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Sadchikov, Aleksandr

Boston University Center for the Study of Conflict, Ideology, and Policy

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By ALEKSANDR SADCHIKOV
Parliamentary commentator, Izvestia

While the population at large has suffered the economic dislocation of the transition period without a social safety net, members of parliament cling to a fairly extensive system of state-sponsored benefits. Judging by the Duma elections of 1993 and 1995, when only one-third of the delegates was replaced, the composition of the new lower house of parliament, to be elected on 19 December, may not be altered substantially from the present one. If so, one should expect neither legislative breakthrough nor a change in the representatives' approach to the issue of their privileges, benefits, and immunities.

On the eve of the election campaign, the Russian legislators finally defined the extent of their immunities and compensation. For several years, negative public opinion and the president's repeated rejection prevented the deputies from passing a law on this matter. As late as March 1999, Boris Yel'tsin had once again vetoed such a document. However, a couple of months later he signed it into law, and the bill, "Concerning the status of a deputy...," came into effect on 8 July.

The Duma deputies' struggle for this law was long and persistent, and the opposition from the Russian public and the press still has not slackened. So what lies at the root of the discord?

Several of the law's articles bolster negative elements of the existing system. For example, according to the document, a deputy of the State Duma "is granted a monthly monetary remuneration equivalent to the monthly remuneration of a federal minister,"
while the speaker of the lower house receives a salary equal to the prime minister's. Currently, a minister earns 6,000 rubles (roughly $240), and the premier about 8,000 rubles (roughly $320). The deputies of the State Duma had received salaries at the ministerial level in the past. In that regard, nothing has changed.

However, congratulations are due to regional governors and chairmen of regional parliaments who constitute the membership of the Federation Council, the upper house of the Federal Assembly. Prior to this legislation, they received payment only from their regions. Now the salary of the Federation Council chairman will be equal to 80 percent of the prime minister's salary, that of his deputy will be 60 percent of the first deputy prime minister's, and a committee chairman of the upper house will receive 50 percent of a federal minister's salary. [By way of comparison, the official monthly salary of the president of Russia is 10,000 rubles (about $400).] All members of the Upper House are compensated for their hotel expenses and granted a per diem for time spent away from home while carrying out their duties. Of course, as governors and regional chairmen they still receive remuneration from their home regions, where all too frequently they simply determine their own salaries.

In addition to a ministerial salary, the law provides payment for supplementary expenses connected to the deputies' duties. Such expenses can reach about 500 rubles per month ($20). This amount does not include the deputies' office expenses and staff salaries, which are provided for in the Duma budget. The deputy may hire up to five persons on staff, but the total amount he may pay out in salary cannot exceed one deputy's salary. In addition, the parliament receives "material aid," the magnitude of which is determined by how much the State Duma has at its disposal. In sum, the official monthly salary of a deputy to either House does not exceed $500.

Is that too much or too little? To a Western reader it represents a very modest sum. It seems that, even including all of the bonuses, a Russian deputy receives a laughable salary, equivalent to that of a very poor US citizen. In fact, the higher level of remuneration in the West became an argument for approving the law concerning the
Russian deputies' privileges. Many deputies argued that to stay abreast of other nations, they must attract highly competent individuals to the legislature through higher levels of compensation.

When the law concerning privileges was debated in the State Duma, a Communist Party deputy, Yuri Ivanov, claimed "Even in Ecuador, a parliament member receives about $6,000 -- and that's a third world country." One could accept such arguments if it wasn't for the catastrophic polarization of wealth in present-day Russia. While the average monthly income in Moscow is $300-500, in most of the rest of Russia it is $40-50.

However, the tenfold gulf between a deputy's pay and the average national income alone does not inspire public criticism. Rather, resentment stems from this vast difference plus the fact that parliamentarians get their salary on time while, on average, wages and pensions are paid two to three months late. The public also is disturbed by the numerous privileges deputies claim, to "compensate" for their low -- by Western standards -- salary.

