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Putin, Parliament, and Presidential Exploitation of the Terrorist Threat

THOMAS F. REMINGTON

Since well before 11 September 2001, Russia has faced a significant threat of terrorism from radical Islamist groups based in Chechnya and other parts of the North Caucasus region. First as prime minister under Yeltsin, then as president, Vladimir Putin cited terrorism as justification for a comprehensive series of measures centralising power. These measures included appointing presidential envoys to federal super-districts, ending the direct election of regional governors, eliminating single-member district seats from the State Duma, expanding state control over the mass media, and tightening controls over public political activity. Efforts by parliament to assert oversight power over the security agencies, such as through investigations of their actions in the Beslan crisis, were effectively blocked. The terrorist threat thus created opportunities for President Putin to pursue a political agenda that aggrandised presidential power at the expense of the Duma and other federal-level institutions, as well as regional governments, the mass media, and civil society.

Keywords: *Russia; parliament; president; Beslan; terrorism; dominant party.*

Two years before the 9/11 attacks on New York and Washington, and two months after launching a full-scale invasion of the Russian federal republic of Chechnya, Russian Prime Minister Vladimir Putin (1999) published an op-ed article in the *New York Times* justifying Russia's actions in Chechnya and offering a remarkably prescient warning to Americans:

Because we value our relations with the United States and care about Americans' perception of us, I want to explain our actions in clear terms.

To do so, I ask you to put aside for a moment the dramatic news reports from the Caucasus and imagine something more placid: ordinary New Yorkers or Washingtonians, asleep in their homes. Then, in a flash, hundreds perish in explosions at the Watergate, or at an apartment complex on Manhattan's West Side. Thousands are injured, some horribly disfigured. Panic engulfs a neighbourhood, then a nation.

Russians do not have to imagine such a calamity. More than 300 of our citizens in Moscow and elsewhere suffered that fate earlier this year when bombs detonated by terrorists demolished five apartment blocks. . . .

Terrorism today knows no boundaries. Its purveyors collaborate with each other over vast distances. We know that a great deal of the violence emanating from Chechnya is financed from abroad.

The same terrorists who were associated with the bombing of America's embassies have a foothold in the Caucasus. We know that Shamil Basayev, the so-called Chechen warlord, gets assistance on the ground from an itinerant guerrilla leader with a dossier similar to that of Osama bin Laden. And one of your television networks recently reported that – according to United States intelligence sources – bin Laden himself is helping to finance the guerrillas.

Putin consistently defined Russia's actions in Chechnya not as the suppression of an armed national independence rebellion, but as a response to a 'terrorist threat' led by extreme fundamentalist Islamists financed from abroad. Framing his action in this way yielded considerable benefits. Once 9/11 occurred, Putin was given the opportunity to align himself with America's 'war on terror' to the point of lending the United States assistance in operations in Afghanistan. This in turn had the welcome effect of ending official American criticism of Russia's brutal campaign in Chechnya and many other actions.¹ Moreover, justifying the Chechen war as a response to an international terrorist threat helped Putin centralise power further in the Russian presidency at the expense of the legislative branch and regional governments.

Putin's political exploitation of the terrorist threat began with his own ascent to power, well before the events of 11 September 2001. On 7 August 1999, several thousand guerrillas led by the radical Chechen Islamist leader Shamil Basaev and an Arab Islamist known as Khattab staged an armed incursion into the neighbouring region of Dagestan, ostensibly to liberate Dagestan and establish an Islamic state in the region (Aslund 2007, p. 202). Two days later, President Boris Yeltsin named Vladimir Putin prime minister and his chosen successor. Putin quickly seized the opportunity to establish his credentials in the fight against the Chechen terrorist movement. He promised that Dagestan would be rid of the rebels by 25 August; the goal was achieved. At this point, there was still little public support for a full-scale invasion of Chechnya. But over the next few weeks bombings of apartment buildings in Dagestan, Moscow and Volgograd were blamed on Chechen terrorists (although no evidence was found confirming this supposition), and dramatised the case for a new military campaign in Chechnya. Directing the operation personally, Putin ordered an all-out invasion of Chechnya, promising to 'wipe out the rebels in the outhouse'. In contrast with the first Chechen war in 1994–96, this second campaign was highly popular among the public.² Putin's actions, reinforced by the Russian military's early successes in the operation, established his reputation in Russia as a decisive, capable leader and the natural successor to Yeltsin (Aslund 2007, pp. 202–205).

Notwithstanding Russian and western suspicions that the Russian Federal Security Service (FSB) – not Chechen terrorists – were responsible for these bombings, as well as an attempted bombing in the city of Riazan and the Basaev-Khattab raid into Dagestan (Aslund 2007), and provided the pretext for

the invasion, Putin was undoubtedly the chief political beneficiary: his appointment two days after the Dagestan raid prompted seasoned observers to suggest that individuals close to Yeltsin had arranged both events with a view to securing Putin's rise to power (Soros 2000). The Kremlin's response to these events secured Putin's public image as a forceful, determined leader. When Yeltsin resigned prematurely on New Year's Eve in 1999, Putin became acting president, and the following March was elected president, winning outright victory in the first round with almost 53 per cent of the vote.

Following a series of attacks against Russian targets by Islamist terrorists between 2002 and 2004,³ Putin further used the terrorist threat to aggrandise power at the expense of other institutions. Immediately after the Beslan hostage incident in September 2004, Putin cited the threat of terrorism as proving the necessity of a new series of political reforms centralising state power at the expense of the autonomy of parliament and of regional governments. Although Russia's Islamist terrorist threat is certainly real, Putin's proposed reforms – which included the replacement of single-member seats in the Duma with an all-party list system, the creation of a new 'Public Chamber' to serve as a filter and discussion platform for legislative proposals, and the replacement of direct election of regional governors with presidential appointments – were so well prepared in advance, so consequential, and so clearly unrelated to the terrorist threat that it is impossible to escape the conclusion that the new president had waited for the right opportunity to introduce them. Effectively, since 2000, Putin afforded opportunities for loyal elements of the Russian political elite to accumulate wealth in exchange for enhancing the presidency's authoritarian powers and weaker institutional checks on his power. The terrorist threat has been a useful pretext for justifying these arrangements.

