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President Yeltsin launches his final attack against parliament by publishing a Decree on its dissolution – parliament still reluctant to surrender

Political crisis in Russia reaches its peak



On September 21 the President of the Russian Federation issued a decree "On Stage-by-Stage Constitutional Reform in the Russian Federation", in which he resolves:

To discontinue the fulfilment of the legislative, instructive and control functions of the Congress of People's Deputies of the Russian Federation and the Supreme Soviet of the Russian Federation till the new two-chamber parliament of the Russian Federation, the Federal Assembly of the Russian Federation, begins work and assumes corresponding powers to be guided by the decrees of the President and the resolutions of the government of the Russian Federation.

The existing Council of the Federation is vested with the functions of the chamber of the Federal Assembly of the Russian Federation with all appropriate powers. Elections to the State Duma, the second chamber of the Federal Assembly of the Russian Federation, are being fixed for December 11-12, 1993.

It is suggested to the Constitutional Court of the Russian Federation that it does not convene sessions until the Federal Assembly of the Russian Federation begins work.

President Yeltsin, parliament's speaker Khasbulatov, Chairman of the Constitutional Court Zorkin and Vice-President Rutskoi. The conflict among Russia's "first persons" has gone so far that anyone of them may quit the political Olympus. And it will hardly be the President...

Vladimir ORLOV

As the President had promised, mid-September became a period of vigorous action. Boris Yeltsin kept his word at last, and for the first time since last December when he made public his plan of emergency measures it has become clear that he will not renege on his word.

Yeltsin's imposition of essentially special rule in the state, speaking conditionally, until December (conditionally – because there are no guarantees whatsoever that elections to the State Duma can take place on December 11-12) amounts to an unlawful step from a legal point of view. This is clear not only to members of the Constitutional Court, but even to any one who has at least once consulted the Constitution now in force. In this context Yeltsin automatically lost the post of President as of 00:20 hours on September 21 when he signed Decree 1400. On these same, legally impeccable grounds, General Rutskoi became Acting President for a term until December 21 this year.

President Yeltsin definitely knew what he was after. He was perfectly well informed of the legal consequences of his decree as well as the likely decision of the Constitutional Court (it was pre-

cisely the ratio of nine votes in favour of the decree's annulment to four votes for the decree that was appraised as the most probable in the analytical memos of the President's administration). But is there a force which is above the Constitution?

Yes, this force is the people. Yeltsin drew support from the results of the people's voting last April. Yeltsin defended the foundations of the constitutional system – there is also a concept as such which implies the defence of citizens' fundamental rights and liberties.

This move is nevertheless not perfect from the legal point of view. But was there an alternative?

Yes, there was. To carry on negotiations with the opposition, to try to persuade parliament's conservative majority of the need for the earliest possible general – parliamentary and presidential – elections. Were all the levers for formal and informal contact with the opposition put to use? I am doubtful. But it is difficult not to agree that the possibility of compromise was dwindling with each passing day whereas after the events of September 18 the President's last illusions must have been generally dispelled.

It is on that day that Moscow happened to be the venue for a conference of

the Council of the Federation convened by the chief of the presidential administration and attended by the heads of the legislative (Soviets) and executive (administrations) branches of authority in the territories, regions, republics and autonomous entities.

It was expected that in pursuance of the Petrozavodsk meeting of the heads of Russia's constituent republics the Council of the Federation would be turned into a consultative-advisory body with extensive powers so as to replace by winter the Soviet of Nationalities at the existing Supreme Soviet. This seemed to be a highly flattering proposal for the leaders of the regions who had come to Moscow.

It turned out that proposal was turned down at once. The Council of the Federation was never formed due to the fact that over a half of the delegates had no powers to sign the documents on the establishment of the Council of the Federation. A considerable part of those coming together at St. George's Hall of the Grand Kremlin Palace were foaming at the mouth at the mere idea that the Council of the Federation would one day temporarily (even for a short time) act as a substitute for the present parliament.

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Fax:
209-17-28
200-02-67
200-02-78

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Vladimir ORLOV

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The hope for the regions' wisdom — rather illusory even in August — did not work at all in September. Of course, the Council of the Federation will carry on work in one way or another — under Yeltsin's decree as a chamber of the would-be parliament. But its original purpose of being an ersatz of the lower chamber of the new type of parliament was rejected outright on the same day. As to discussions and consultations, it's all well and good, except at the crucial turning point.

