except United Russia”. As a result, even in the context of mass falsification (at least 15 per cent, by my own estimates and those of several others<sup>2</sup>), United Russia obtained less than 50 per cent of the total vote.

The crisis, as well as the return of Vladimir Putin as President, led immediately to the dismantling of a number of elements of the political system of the 2000s. In order to avoid a concentration of protests around the few remaining parties, extreme measures were taken—principally through amendments to soften party and electoral law. In the 2012 law on amendments to the federal law on political parties, the number of party members required for registration was decreased to 500 people. Still, all other repressive norms, including the multistep registration of parties and the requirement for party offices in no less than half of the regions, were preserved. As intended and expected, the number of parties began to grow rapidly (in May 2012, there were 16, and 74 by the summer of 2015). Indeed, parties began to be registered with amazing rapidity—many without apparent leaders but otherwise bearing names that closely resembled those of existing parliamentary parties. At the same time, however, a number of well-known opposition parties were refused registration, including the party of the allies of Navalny, which after several registration rejections changed its name to the Progress Party. Registration for party candidates was also simplified: they were no longer required to collect voter signatures for registration. For independent candidates, the number of required signatures was reduced from 2 to 0.5 per cent of the total number of voters in the electoral district in which they wished to run.

There were also several retaliatory measures taken to target opposition forces, including certain members of Just Russia and the Communist Party who had spoken against the government between 2010 and 2012. These measures included negative media coverage and the launching of criminal investigations (e.g. in relation to the Duma deputies Ilya Ponomarev and Gennady Gudkov from Just Russia, and against Vladimir Bessonov, Nikolai Parshin and Konstantin Shirshov from the Communist Party). This pressure was lessened somewhat by the increase in state funding for political parties (from 20 to 50 rubles per vote in December 2012, and to 100 rubles from January 1, 2015). A number of gubernatorial posts were also offered to opposition members (e.g. Vadim Potomsky of the Communist Party was appointed governor of the Orlov oblast, while Konstantin Ilkovsky of Just Russia was named governor of the Zabaykalsky krai).

Of course, the advent of new parties also meant new initiatives and new politicians who could threaten the established system with more dangerous competition than the old, well-known projects and programmes. As such, after the elections of September 8, 2013, when Evgeny Roizman became mayor of Ekaterinburg and Alexei Navalny came second in the election for mayor of Moscow—the latter earning 27 per cent of the total vote, and more than all the “old system” candidates combined—attempts were made to depreciate the role of formal political parties. The so-called Klishas Law was passed on November 3, 2013, lowering the mandatory minimum proportion of regional deputies who must be nominated by the regional offices of national parties from 50 per cent to 25 per cent. Moscow and St. Petersburg were allowed to do away with party lists altogether and elect their legislative assemblies by single-mandate majority districts. Several provisions of the law on parties from the Medvedev period were removed—specifically those dealing with the introduction of party lists for municipal elections (for the 2014 elections, in 14 of 20 regional centres, the majoritarian system was fully restored). The municipal counter-reform measures included mass cancellation of direct mayoral elections. This eventuated in a shift from a proportional to mixed electoral system for the nation-wide 2016 elections. The parties were thus effectively deprived of “space” in which they could achieve any success, and their role in the political system once again began to decline.

The “old system” parties found themselves under a two-front assault by the authorities and the new parties. But whereas the old parties were already familiar with, and understood the basic grammar of, their

relationship with the authorities, which guaranteed them a minimal modicum of representation, they found in the new parties a threat to their very electoral existence. As it turned out, the 2014 Crimean crisis led to a sudden “rally around the flag” unity between the old parties and the authorities. On May 5, 2015, the law on political parties was amended to cancel earlier privileges accorded to the new parties in respect of their registration process, in order to reinstate the requirement for signature collection and to increase the number of required signatures to 3 per cent of the number of voters in the electoral district in which candidates wish to run—to be sure, the largest such proportion in the history of elections in Russia.

The 2015 regional elections were, predictably, artificially uncompetitive and excluded the new parties in a significant number of cases. Some 39 per cent of the parties that wanted to run and submitted candidate lists for regional parliamentary elections did not make it to election day (due to mass refusals of registration for representatives of new parties). In single-mandate majority districts, 88 per cent of the candidates nominated by parties did not make it to election day, as the parties did not have the “parliamentary party privilege” of registering candidates without collecting voters’ signatures. The use of the “Klishas Law” effectively stopped. The mixed system returned to all 23 regional capitals in which city councils had already been elected, though certain electoral results were cancelled (e.g. in Novosibirsk and Krasnodar), given that cities were forced to change their election rules several times over the course of a single year in order to reflect federal legislative changes.