Putin's Framing of the Terrorism Issue

President Putin consistently portrayed the Chechen rebellion as an extremist movement inspired by Islamic, and specifically Wahhabi, religious fundamentalism. Experts agree that the inspiration for the Chechen guerrilla movement shifted in the 1990s from nationalism to Islamism, in part in response to the brutal but ineffective tactics used by Russian forces to suppress Chechnya's attempt to declare independence (Hahn 2007).⁴ Putin, then, had some reason for characterising Russia's Chechen problem as part of a wider problem of global terrorism. To this end, immediately after taking office in January 2000 as acting president, he signed a new national security doctrine calling international terrorism a serious threat to Russia (*RFE/RL Newslines*, 13 January 2000).

The 11 September 2001 attacks on the US presented a historical opportunity for Putin to align Russia with the United States against the international Islamic terrorist movement. Immediately after the 9/11 attacks, Putin used the Washington–Moscow 'hot line' to phone President Bush and offer assistance. Although Putin did not directly align Russia with President Bush's 'coalition of the

willing' (for example, Russia has not contributed any forces to the Iraq campaign), Putin shared intelligence on Afghanistan with the United States and did not object to the US establishing air bases in neighbouring Uzbekistan and Kyrgyzstan for operations in Afghanistan. In interviews with Western media in the autumn of 2001, he also publicised the threat to Russia posed by international Islamist terrorism and denied that Russia was fighting a home-grown national independence movement. In an interview with the *Financial Times*, for example, Putin observed:

In 1996 Russia withdrew all its military and law enforcement forces from the territory of Chechnya. . . . And you know what the result was. What happened was that this legal and ideological vacuum was filled immediately with international terrorists and fundamentalists. (Gowers *et al.* 2001)

Similarly, in an interview with National Public Radio, Putin (2001) said:

In 1995, Russia virtually gave Chechnya *de facto* statehood and independence even though, *de jure*, it didn't recognize Chechnya as an independent state. And I would like to emphasize strongly that Russia withdrew all of its troops, we moved the prosecutors, we moved all the police, dismantled all the courts, completely, 100 per cent. Starting from that moment, what happened was the beginning of a fundamentalist invasion of that territory – fundamentalists, and as a matter of fact, foreign mercenaries virtually invaded that territory. What happened was that an international terrorist enclave was set up in Chechnya.

After the 2004 Beslan crisis, Putin pursued a new, more aggressive theme, belligerent towards the outside world: that external enemies were seeking to break Russia apart by exploiting the post-Soviet state's internal decay:

We ceased paying sufficient attention to issues of defence and security, allowed corruption to infect the judicial and law enforcement spheres. Moreover, overnight our country turned from once having the mightiest system of defence of its external boundaries to being defended from neither the West nor the East. . . . We showed weakness. And the weak are beaten [an echo of a famous speech of Stalin's]. Some want to tear away from us a 'fatter' piece, others are helping them. They are helping them in the expectation that Russia, as one of the greatest nuclear powers, still poses a threat for them. Therefore this threat must be eliminated. And terrorism is, of course, only an instrument for achieving these goals. (Putin 2004)

Putin's response to Beslan was very different from that made in the 1999–2002 period. At an extended session of the Russian government in September 2004, Putin outlined his reform proposals justifying the centralisation of power. He proposed three measures: the appointment of regional governors by the president in place of direct popular elections; the elimination of the single-member district

portion of the lower house of parliament, the State Duma, and its replacement with an all-proportional representation party-list system; and a state-sponsored forum for representatives of civil society aimed at discussing civic initiatives and overseeing the state bureaucracy (Polit.ru, 13 September 2004). This body became known as the 'Public Chamber'.

Over the following months, Putin proposed legislation enacting these reforms and both chambers of parliament passed them. All three measures had the effect of weakening parliament's ability to check the presidency. The new system of appointed governors replaced regional elections, which in the past had given national parties an opportunity to influence regional politics. The abolition of the mixed electoral system reduced the representation of local interests in the State Duma and thus much of the autonomy that Duma deputies backed by influential local forces had previously enjoyed vis-à-vis the executive branch. Finally, the creation of a 'Public Chamber' as a representative forum for state-sanctioned NGOs effectively weakened parliament's role by providing an alternative forum for national debate, essentially under the control of Putin and his allies. None of these institutional proposals was new or specifically addressed the challenge of Islamic terrorism or Chechen separatism. All were consistent with Putin's policy of strengthening presidential power, imposing strict regulation on party competition, weakening the autonomy of governors, and co-opting Russian civil society.

Yedinaya Rossiya: Creating an Authoritarian Dominant Party Regime

Putin's response to the terrorist threat shifted from the 1999–2001 period, when he aligned Russia with President Bush's 'war on terror', to the much more aggressively nationalist posture in 2004. Nevertheless, despite the shift in his larger political agenda from the first to the second term, a consistent thread running throughout his presidency was the creation of an authoritarian dominant party regime (Reuter and Remington 2009). In such regimes, a dominant 'party of power' employs its privileged access to state resources and policies to suppress all but marginal opposition forces, to produce large electoral margins, and to guarantee untroubled passage of the executive branch's legislative agenda. In turn, the elected legislators of the dominant party enjoy the benefits of office.