Feeling the hopelessness of the still unformed body, the President ventured nevertheless to formulate his innermost initiative precisely in front of it, opening essentially one of his last "legitimate" trumps, if not his very last. For the first time the President announced loudly that he was prepared to accept early elections in as little as a year if, of course, the elections to a new parliament were held not later than the spring of 1994.

For a long time there has been a good deal of talk in the Kremlin corridors about the possibility and necessity of early presidential elections. In the past two months this talk somewhat subsided. The Choice of Russia bloc, and primarily its leader Yegor Gaidar, persuaded the President that the talk about early presidential elections was wrong. "You already accepted pre-term elections in the shape of the April 25 referendum on confidence," Gaidar persuaded Yeltsin. "You won. You have a mandate of the people's trust until 1996 and there is no point in giving it up ahead of time."

The President, as we now see, intended to accept a different point of view once voiced by Sergei Shakhrai: "If we correctly carry out work on elections to a new parliament, it will be ours. And once it is ours, it will cancel the decision on early presidential elections". It is unclear, however, what made Yeltsin so confident that the new parliament would be "ours". For the time being, at least, Yeltsin's followers have not prepared worthy representatives at grass-roots level to act in the capacity of candidates to deputies of the new convocation.

But here there is one more "but". The parliament paid no attention to Yeltsin's opening trump. The inner process under way in the Supreme Soviet amounts to a protracted agony and inability to adequately respond to the changes which have occurred and are still taking place in Russia. But the intransigent parliamentary majority has preferred to palm it off for the "strain of every effort for the sake of upholding democracy". Nevertheless the latest stage of parliament's illness is ever more manifested not only in the White House's inner life, which inquisitive observers alone happen to know, but even in public statements by its leaders.

Thus, Ruslan Khasbulatov's gesture — let us note: on the same Saturday, September 18 — intended to show that the President in Russia was a common drunkard, could entail just two consequences in a normal democratic society. First, the speaker's immediate resignation. Second, parliament's dissolution. Regrettably, the former could not be expected simply by knowing Khasbulatov, whereas the latter is not envisaged by the current Con-

stitution. So then — will public insults of the President become a norm with us? Does this not amount to an encroachment on the constitutional system as epitomized by the President? Most likely, this is "only" a provocation: Khasbulatov, acting hand in glove with the parliamentary majority, hoped to enrage the president as soon as possible.

No doubt, the equanimity of the President and his entourage could no longer even be dreamed about after such a step. Whether this is good or bad is not the question now. The question is that objectively everything was heading towards open confrontation which the sides managed to evade even in the most dramatic days of December 1992 and March 1993.

And Yeltsin did not conceal that he would not sacrifice his closest associates for the sake of compromise. Conversely, he is reinforcing the government with them. The most appreciable step has been the appointment of Yegor Gaidar to the post of First Vice-Premier and Yeltsin and Chernomyrdin's pledge to follow explicitly Gaidar's recipes in the field of the economy and finances. Gaidar has deserved a right to dictate his terms: he was never an outsider in the President's team — even after the memorable December resignation which left Gaidar feeling profoundly hurt.

Gaidar is returning to a rung lower than the one he stood on a year ago? But this "demotion" is too conventional to be meaningful. There was a time when Gaidar started in exactly the same way — from the post of vice-premier, and not even the first one. At that time his patron was Yeltsin. Today it is

roughly the same. The tried and tested Chernomyrdin is becoming a sort of superfluous link, but he is not at all superfluous in the sense that he has been successful in playing the part of "practitioner-pragmatist" with no stake in political battles, and this role is particularly indispensable now in contrast to the patently engaged Gaidar.

Gaidar is coming to Staraya Ploshchad (the seat of the government — Ed.) in the most adverse days with a programme he drew up with his team during the summer. Its economic part will become obvious literally in a day or two. Everything is already clear about the political section — it has been fully included in the President's Decree 1400. Gaidar was too sceptical in viewing the possibility of compromise with parliament and more active than many others in recommending that the President pass over to "vigorous actions". In this sense Gaidar is more sincere than many — he is ready to sacrifice his image to the end and personally help sever the vicious politico-legal circle which Yeltsin was unable to extricate himself from in the course of nearly two years.

Now the circle has been broken. The next round of President Yeltsin's vigorous actions has already been prepared, and they may turn out to be even "tougher" than we expect today. But at least two questions still remain. First — will the army and security structures give Yeltsin 100 % support? Second — will Yeltsin's efforts be supported by at least a half of the federation's subjects and how active will this support be? The fate of the would-be parliamentary elections depends on replies to these two questions.