FREE APARTMENT, CAR, ETC. ...

Numerous privileges create hidden sources of income. For example, the state budget pays for the deputies' healthcare, sanitarium holidays, and household expenses. The representative pays nothing out of his own pocket. Moreover, deputies receive 48 days paid vacation each year.

The new law provides for an entire system of social guarantees in case of various political crises and cataclysms. For example, if the president dismisses the State Duma, the deputies would receive three months salary immediately. Still, this is not the most cherished reward.
Perhaps the right to free accommodations in the capital represents the most valuable part of the deputies' compensation. Strangely, it is here that an improvement in the law must be noted. The article which stated that "at the request of the deputy, he may receive a one-time compensation for the purchase of his living quarters" has been removed. This means that deputies will no longer be allowed to buy Moscow apartments at the taxpayers' expense.

The history of the deputies' "living situations" represents an interesting case study. The representatives chosen in 1989 to the Congress of the People's Deputies of the USSR were allowed to live in state-owned apartments in Moscow's best neighborhoods, which were reserved for the political elite. Later many of them privatized these apartments. Not one of these politicians paid the market price of real estate in Moscow (averaging $700 per sq. meter), and many received the apartments gratis. According to long-standing practice, those elected from the provinces retained their Moscow apartments after their terms expired. Their replacements would receive new apartments. The deputies of the current Duma wanted to be compensated for the purchase of apartments to the tune of $50,000-60,000 for each representative. In the Moscow mayor's office, many joked that soon the city would consist entirely of parliamentarians.

Now that particular avenue of obtaining real estate on the cheap is closed. According to the new law, the budget will compensate the deputy for rent on a furnished apartment, with a telephone, in a parliamentary building or another type of building designated for official uses, or in a private hotel. The deputy must vacate the apartment no later than a month after the end of his term. The deputy retains the right to purchase a Moscow apartment, but he must use his own resources to do so. The new provisions seem reasonable. In the absence of some state-sponsored Moscow accommodations for the provincial deputies, Muscovites, who are already over-represented in the Duma, would dominate it entirely. The trouble with the previous arrangement was not the housing of deputies in Moscow, but rather their tendency to turn state-issued apartments into private property.
Parliament members may make telephone calls at no charge to all cities in Russia, as well as all over the world. If he decides that his presence is needed at a remote location, a deputy travels to any point in Russia, or abroad, at the expense of the State Duma budget. Naturally, the MPs of both houses retain the right to free use of all forms of transportation except taxis. The last condition should not pose too much of a problem since each of the 450 deputies can order an official car. Such vehicles are distributed in the following manner: Chamber leaders receive Mercedes-600, faction leaders receive Audi-8A, and the remaining deputies get a Russian GAZ-2131 or "Volga." These cars come with state plates authorizing right of way for the driver. These plates also apply to the deputy's own car.

The government, that is the taxpayer, carries the burden of the deputies' all-encompassing welfare system. If one were to compile in detail all the indirect expenses for one deputy, the result would be on the order of $9,000 per month per average deputy. This applies only to the deputies of the State Duma. We do not have the figures for the indirect expenses of the 178 members of the Federation Council. The generous $9,000 figure, not the modest $500, therefore, should be compared to the compensation levels in other countries.

IMMUNITY ÜBER ALLES

The law concerning the deputies' compensation includes freedom from prosecution. Article 19 provides "immunity for the duration of his duties" to each member of the Federation Council and State Duma. Without the consent of the majority of the corresponding chamber of parliament, no deputy may face criminal or administrative responsibility, detention, arrest, search, or questioning, unless he is caught red-handed at the crime scene. The deputy cannot be subject to personal surveillance, except in cases where sanctioned by federal law to ensure the safety of other citizens. Whether in practice this deters the security agencies is another matter entirely.
This is not all. Immunity applies to living space, office space, transportation, means of communication, and luggage. For example, a member of the security organs may not search a deputy’s briefcase without his permission. Outside of Russian borders, a diplomatic passport valid for the duration of the term saves the MPs from excessive troubles. Unlike the practice in some countries, his colleagues, not a court or a judge, decide whether a deputy's immunity can be waived to pursue criminal or administrative charges.