In Russia, the United Russia party (*Yedinaya Rossiya*), which in both the Fourth (2003–07) and Fifth (2007–present) Dumas has commanded a two-thirds majority in the State Duma, represents such a party. The size and cohesion of the United Russia faction provide the president and the Kremlin with a solid bloc of voting support in the lower house of parliament, the State Duma, which it has used to push through Kremlin-requested legislation, including sweeping anti-terrorism measures. These will be discussed in more detail below. In the upper chamber, the Federation Council, where formal party factions are not allowed, the president enjoys even greater control over the chamber's agenda and members' votes, through direct instruction from the president's

staff and through an informal caucus of United Russia members controlled by the president. The president's control of an array of rewards and punishments that can be employed in efforts to persuade members to comply, ensures United Russia is a willing partner in the president's use of the terrorist threat to aggrandise executive power at the expense of the legislature.

Light was shed on Kremlin–United Russia relations by a scandal that occurred in the autumn of 2004. A stubborn-minded United Russia member of the Duma, Anatolii Ermolin, who was a former commander of an anti-terrorism unit of the Special Forces, publicly vented his indignation over the way he and other United Russia deputies were treated by Putin's political strategist, Vladislav Surkov. According to the disgruntled Ermolin, Surkov browbeat and bullied United Russia deputies, reminding them not only that the Kremlin completely controlled them – 'people from the presidential administration personally vouched for every one of you' – but also pointing out that the Kremlin could make their members' financial supporters suffer should they not toe the Kremlin line. Apparently, Surkov went so far as to remind the deputies of Khodorkovsky's fate when he was head of Yukos (*Gazeta.ru*, 3 November 2004; *RFE/RL Russian Political Weekly*, 11 November 2004). Perhaps predictably, nothing came of Ermolin's petition to the Constitutional Court protesting at his degrading treatment. The experience sent a message to other United Russia members in the Duma reminding them of their dependence on the Kremlin for advancing their political careers and for money from large business interests close to or dependent on the Kremlin for government contracts; thereafter Kremlin and United Russia settled into a smooth, cooperative relationship.⁵

President Putin's success in building this dominant party system, through which he controlled parliament, was made possible also by Russia's huge wind-fall gains from higher international prices for oil, gas, metals and other commodities, which make up a rising share of the value of Russia's exports.⁶ Under Putin, the world price of oil rose more than ten-fold. President Putin's public approval ratings remained high throughout his two terms (as President Bush's fell sharply). Clearly, the rising price of oil benefited President Putin's public reputation in rebuilding state power as oil and gas revenues enabled the government to balance its budget, eliminate wage and pension arrears, and embark on substantial public works projects. Resource rents allowed many officials in the legislative and executive branches to share in the expanding budget surpluses. Although the increase in state revenues permitted an across-the-board increase in state spending, no area benefited more than the defence and security agencies. From 2004 to 2005 alone, spending on security, law enforcement and the military rose by some 40 per cent (*Polit.ru*, 13 August 2004). This favourable economic and political environment facilitated Putin's strategy of enlarging the powers of the president at the expense of those of the parliament, the courts, regional governments, political parties, interest groups and the mass media. In this strategy, however, President Putin shared rents with members of the dominant party in parliament, but not power.

Russia's new prosperity enabled United Russia to share in the credit for the improved economic climate, allowing loyal United Russia parliamentarians and governors to steer projects to their regions and clienteles; and the Putin administration's increased strength and legitimacy enabled it to get away with vigorously using coercive tactics to ensure sweeping election victories, control over the major mass media, electoral commissions and courts, as well as political pressure on voters most dependent on the state (soldiers, farmers, pensioners, civil servants) to vote for United Russia in Duma and presidential elections.⁷ Putin's exploitation of the terrorist attacks in 1999 and 2004 reinforced presidential domination of parliament, but was probably less important as a factor than the economic recovery beginning in 1999.

As he expanded his presidential power, Putin avoided tying himself to a particular ideology or programme, instead projecting an image of a pragmatic, competent, patriotic, energetic leader. The same was true of United Russia. Certainly, Putin's vigorous response to terrorism contributed to this image. In turn, the United Russia party simply propagated the message that it was carrying out 'Putin's plan'. '[We have] reinforced in our law-making the course of our national leader', Duma speaker Boris Gryzlov insisted on the last day of the Fourth Duma's convocation in 2007 (Gryzlov 2007). It was therefore not surprising that Putin consented to become United Russia's chairman at its congress in April 2008, but without becoming a member of the party. This development nicely underscored both the identity of Putin's persona with the party and asymmetric power relations between the president and the party.

Putin and Russia's Terrorism Agenda in the Duma

The terrorist attacks of August and September 1999 and the rapid, and seemingly effective federal response, transformed Putin in the public mind from an obscure Kremlin bureaucrat into a highly popular, vigorous chief executive. Likewise, the party associated with him, Unity (subsequently United Russia) – created from scratch by Kremlin operatives in September 1999 – came from nowhere to win a significant share of seats in December 1999 Duma elections. These events fundamentally changed the character of legislative–executive relations in Russia. Even though Unity wound up with only 18.4 per cent of the seats in the Third Duma, the party became pivotal to Duma politics. No majority coalition could be formed without it. Still, it had to resort to constant bargaining to build and maintain majorities (Remington 2001, 2003, 2006). Therefore, although Putin was largely successful in passing his agenda in the Third Duma, he often had to make concessions to Unity's alliance partners in order to do so. In 2001, Unity established a formal alliance with three other parliamentary factions – the Fatherland-All Russia party faction (OVR) and two pro-Kremlin deputy groups (made up primarily of single-member district deputies who preferred not to join with one of the party-based factions):⁸ People's Deputy and Russia's Regions. Later in 2001, OVR was absorbed by Unity to form United

Russia, and in the Fourth Duma the members of People's Deputy and Russia's Regions became informal, recognised caucuses operating within United Russia (Tolstykh 2007, pp. 254–257). Representing 234 members – a slim majority – at the point it formed in spring 2001, in the Third Duma this 'coalition of the four' became a reasonably cohesive supporting coalition for the Kremlin (Remington 2006).

