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Soviet Union: the Executive Presidency

On 27 February Gorbachev forced through the Supreme Soviet agreement in principle to a new law creating an Executive Presidency, and to a special session of the Congress of People's Deputies on 12-13 March to pass the law and corresponding constitutional amendments. We do not yet have full texts of the law or of the debate. But it is clear that the Executive Presidency will have enormous repercussions on the Soviet political structure.

2. The legislation marks a sharp step away from rule by the Party towards rule by state institutions within a constitutional framework. There is no guaranteed Communist Party representation in any of the new bodies. Gorbachev (there can be little doubt that it is he who will be elected) has at a stroke marginalised the Party at the centre and substantially freed himself of the conservatives in the Politburo and Central Committee. The President is to be "above party".

3. The main justification given for this profound upheaval is the need to stabilise the country and to take rapid and decisive action over nationalist unrest. This, and Gorbachev's rough style in ramming through the vote on 27 February, have created fears of a new autocracy. What we know of the legislation suggests that this is far from the intention. At the 5-7 February Central Committee plenum Gorbachev himself declared the need for a separation of the legislative, executive and judicial powers. When the draft law was introduced on 27 February, it was described as an attempt to create "checks and counter-balances".

4. There is no guarantee that this will work: in contrast to a Western democracy, the President's powers are likely to have to be used to the full. This will test the mettle of the Supreme Soviet. But although the Presidency's proposed powers are undoubtedly considerable, they are less than the old-style powers of the Party General Secretary (see Annex for a summary of some of their main features).

5. The new powers are perhaps roughly comparable to those of the French President. They introduce the principle of the separation of powers within a constitutional, law-based political structure. They subject the President to universal, direct, secret suffrage every five years and to a maximum of two terms. (It is proposed, exceptionally, that the first President should be elected by the Congress of People's Deputies, rather than by universal suffrage, and that the first term should run for only four years. But even if this is accepted, the new President will have to begin thinking fairly soon about his re-election.)

6. Moreover, the legislation if anything enhances, rather than diminishes, the powers and authority of the Supreme Soviet. It elects its Chairman (the post currently held by Gorbachev and described as "President"), who will sit on both the Federal and Presidential Councils and who will in effect be Vice-President. It can override Presidential vetoes by a simple majority. And it votes on the appointment of the Prime Minister and the members of the Government.

7. The draft legislation was given only a first reading on 27 February. It now goes to the Supreme Soviet's Committees and Commissions for further drafting. Gorbachev has promised that the points made in the debate on 27 February will be reflected. A revised Bill will then be put to the Congress of People's Deputies on 12 March,

where its provisions will have to secure two-thirds majorities before they can be reflected in the constitution. There is considerable public support for a strong Presidency, and the Congress has proved more pliant than the Supreme Soviet. Amendments are therefore unlikely to be major. But Supreme Soviet deputies may well introduce a good deal of fine tuning that further constrains the future President's powers. It is likely, but not yet certain, that the Congress will at the same session elect the new President.

8. Gorbachev may not relinquish his Party powers immediately: he will want to be sure that the Party can no longer pose a political threat to him. But he will no longer be dependent on the Party for his position, nor so vulnerable to its collapse, and will be able both to let multi-party democracy develop and to press ahead with more radical reform with less consideration for Party sensitivities. On the other hand, he will be relinquishing his day-to-day chairmanship of the Supreme Soviet, he will more than ever be the target for popular discontent, and his election in the first instance by the Congress of People's Deputies rather than by universal suffrage may deprive him of an important degree of legitimacy.

9. Moreover, the new Presidential powers will not bring the stabilisation and the smooth advance of reform for which they are intended. They do not, of themselves, create any new mechanism for implementing reform. In the country at large, it is still the Party that is the main executive authority and, in many cases, the main obstacle to change. Under the new legislation, responsibility for implementing Presidential decisions in the country at large will rest with the presidents of republic and local soviets. But the results are likely at best to be patchy. The republican and local authorities may emulate the shift to a stronger executive power that is now taking place at



the national level. But in the meantime, instability in  
the country can only grow as the Party's authority withers.



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## THE SOVIET EXECUTIVE PRESIDENCY: SOME OF THE MAIN PROPOSED POWERS

- a. The President is Commander-in-Chief. He (the legislation uses the masculine) declares mobilisation. He also declares war, but only if the Soviet Union is attacked. The Supreme Soviet retains the authority to decide on the despatch of troops abroad.
- b. The President proposes to the Supreme Soviet the appointment and removal of the Prime Minister. But it is the Supreme Soviet or Congress of People's Deputies (it is not clear which) that votes on the Prime Minister's appointment. On the advice of the Prime Minister, the President proposes the appointment and removal of members of the Government. But, again, it is for the Supreme Soviet or Congress of People's Deputies to approve.
- c. The President declares martial law or states of emergency in regions of the country. Consultation with the Presidium of the relevant republican Supreme Soviet is obligatory. But it is not clear whether the President has to accept their opinion. Direct presidential rule is possible in certain, apparently still undefined, circumstances.
- d. The President issues "decrees", "on matters within his competence". It is not clear whether this power goes beyond that of, for example, the French President. Decrees must be subject to the constitution and prevailing laws. The Committee for the Supervision of the Constitution rules on their constitutionality. The Congress of People's Deputies can cancel the President's decrees (whether by majority or two-thirds vote is unclear).

e. The President chairs two bodies, filled with *ex-officio* members. The first is the Council of the Federation, dealing with nationalities policies. Its members include the Presidents of the 15 republics, the Prime Minister, the Chairman of the Supreme Soviet, and the chairmen of the two chambers of the Supreme Soviet. The second is the Presidential Council, responsible for domestic and foreign policy, and national security. Its members include the Prime Minister, the Chairman of the Supreme Soviet, the Ministers of Foreign Affairs, Defence, Internal Affairs and Justice, the Chairman of the KGB, and others whom the President may appoint. These bodies are "advisory" in that they do not have the power to adopt decisions. It is their Chairman, the President, who does so, if necessary by Presidential decree. But, in practice, it is difficult to imagine the President ignoring a majority opinion within either body.

f. The President signs legislation. He can send back to the Supreme Soviet legislation of which he does not approve. But it requires only a simple majority (eg the same vote as that which passed the legislation in the first place) for the Supreme Soviet to override this "veto". The President can then either accept the legislation, or appeal to the Congress of People's Deputies, or call a referendum. In practice, he is unlikely to take either of the latter two courses unless he is fairly sure he can win. The President also has the right to initiate legislation.

g. The President can be removed by a two-thirds vote of the Congress of People's Deputies on the initiative of either the Congress or of the Supreme Soviet. The grounds for removal are only "violation of the USSR constitution". But that could prove to be quite a catch-all: an unpopular President would need to be scrupulous in being seen to be observing the constitution.