The Federation Council and the State Duma inherited the institution of immunity from the old Soviet system. Whereas under the communist, totalitarian regime, a man with a criminal past or criminal connections would not find his way into the legislative organs -- for this he would need the approval of the KGB, which also monitored the deputies' loyalty to the CPSU -- now the democratic process and diplomatic immunity represent a formidable limitation on the work of the law enforcement bodies. In 1993, immediately after the first democratic elections for the State Duma, the national security and judicial system faced the problem: how to bring charges against deputies. In a true showing of corporate solidarity, parliament members withheld their consent to the investigation and trial of other deputies, even of political opponents. The State Duma has adhered to its stand of "we won't give up our own men," even in infamous, truly embarrassing cases.

Repeatedly the general procurator's office attempted to solicit the permission of the State Duma to bring to justice the man who started the financial pyramid "MMM," Sergei Mavrodi. The scheme, which swindled millions of dollars from naïve investors, was exposed in 1994. Mavrodi ran for and won a Duma seat in the 1995 elections. It was known at the time that he procured a mandate specifically to avoid jail. And, indeed, parliamentary immunity was invoked to extend to criminal acts committed before the beginning of the deputy's term. Only on the third attempt, on October 6, 1995, did the State Duma vote to lift Mavrodi's immunity.

The Duma is not above using administrative means to stall the investigations of its members. When a request from the procurator or the court concerning bringing a
deputy to trial is received, the Duma does not rush to discuss the question. The lower chamber will take up the question of lifting immunity a week after it is introduced into the agenda. That leaves the representative plenty of time to leave town. This is exactly what happened in the spring of 1998. While the State Duma debated the issue of whether to deprive Nadirshakh Khachilaev of parliamentary immunity, he disappeared somewhere in the mountains of Chechnya, far out of federal control. Khachilaev was accused of staging a coup attempt against the regional government of Dagestan in 1998 and is one of the main leaders of the Wahhabi villages now under siege.

Clearly the institution of parliamentary immunity is open to many forms of abuse. One other practice should be noted in this regard. Immunity extends to civil cases, which means it can be applied in matters completely unrelated to legislative activity. For instance, if a deputy's former wife seeks alimony or child support, the deputy and his property are immune from prosecution. The former wife has virtually no judicial recourse.

A new election campaign began on 10 August. The government says that everything possible was done to prevent criminal elements from getting into the State Duma. For example, every candidate's criminal record has been checked, and law enforcement organs will examine their biographies. These measures may weed out some criminals and they may also be abused for political motives; however, as long as deputies have immunity for the entire duration of their terms, the State Duma remains very enticing to the criminal world.

ENTER THE EXECUTIVE

A few years ago the deputies' inordinate privileges and immunities roused the ire not only of the Russian public. Boris Yel'tsin and other government figures were considered among the main opponents of such hidden benefits. However, in politics there are no fixed positions. With time, Boris Yel'tsin spoke more and more rarely about the need to
reform these practices, while the deputies ratified more and more bills to increase their material capabilities.

The ratification of the law concerning deputies' privileges definitively ends the struggle over this issue. The cease-fire between the branches has two main causes. First of all, members of the Federation Council are as interested in obtaining "compensation" as their colleagues in the Duma. For this reason, Russian senators stubbornly opposed ratifying the original version of the law, which leaned in the direction of giving greater privileges to the Duma members. However, they agreed readily to the present version, which, as pointed out, increased their salaries and provided many other benefits on a par with the Duma. Whereas Yeltsin could fend off the demands of the Duma with the support of the Federation Council, he did not risk opposing the united front of both houses.