In the December 2003 Duma election, United Russia gained 37.5 per cent of the vote in the party list portion of the ballot and almost half of the single-member district mandates. Now holding three-quarters of the seats in the Fourth Duma, United Russia quickly established near total control over the chamber's agenda and organisation. For all of its control over the Duma, however, United Russia remained entirely subordinate to the president: the victorious party contributed almost no members to the new government – for the simple reason that the dominant party in the Duma owned no independent political resources.

Putin used this narrow majority built around Unity to enact an ambitious economic agenda designed to stimulate investment, innovation, and growth. However, the spring and summer of 2003 – the same time that the assault on Yukos began – marked a pronounced turn away from this agenda. Little mention was made of new legislative priorities in Putin's annual messages to parliament in 2003; he called only for the acceleration of state administrative reform, and the development of a new law on citizenship. The change in Putin's agenda, begun in spring 2003, continued in his second term and throughout the Duma's fourth convocation. The key event was Beslan, although, as previously discussed, after 2004 Putin's proposals focused on centralising political power rather than on anti-terrorism *per se*.

Beslan and the Torshin Commission

In 2004, Putin was presented with new opportunities to shift his legislative agenda further from the modernisation imperative of his first term to one that sought to centralise power and strengthen executive discretion. Although deputies from both United Russia and opposition parties were active in offering legislative responses to the terrorist attacks, their efforts reached a peak in 2004; it was the president's proposals that provided parliament's principal focus. Initiatives not supported by the president fell by the wayside. It is important to bear in mind that the turn to the centralisation agenda *preceded* the terrorist attacks of 2004, rather than following from them.

Russia in 2004 saw a spate of terrorist crises. Following the Moscow subway bombing in February, fighting terrorism became a high priority for both the government and Duma. Deputies took advantage of the opportunity to appear tough on terrorists and passed amendments to the Criminal Code authorising life imprisonment for individuals convicted of terrorism. But it was the Beslan hostage crisis of September 2004 that had the greatest impact on Russian public opinion – comparable to the shock of 9/11 in the United States. Public opinion surveys conducted by the Levada Center (2004) revealed widespread

condemnation of the federal security forces' actions, which not only permitted a band of terrorists to seize an entire school but also led to the deaths of over 300 hostages, including 180 children. Well over half the Russian public indicated that they considered it preferable to negotiate with terrorists and even give in to their demands in order to avoid bloodshed.⁹ Just 27 per cent believed that Beslan was the result of international terrorism compared with 39 per cent who viewed the atrocity as the product of ten years of war in Chechnya. As to why the terrorists had been able to take over the school in the first place, 52 per cent cited corruption among the police, security forces and local government as a contributing factor; another 49 per cent attributed it to their incompetence. The Beslan operation to free the hostages was seen as unsuccessful by 61 per cent. Moreover, whereas Putin's initial preference was for an internal probe whose results would be classified, which he justified on the grounds that a more public investigation would become a 'political show' (Coalson 2004b), 71 per cent of Russians wanted a public investigation with wide publicity given to the results; only 22 per cent preferred Putin's option. With such widespread condemnation of the federal government's action, Putin and parliamentary leaders wanted to be seen to be taking decisive action in response to what had been, by all accounts, an outrageous failure on the part of the federal authorities. Reacting to the public outcry, Putin quickly changed his position and endorsed the idea of a parliamentary investigation. The parliament responded by exercising both oversight and law-making powers.

Several days before the opening of the autumn term, Duma speaker Gryzlov announced the formation of a Duma commission to investigate the tragedy, which he characterised as a form of 'parliamentary oversight' of the executive (Polit.ru, 16 September 2004), although Russia's 1993 constitution does not assign oversight power (*kontrol'*) to the Federal Assembly explicitly.¹⁰ Presumably by order of the Kremlin, the parliamentary investigative commission that was formed was a *joint* commission of the Duma and the Federation Council, even though the latter regards itself as having particular jurisdiction over inter-regional and inter-ethnic relations. The deputy chair of the Federation Council, Alexander Torshin, was appointed head of the joint commission, which also included 11 members of the upper house and 10 from the Duma. Seven Duma members were from the United Russia faction; the other three represented opposition factions. Equally importantly, a number of the commission's members from both chambers had experience in and/or ties to the security services; under other circumstances, these ties might have been justified on grounds of providing expertise with which to evaluate the performance of the police, but, given the regime's growing authoritarianism, they reduced the possibility that the commission might too closely scrutinise the security forces' performance leading up to and during the crisis.

The scale of public reaction initially encouraged the Torshin commission, as well as individual members of both chambers of parliament, to be relatively critical of the security forces' actions in the tragedy. The key questions that

confronted the commission were: how could a large band of terrorists manage to pass unstopped through a region choked with police checkpoints? What exactly occurred at the chaotic climax of the episode – had the federal authorities attempted to storm the school, prompting a massacre of hostages by the terrorists? If not, why had there been such heavy loss of life? Given that there had been attempts to enter into negotiations with the terrorists, why had it been impossible to win the release of any of the hostages? Who were the terrorists, what had motivated them, and how many had there been?

In the first few months of the investigation, Torshin and other commission members suggested in several media interviews that they had identified serious lapses in the performance of the security agencies before and during the crisis (Dunlop 2006, pp. 18–19). For example, in an interview with *Izvestiia* in late September, Torshin noted that 90 per cent of the individuals his commission had interviewed had not been interviewed by the Russian State Procuracy, and that nearly 100 per cent of the complaints they heard concerned local police corruption (*Izvestia.ru*, 29 September 2004). Other members of parliament made public statements expressing outrage that several of the terrorists killed after taking part in the hostage-taking operation were revealed to have been previously arrested for other offences before Beslan (we don't know what those offences were), but had been released from police custody. One Duma deputy who was a prominent muckraking journalist published an article in the press on this point. Several other deputies wrote an interpellation to the Interior Ministry, the FSB, and the Procuracy demanding an explanation (Dunlop 2006, p. 45).