And so the federal authorities returned once more to the formula of restricted competition and managed “party-ness”. As such, the role of proper political parties in Russia has steadily declined, while the number of socio-political organisations has, conversely, increased based on Moscow’s fear of opposition forces concentrating around a few centres of influence. These dynamics have served the objective of increasing the fragmentation of the newly emerging “non-system” opposition.

Such pendulum-like swings in Russian electoral policy clearly militate against the development of a sustainable party system. Instead of using political parties to help citizens articulate their interests or self-organise (or otherwise provide feedback to power), the state sees parties as vehicles for filtering and controlling the boundaries of the opposition, and indeed to exclude undesirable figures from Russian political life. The net result is the protection of ineffectual state structures and unpopular leaders. (The 2016 parliamentary elections saw the lowest turnout in the country’s

history at 47.88 per cent—a consequence not only of a conscious electoral strategy by the authorities to diminish participation among independent voters but also of the degradation of the party system and conspicuous public disappointment with the electoral options in play.)

#### FEDERALISM AS A CHANCE FOR THE CREATION OF NORMAL PARTIES IN RUSSIA

The current semi-ephemeral state of the majority of Russian parties begs the question: is it possible to create a bona fide Russian party system, and if so, under which conditions? Undoubtedly, a party system cannot develop normally with the many prohibitions and restrictions in place at the time of this writing. Truly free registration of all proper political parties is absolutely necessary (e.g. making it possible to register by filing a simple application), as is the removal of restrictions on the admission of candidates to elections. Of course, in the absence of such measures, parties simply behave like businesses or are otherwise extensions of the state.

At issue is the very meaning and purpose of political representation in Russia. The Russian Constitution of 1993, adopted in the aftermath of a violent presidential-parliamentary standoff, originally deprived the State Duma of meaningful legislative and representative functions and entrusted the Russian president with nearly unlimited powers. This led to the degradation of public institutions, including electoral processes and free political competition, and the evolution of a “managed” system of party affiliation. It is therefore not surprising that Russians do not trust their parties and that interparty competition today is often reduced to squabbles over seats and mandates, rather than expressing itself through battles over ideas about the future development of the country.

Does this mean that, absent constitutional reform, we can forget about a strong party system in Russia? Let me propose that we must look elsewhere for solutions. First, Russia must implement in legislation, and give new life to, the formal Russian constitutional principles of federalism and the development of local self-government (see Chap. 5 on Federalism). In the 1990s and the first decade of the 2000s, the quality of party networks in the regions was highly varied. In the context of the overall weakness of the party system, the parties were always stronger in regions like Karelia and Irkutsk oblast than in, say, Bashkortostan or the Yamalo-Nenets autonomous okrug. There are many reasons for such regional differences, including the history, culture and quality of local political institutions.

Given the colossal size of the country and the extent of its internal differentiation, to go from nothing to suddenly having strong federal parties is an extremely complicated task. Still, it is fully possible to have regional institutional reform—that is, to strengthen the control and powers of regional parliaments and local councils—within an authoritarian system. Moscow may well be interested in this, as the construction of a system of controls and counterweights at the level of the regions (and especially in the large regions) would be an important factor in weakening the influence of excessively strong governors and, consequently, in strengthening the unity of the country.

In their regular conflicts with the governors, in the 1990s just as today, the regional parliaments and local governments have always appealed to the federal centre—their natural defender, as it were. What is now in question is the readiness of the federal centre, together with the primitive system of “executive verticals” (semi-federal regional autocrats, arrayed in a pyramid), to create an institutionally complex system that is more stable and less dependent on the personal ambitions and caprices of the governors. In the event, even given the present weakness of the federal parliament and the personalised political culture of Russia, the country’s political parties—at least at the regional and local levels—may at last have a higher purpose.

#### NOTES

1. <http://www.ridus.ru/news/117749.html>
2. <http://arxiv.org/abs/1205.0741>

## Russian Media

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### THE PROBLÉMATIQUE: RUSSIA’S MEDIA DUALISM

Russian media are often accused of succumbing to state pressure, being an instrument of such pressure,<sup>1</sup> and being excessively dependent on state funding. To this day, however, there has been precious little systematic analysis of how the Russian state, in its post-Soviet incarnation, incorporates the media into the national system of public institutions, and indeed how the state develops and implements public policy in respect of Russian media. Such analysis is, of course, complicated by the dual nature of media in Russia and in many other countries—on the one hand, as a branch of the economy and a market player among many, and on the other as a purveyor of information, interpreter of cultural codes and provider of public goods.<sup>2</sup>

Even in countries with very low state intervention in the economy, a so-called cultural exception<sup>3</sup> has been crafted for the media. As such, public policy on the media and the overall presence of the state in the media sector have, in all countries, been more significant than in other branches of the economy and national life at large.

Russian media are characterised, as with most Russian institutions, by another species of dualism: some of their elements, including commercial advertising, news journalism and the various privately owned media

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