Second, the president turned a blind eye to the parliamentarians' greedy behavior because the Directorate of Presidential Affairs under Pavel Borodin administers and implements these perks and privileges. In this way, the presidential administration apportions cars and apartments to the deputies. This makes for a bizarre arrangement: The deputies depend on the president to hand out the goodies. Clearly the Kremlin can use these "material incentives" to bring opposition deputies in line with its program. The significance of these incentives becomes clear from the statement of the presidential representative to the Duma, Aleksandr Kotenkov, who said, "the adoption of the law on benefits resulted from a certain political compromise, achieved on the eve of the elections, when the president was willing to make certain political concessions in order to avoid raising tensions in the country."

The law on the deputies privileges won the support of the entire spectrum of political parties in the Duma; the left, the right, the democrats, and the communists voted for this measure. The 46 deputies of Grigory Yavlinsky's YABLOKO faction opposed the bill entirely on their own. The bill passed with 298 votes, where only 226 are required.
HOW MUCH LEGISLATIVE WORK DOES THAT BUY?

Officially, of course, the question of the deputies' privileges and benefits does not bear upon the body's legislative responsibilities. Yet it seems fair to ask: Have the deputies earned the rather high level of compensation they receive? Do they pass the laws necessary for society to function smoothly?

It has been observed frequently that desperately needed legislation languishes in the Duma. During the Spring 1999 session the deputies had planned to adopt 540 pieces of legislation. However, during the course of the season's 50 plenary meetings, only 194 laws were passed. At first glance this is an impressive figure, but upon further examination it becomes clear that the Duma avoids the really important and complicated legislation. Not one piece of the basic or system-building legislation was passed during the entire season. As a result, crucial matters remain unresolved. The land bill, which involves the question of private ownership of land, a very sensitive issue for the Russians, floats in limbo. The Duma postponed work on several vital legislative issues: the criminal code; a new labor code; the second part of the tax code; the draft laws "On attorneys," "On guaranteeing bank deposits," "On countering political extremism," and many others.

The main cause of the legislative inaction resides in the deputies' political ambitions as evidenced by their tendency to give disproportionate attention to the very visible, highly politicized questions. The attempt to impeach the president constitutes the most obvious example of this. Anyone can get excited about removing the president, but who besides lawyers cares about the draft law, "On attorneys"? Thus, the Duma bumped vital legislation only to spend eight precious months trying to launch impeachment proceedings, which failed miserably in the end.
The complex organizational and procedural rules of the Duma pose even greater obstacles. The Duma contains 28 committees which have substantial, but not decisive, authority over the drafts in their care. A draft must go into committee before debate at a plenary session. If the committee endorses the draft it is brought up for a vote at the plenary session. If the committee rejects the draft, it is not presented to the full body. So far, so good. The complication arises from the fact that the author of the legislation may present it to the plenary session without the consent of the committee. Not only is it possible to have a situation where the Duma adopts a bill that has been rejected by the relevant committee, by the presidential administration, and by the government, but this happens with some frequency. The obverse also holds: Bills that sailed through the deliberative process, and have the support of the administration, can be and are defeated on the Duma floor. This majority rule approach contrasts sharply with the practice of most Western states where the committee which examines the matter in detail and summons expert opinion has decisive power over whether the bill is discussed by the full body.

Founded in December 1993, the Duma is a very young institution, with only a short history. The upcoming elections will mark only its third term. It seems unlikely at this point that the composition and membership of the next Duma will represent something qualitatively different from the present one. Still, as a new body the Duma has the potential to alter its procedures and perhaps even reevaluate its values and priorities. There has not been enough time for the ineffective and greedy practices to become fully entrenched. Perhaps the day is not too far off when legislative work rather than the quest for privileges and immunities becomes the focus of the Duma’s deliberations.