During the summer of 2005, however, Torshin commission members' public criticisms of the authorities' actions ceased, as did other efforts by members of parliament to cast the harsh light of publicity on the events of Beslan. The Torshin commission continued its efforts, only presenting its final report in December 2006. By that time, however, public interest had waned. The final version of the report largely avoided any criticism of the authorities' actions, affirming that the security forces had done everything possible to save lives and that the terrorists themselves had precipitated the tragic storming of the school by the federal forces (Sergeev and Farniev 2006). Evidently, Putin's administration had pressured parliamentarians to temper their criticism, instead providing a vindication of the security forces' actions.

Two other parliamentary investigations of Beslan, however, reached quite different conclusions. A minority party Torshin commission member, Yuri Savel'ev, who was a weapons and explosives expert, issued his own, more critical, report, which was leaked to the press. A second report, commissioned by the regional parliament of North Ossetia – the federal territory in which Beslan was located – also reached quite different conclusions from the official report. Both the Savel'ev and North Ossetia reports concluded that the federal authorities were responsible for much of the bloodshed, as a result of a bungled effort to storm the school during the siege, that the terrorists had stockpiled weapons in the school in advance, and that there had been many more terrorists than officially reported,

some of whom had escaped. Moreover, most of the victims had died when the roof of the school gymnasium collapsed as a result of the federal security forces using flame-throwers or grenade-launchers. These reports thus placed the authorities in an extremely unflattering light. Although their findings were reported in some Moscow-based newspapers with limited circulations, they were not publicised on national television.

The early promise that the official parliamentary commission would conduct a thorough, impartial investigation of the causes of the crisis was thus misplaced. The commission was unable or unwilling to take on the security forces. Instead it largely supported their actions, leaving ordinary Russians, and particularly the victims' relatives (including the 'Mothers of Beslan' group) deeply frustrated. Moreover, when the commission was offered an opportunity to contest the security forces' self-serving version of events, the Federal Assembly ducked. When an independent, opposition-oriented deputy suggested inviting Alexander Torshin to appear before the Duma at the opening of its autumn 2005 term to give the deputies a briefing on his commission's findings, party cohesion within United Russia ensured that the Duma rejected the proposal. Just a year after the events, the Duma had apparently lost its appetite for further investigation of the tragedy that might cast the authorities in a negative light on the sensitive issue of terrorism.

The Counterterrorism Lawmaking

Beslan spurred a burst of lawmaking activity aimed at fighting terrorism. Even before the autumn 2004 term formally opened, the heads of four Duma committees (security, defence, legislation, and state organisation) agreed to propose new legislation to strengthen security at sites where large numbers of people congregated, to tighten rules on immigration, residency registration in cities, and registration of automobiles (*Izvestiia*, 7 September 2004). A working group under the chairmanship of Speaker Gryzlov, and including security forces representatives, was formed to draft new legislation tightening rules on migration, air security, and residence rules in large cities (*Polit.ru*, 9 September 2004). The head of the Duma's security committee, Vladimir Vasil'ev, declared that the current definition of a 'terrorist act' was no longer useful, and that the country needed to think of itself as being at war: 'an unconventional war without a front line, a war in which we have an enemy inside the country and we should learn to create security zones around vital objects' (*RFE/RL Newslines*, 13 September 2004). Vasil'ev proposed ending the current moratorium on capital punishment but warned against overly harsh measures that could induce new ethnic tensions and breed new terrorists.

When United Russia drew up its legislative agenda for the Duma's autumn session in the wake of Beslan, security legislation was at the top. No fewer than 36 of the bills placed on the calendar by the Council of the Duma (the chamber's agenda-setting steering body) concerned terrorism. Many of these bills aimed at restricting civil and political rights (proposing limits on rights of

residence, privacy of email, allowing one to lend one's car to another person, use of jury trial in terrorism cases, large-scale bank transactions, media freedom to report on hostage events, and so on). Opposition parties wanted to go further, trying to outflank United Russia by proposing to lift the moratorium on the death penalty. The pro-Kremlin majority defeated it, however. United Russia maintained the initiative, proposing in December a comprehensive new counterterrorism bill, prepared by the FSB, which gave the police wider powers to prevent acts of terrorism if they suspected that a terrorist act was about to be committed. In such circumstances, the FSB could declare a 'regime of terrorist threat' and place the media and society under control, using wiretapping, mail intercepts, limiting travel, and prohibiting meetings and strikes (Polit.ru, 17 December 2004, 27 February 2006).

The counterterrorism law ('On Counteracting Terrorism', Law No. 35-FZ) took a long time to work its way through the Duma. It passed its first reading on December 2004, but did not pass its second reading until February 2006. Four days later, the bill passed its third and final reading (423 deputies voted yea, 1 nay, and 8 abstained). President Putin signed the bill a month later. It was not the parliament that caused the delay, however. Rather, according to press sources, the delay was caused by inter-agency wrangling – ultimately won by the FSB – over who would command operations when a terrorist incident occurred. A hint at how the conflict would be resolved came one week before the bill passed its second reading, when Putin issued a presidential decree calling for the creation of a 'national antiterrorist committee' headed by the FSB director and giving that agency operational command over the armed forces in the event of a terrorist crisis. That sensitive issue having been settled, the new legislation merely referred to the 'head of the federal body of executive power in the area of ensuring security', who would be named by the president, as the individual responsible for heading a counterterrorism operation. The legislation created a new legal framework – 'the legal regime of a counterterrorism operation' – that would be imposed on a territory where a counterterrorism operation was to be conducted. Under such a regime, the authorities could check personal documents, expel individuals, ban demonstrations, seize private automobiles, enter private dwellings, wiretap telephones, and take other measures they deemed essential.

The principal aim of the legislation was to define the rights of the federal state, particularly of the security services, in the event of a terrorist crisis. Although the initial version of the bill gave the prime minister the right to declare a 'regime of terrorist danger' (and regional governors the equivalent right in the regions), this concept was dropped from the final version. The final draft also dropped other draconian provisions, including requirements that journalists clear their reports about any crisis with the security forces and that associations 'whose purposes and actions include the propaganda, justification, and support of terrorism' would be prohibited. Even so, the final legislation gave the armed forces the right to shoot down any hijacked airplane

(‘Federal’nyi zakon’; *RFE/RL Newslines*, 20 December 2004, 22 February 2006, 27 February 2006).

Parliament was equally receptive to the president’s larger post-Beslan agenda. As the earlier discussion showed, Putin took a far more expansive view of the anti-terrorist imperative than simply expanding and clarifying police powers to interdict terrorist acts. The day after Beslan’s violent end, Putin appeared on national television and declared that he would shortly propose political reforms ‘aimed at strengthening the unity of the country’ (Putin 2004). These were the measures, noted above, effecting the elimination of direct gubernatorial elections in favour of the presidential appointment of governors, replacement of the mixed electoral system by an all-PR system, and establishment of a ‘Public Chamber’ as an official forum for selected representatives of civil society. A representative of the presidential administration acknowledged that these proposals had been developed long before Beslan, and only awaited an opportune moment to be placed on the legislative agenda (Coalson 2004a). The Duma took them up almost immediately and moved them rapidly through the legislative process.

Putin also used Beslan and the terrorist threat to justify other bills that limited political freedom and expanded the discretionary rights of the security services. In December 2005 the president defended a bill that severely limited the autonomy of non-governmental organisations as being necessary ‘to secure our political system from interference from outside, as well as our society and citizens from the spread of terrorist ideology’ (Polit.ru, 30 November 2005). Still another law, amending the counterterrorism law, authorised the president to send armed agents abroad to fight terrorism on foreign soil; this legislation was used as the basis for an operation to find and kill those responsible for killing four members of the Russian embassy staff in Iraq (*RFE/RL Newslines*, 7 July 2006, Polit.ru, 14 July 2006). It is telling that before this law passed, President Putin had parliament pass a binding *postanovlenie* or resolution equivalent to a legislative decree, which gave him the authority to send special forces overseas to interdict terrorist activity. The significance of this move lies less in the content of this resolution than in Putin seeking to share with the Russian parliament the *political* responsibility for this grave extension of presidential authority outside Russian borders to deal with terrorism abroad. Putin could well not have asked for parliamentary consent and instead used his decree power to grant himself the authority, as Yeltsin had done when he launched federal ground operations in Chechnya in 1994. The Constitutional Court had upheld Yeltsin’s use of decree power; it is likely it would have upheld Putin’s.¹¹

The pattern of overwhelming parliamentary support for President Putin’s post-Beslan legislative agenda was consistent with the pattern of president–parliament relations more generally in the Duma’s Fourth Convocation. That is, the Duma passed all the legislation proposed by the president and Putin continued to sign nearly everything the Duma passed. (Over 90 per cent of the bills passed by the Duma in third reading were signed by the president in both the Third and

Fourth convocations.) Most importantly, however, as the earlier discussion emphasised, the legislative enactments of the Fourth Duma illuminated parliament's tacit bargain with the president: the parliament would delegate sweeping unilateral powers to the president, the security services, and other arms of the executive branch in exchange for a plethora of patronage opportunities for state officials, Duma deputies, and United Russia party functionaries created by the newly approved state corporations, social spending programmes, and state investment funds (see, for example, Kvashe 2007). The urgency of the terrorist threat *reinforced* Putin's position in this exchange, but was not the impetus for it.

Explaining Parliament's Response to the Terrorist Agenda

The terrorist threat thus created opportunities for President Putin to pursue a political agenda that he had already marked out starting in spring and summer 2003. This agenda consisted of the expansion of executive discretion (particularly for the security agencies), the centralisation of Russian state power, and the diminution of the power of parliament and other independent sources of political power. Beslan and the earlier terrorist incidents going back to 1999 created a favourable political climate for Putin in this effort, but did not fundamentally change the political balance between president and parliament. Putin's decision to build up United Russia as a party dependent on the Kremlin but capable of organising oversized reliable majorities in the Duma (and, more indirectly, in the Federation Council) gave him the capacity to enact any legislation he cared to pass.¹² Still, Beslan created an opening that parliamentarians could have exploited to assert a more critical and independent stance for parliament – and they did not. Why then did parliament's leadership choose to defend the authorities rather than to play the role of watchdog or counterweight to the executive? Three factors seem particularly important.

First, the terrorist attacks fed public anxieties about the vulnerability of the state to enemies external and internal. To a surprising degree, Russian public opinion surveys reveal a deep sense of fear about Russia's susceptibility to external threat. For example, a survey conducted shortly after the Beslan incident found that two-thirds of Russians believe that the country has enemies abroad that could attack Russia. Of the countries named by respondents as being most likely to attack, the United States was named by one-quarter; 7 per cent cited Arab or Islamic states; the same proportion cited hostile forces based in Chechnya; 5 per cent cited Georgia; and 3 per cent named China (*RFE/RL Newslines*, 12 October 2004). A survey in April 2005 found that almost 60 per cent of respondents believed that there are external forces working 'purposefully and persistently' to bring about Russia's disintegration. The United States, Japan, China, Israel, Ukraine, Georgia and the Baltic states – in that order – were the countries most frequently named as those seeking Russia's collapse (*RFE/RL Newslines*, 25 April 2005). In fact, the proportion of Russians believing that

Russia faces a military threat from other countries has grown since the 1990s. Whereas in 1998, only one-third of respondents agreed that Russia was under military threat from other countries, by 2007 the proportion had risen to 49 per cent (Levada Center 2007). A survey in January 2005 found that 'fear of the future' had actually grown in the Putin era: 86 per cent said that they feared terrorist attacks and 76 per cent said they feared that the state was unable to protect them from terrorism (*RFE/RL Newslines*, 10 January 2005). Given the persistent current of fear about foreign and domestic threats in Russian public attitudes, it would have been political suicide for the deputies to position themselves in opposition to the forces of state power and security. Likewise, Putin fed that potent sense of anxiety when he interpreted the Beslan tragedy as showing that the outside world was trying to harm Russia. Although threats of war and terrorism contribute to the *aggrandisement* of presidential power in many other countries – including the United States, for example – President Putin deftly exploited Russia's distinctive traditional self-image as weak, threatened, vulnerable, and besieged over the terrorist episodes (cf. Legvold 1999).

Second, whereas even United Russia deputies are willing to criticise the Russian government (albeit mildly) for poor performance – as, for example, when the government botched implementation of a plan to replace in-kind with cash social benefits (following legislation approved in 2004 and implemented in January 2005) – they are reluctant to challenge the FSB and other security forces, which are directly subordinate to the president rather than to the government,¹³ even when they perform equally poorly. No doubt, several reasons explain this reluctance. Under Putin the heads of the multiple agencies connected with state security were widely regarded as constituting a powerful bureaucratic interest group. Certainly Putin recruited a large number of senior security services officials to his administration and government; for example, over one-third of Putin's deputy ministers between 2000 and 2003 had a military or security police background (Kryshtanovskaya and White 2003, p. 296). Of the seven presidential plenipotentiaries appointed to head the new federal districts created by Putin in 2000, five held the rank of general in the armed forces or security services. The collective and individual influence of senior security officials, therefore, was powerful in the Putin-era executive.

Second, the security services also have considerable economic leverage. Under Putin, close links formed between the security services and the state corporations. Several of Putin's close associates from the KGB gained senior positions in state firms. Examples include the first deputy head of the presidential administration, Igor Sechin, who worked in the KGB's First Directorate and is now chairman of Rosneft', the state's main oil company; Viktor Ivanov, formerly Putin's mentor in the KGB is now on the board of directors of Aeroflot; and Sergei Chemezov, who served with Putin in the KGB, is now director of Rostekhnologii, a state-owned holding company that manufactures and sells arms to foreign governments, as well as several other technology-intensive firms. Not only do prominent figures from the security agencies occupy senior

positions both in the executive branch and in state companies, but current and retired members of the special services also constitute a network of economic intelligence and source of administrative pressure as the state has taken over a growing number of private enterprises. Sometimes, in fact, former security services officers assist in using blackmail to force the private owners of firms to sell their assets cheaply to state companies (Kvashe 2007).

There are, then, any number of reasons for deputies to tread cautiously before exercising their lawmaking and oversight powers too vigorously in the realm of national security policy. Surely, deputies know that the security forces have dossiers that could be used to compromise them, if the occasion arises. Some deputies enjoy material benefits as a result of relationships with security officials who control rents from state corporations and can steer contracts to the deputies' sponsors. And the deputies are aware that for all the criticism of the sloppy performance of the security bodies in Beslan and other terrorist crises, the 'organs' enjoy a generally positive public image. A public opinion survey in October 2007, for example, found that 42 per cent of Russians agreed with the statement that the state security agencies play 'a very important role' and that their power corresponds to the scope of their responsibilities. Only 35 per cent responded that the security forces had 'too much' power (*RFE/RL Newslines*, 11 October 2007). The Russian mass media feed this impression, of course; television and other state-controlled media outlets consistently portray the security agencies as professional, selfless, and devoted to protecting state security. Indeed, the security forces are very good at promoting this image. For example, the head of the FSB holds an annual press conference where he presents figures on the number of terrorist attacks that his agency thwarted and intelligence operations that were successfully exposed.

Finally, the terrorist crises reinforced the implicit bargain in president-parliament relations under Putin. Under the terms of this bargain, the United Russia-dominated parliament ceded the president vast, almost unchecked, powers in the political realm, in return for opportunities for deputies to serve their wealthy clients. National security politics is on a different plane from decisions over where to route an oil pipeline, how to structure investment tax credits, or when beer can be advertised on television. These latter policies lie squarely in the realm of distributional politics, where benefits and costs are fungible, and the Duma is able to reach compromises that serve the interests of important organised corporate and state pressure groups. In the national security sphere, however, there is very little gain for parliament in challenging the president's prerogatives – and much to be lost in opposing a popular and powerful president. On the contrary, supporting the president's campaign to strengthen the state's integrity in the face of enemies without and within is electorally plausible and materially beneficial since it allows the president's parliamentary allies to pursue their careers under the aegis of the dominant party. This model of parliament-president relations bears some resemblance to that described by Shugart (1998, 1999) in reference to some Latin American presidential systems, where

legislators in effect delegate the power to set broad national policies to the president in return for the opportunity to pursue policies benefiting narrow clienteles. The difference in Russia is the division of authority between the sphere of policy in which the government is competent – largely economic management – and the domain of presidential authority, where the president has direct responsibility for national security. Under this arrangement, *Yedinaya Rossiya* can serve as one of the arenas in which competing economic interests thrash out their differences over distributive and regulatory issues, enabling deputies to serve their own and their sponsors' material interests. The security sphere is outside the realm of distributive politics, so there is no benefit and considerable risk for the parliament in asserting its constitutional powers vis-à-vis the president.

Executive Aggrandisement, the Terrorist Threat, and Parliament

Putin's exploitation of the terrorist threat assisted him in creating the authoritarian dominant party regime based on United Russia. The threat of terrorism, particularly after Beslan, allowed him to couch reforms aimed at centralising power and weakening alternative centres of power in the state as a response to perceived efforts by Russia's internal and external enemies to break up Russia. But, at most, the terrorist threat accelerated and certainly did not motivate Putin to remove effective political competition and checks and balances from other branches of government. The creation of the dominant party, the elimination of effective political contestation in the country, and the shift from a modernising legislative agenda to one centred on executive branch *aggrandisement*, all began before the 2004 terrorism crises. The dominant party regime model flourishes because it provides benefits to both president and members of the dominant party in parliament. Officials affiliated with the dominant party are afforded opportunities to satisfy their needs for substantial streams of discretionary funding to provide patronage, satisfy the demands of their sponsors, and win elections. The perpetual need for resources makes the party dependent on resource-rich bureaucratic and business structures, but that in turn pose their own demands. The concerted efforts of President Putin's administration since 1993 to establish a party of power that would outlive his presidency has fundamentally shaped the character of president–parliament relations.

United Russia's overwhelming dominance of the State Duma enabled President Putin to pass virtually his entire legislative agenda, including the measures directly and indirectly responding to the terrorist attacks. As this discussion has shown, the crucial change in Putin's agenda occurred between the first term/Third Convocation and the second term/Fourth Convocation – from an emphasis on generating Russia's economic dynamism to both a multi-faceted expansion of the power of the executive branch at the expense of any countervailing or independent sources of power *and* a broad expansion of state spending commitments on welfare and the establishment of state corporations and investment vehicles that can provide jobs and investments to the clients of various bureaucratic

clans. As the discussion has insisted, an exchange of benefits is implicit in this programme: United Russia, using its enormous majority in parliament, gave the president unchecked power to control the state, but in return obtained the licence to use its power over regulatory and distributive legislation to reward its supporters and ensure its perpetuation in power. The terrorist threat facilitated, but did not bring about, this grand bargain.

Vladimir Putin is not the first leader to manipulate a national security crisis for political purposes far removed from the actual problem. His strategy, however, raises serious questions about the impetus for anti-democratic responses to the threat of terrorism in other countries where democratic separation of powers is enshrined in the constitution.

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Notes

1. For example, US Secretary of State Condoleezza Rice offered a ringing defence of Putin after his government had forced the bankruptcy and dismantling of the Yukos oil company and its acquisition by a state oil company. 'The Russian people came out of the post-Soviet Union era in a state of total chaos – a great deal of freedom, but it was freedom to steal from the state and President Putin took over and restored a sense of order in the country and moved in a democratic way' (quoted in Aslund 2007, p. 240). Before the 2000 election, Rice (2000, pp. 59–60) had taken a much more critical stance.
2. According to a poll by the All-Russian Institute for the Study of Public Opinion, in December 1999 some 71 per cent of the population regarded the actions of the federal forces in Chechnya as successful (Polit.ru, 10 January 2001).
3. These include the following: Chechen-led terrorists took 800 hostages in the Dubrovka theatre in Moscow in October 2002; two suicide bombers killed 15 at a Moscow rock concert in July 2003; suicide bombs killed at least 50 at a military hospital in North Ossetia in August 2003; suicide bombers killed 46 on a commuter train near Essentuki in southwest Russia in December 2003; a suicide bomb killed at least 39 people on the Moscow metro in February 2004; Akhmed Kadyrov, then-president of Chechnya (and father of current Chechen president), was killed with at least three others in the Grozny stadium; in May 2004; 92 were killed in a guerrilla attack on Nazran, capital of Ingushetia, which resulted in the interior ministry and police headquarters being seized in June 2004; two passenger airplanes were brought down simultaneously after departure from Moscow's Domodedova airport killing 89 in August 2004; in the same month, a suicide bomber killed 10 outside Rizhskii metro station in Moscow; over 1,000 children and parents were seized in school in Beslan, North Ossetia in September 2004; terrorists killed more than 300 (over half of them children).
4. The first Chechen war, initiated when federal ground troops invaded Chechen territory on 11 December 1994, came in response to a unilateral declaration of independence by Chechnya's elected president, Djokar Dudaev, in 1991 and a series of clandestine military and political efforts by the Yeltsin administration to remove Dudaev from power. The war proved to be a disaster. As many as 100,000 people may have been killed, including around 4,300 Russian soldiers. Eventually, Yeltsin accepted a cessation of hostilities agreement in August 1996 under which Chechnya was allowed *de facto* autonomy. President Putin directed a second invasion in September 1999 after Chechen militants had carried out an armed incursion into the neighbouring region of Dagestan with the goal of 'liberating' the North Caucasus from Russian rule and the establishment

- of an Islamic state in the region. This was followed by a series of bombings in other regions, including Dagestan, Volgograd, and Moscow.
5. For a more detailed account of the relationship between United Russia and the Kremlin under Putin, see Remington (2008).
 6. In 2000, oil and gas exports comprised 52 per cent of Russia's total exports; by 2005, they accounted for 62 per cent (OECD 2006, p. 50).
 7. The Kremlin has also used outright fraud to pad the reported vote for United Russia and the president. For a systematic account of vote fraud by the Kremlin in recent elections (Myagkov *et al.* 2005, Myagkov and Ordeshook 2008).
 8. When single-member district deputies from the two allied deputy groups refused to support a government initiative, Unity could usually count on support from the LDPR or SPS to pass legislation.
 9. 59 per cent of respondents indicated that they preferred to 'avoid bloodshed at all costs, even if this means fulfilling the bandits' demands' while only 32 per cent believed it more important to 'neutralize the criminals, even if this leads to human casualties'.
 10. Both chambers of parliament have the right to conduct hearings, request government ministers to appear before parliament during 'Government Hour', and to conduct investigations. Thus, parliament has *de facto* oversight power.
 11. On the relationship between presidential decree power and lawmaking under the Russian constitution, see Remington *et al.* (1998) and Haspel *et al.* (2006).
 12. On the relationship between the president and the Federation Council, see Remington (2003).
 13. About one-third of the federal executive bodies dealing with national defence, law enforcement, and national security are directly subordinate to the president (Kryshchanovskaya and White 2003, p. 295). It is understandable that deputies would find it politically less dangerous to express public criticism of agencies subordinate to the prime minister than to those directly under Putin's protection.

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