

APPENDIX V

EXCERPTS FROM A REPORT ON LOCAL GOVERNMENT ORGANIZED BY THE CENTER FOR APPLIED POLITICAL RESEARCH (INDEM) NOVEMBER 1990

The following report was prepared by the Committee of the Supreme Soviet of the Russian Soviet Federal Socialist Republic (Russian Republic) on the history and contemporary concerns of the Soviet of Peoples Deputies; the development of self-government; and the organization of municipal soviets in the Russian Republic.

FORMATION OF THE SOVIETS

The soviets, organs of collective leadership that spontaneously arose in Russia during the course of the first bourgeois-democratic revolution of 1905 were originally without sponsor, but eventually turned into a workers' movement. The very experiment of the organized labor struggle prompted this form of organization within the government for both the leadership of the strikes and for the presentation of lawmakers' demands.

When a strike went beyond the walls of a single factory or plant, the soviets served as the unifying force for the various enterprise deputies, creating a single entity -- the soviet of deputies to which workers picked their own representative deputies.

One of the most notable traits of the soviets is that they arose first and foremost as organs of proletarian class representation. One can find in many documents written in factories or plants at the period surrounding the 1905 revolution mentions of the decree that deputies were to be chosen solely by the workers.

At first, the soviets limited themselves to the organization of strikes, but gradually they began to actively assume the functions of government organs. The soviets abolished rent, taxes and the collection of arrears and introduced an eight-hour work day. Furthermore, by decree, the soviets introduced free cafeterias in the cities, organized free medical care and the distribution of medicine. They also transferred many government operations from state control to worker committee control, such as what occurred with the railway administration.

In many cities, the soviets founded armed workers' detachments and other military formations that gave them the ability to operate not only among the masses where they had growing authority, but also against the official organs of power where they could rely on the threat of armed might.

The soviets often disbanded the bourgeois organs of local self-government (municipal *dumas* and courts), condemning the "thugs," police and provocateurs. The soviets of Moscow, Kostroma, Chita and of many other cities acted in such a manner.

Among the primary goals recorded in the regulations of a majority of the soviets was the formation of general political tasks of struggle against the autocracy. The deputies of the soviets not only worked out the decisions but directly took part in their fulfillment. Most of the essential questions were decided by the deputies collectively in general meetings of the soviets, which met two-four times a month. Between meetings, deputies worked in executive bureaus, commissions or strike committees, continuing the activities undertaken by the soviets.

FUNDAMENTAL DIFFERENCES BETWEEN THE SOVIET GOVERNMENT AND A PARLIAMENTARY DEMOCRACY

The distribution of power located in the soviets was conceived of and partly tested by the statutes of Marxism as an antithesis to parliamentary democracy. This form of government was chosen for various reasons, but the primary one was the idea of dynamic transfer to a society without a government, in essence to universal self-government. This form was used first by the Paris Commune and was later adapted to become the Soviet Republic.

The fundamental differences between a parliamentary government and that of the soviets are as follows:

- 1) Replacement of the principle of the division of powers with the principle of the "workers corporation;"
- 2) Replacement of the permanent army and police with the militarization of the people;
- 3) Organization of a single system of organs of power -- from local to supreme;
- 4) Formation of higher soviets from the composition of subordinates that would evolve through multi-stage elections;
- 5) Replacement of free deputy mandates by imperative mandates;
- 6) Permanent renovation of the organs of power -- the absence of a term of authority or a very short term of authority for the deputies of municipal and rural soviets (three months as according to the 1918 Constitution of the Russian Republic); and
- 7) Mandatory calls upon the citizens to participate in the government.

The soviets from the beginning in February of 1917 were regarded as organs of government as opposed to the tsarist government.

The first group to be organized was the military. In order to gain governmental authority, municipal soviets formed military-revolutionary committees, otherwise known as the Red Guard. Also organized were workers' militia and other such organizations that had the military capability to actively fight the counter-revolution.

CONGRESS OF SOVIETS

Gradually a system of Congresses of Soviets evolved. Also created in this period were committees, commissions and study groups accountable to the soviets and their congresses.

Once the Congresses of Soviets system was ratified both in the cities and in rural areas, the soviets became political organizations and, in essence, created the new form of political power known as the dictatorship of the proletariat. This new form of political power evolved out of the historical development of the worker's movement in Russia. After the October Revolution of 1917, by decree the soviets became a legally accepted state entity -- the Russian Soviet Republic.

In real life, this model was not embodied. Therefore, the form of government existent in the Soviet Union could be characterized more accurately as a quasi-soviet type. Until 1936-37, the structure of government was expressed in the following:

- 1) Elections were conducted primarily along production principles; i.e., in enterprises and institutions;
- 2) All people who did not belong to the category of workers were deprived of their voting rights. This refers to persons who utilized hired labor, private tradesmen and middlemen, religious leaders and others;
- 3) There existed an uneven norm of representation between urban and rural residents, in favor of urban dwellers and other deputies; and
- 4) The soviets could expel both themselves and other deputies from their own ranks.

The initial measures of soviet power met resistance from the old structure. Therefore, in the early days, the suppression of this resistance was the most important task of the Soviet government. Municipal soviets intercepted attempts to overthrow soviet power or create opposition to its policies. They broke up those organizations that manifested hostile relations toward the soviet order by carrying out arrests of the participants and confiscating property.

THE LOCAL SOVIETS

The local soviet organs were entrusted with the right to introduce decrees that pertained to daily life and to measures regarding the economic and cultural development of a given territory.

The higher soviets were entrusted with all soviet activity within the bounds of a given territory, control of lower-standing soviets, repeal of decisions accepted by lower soviets and, additionally, the estimate of income and expenses of the lower soviets.

Article 97 of the 1936 Soviet Constitution states that local soviets of worker deputies control the activities of subordinate administrative organs and the defense of civil rights. The local soviets responsibilities were to manage local agricultural and cultural development and the local budget. Local soviets were assigned the right to accept decisions and mete out orders within the limits of their authority as decreed by the laws of the Soviet Union and the Union republics.

With the decision on directive organs in 1965, local soviets strengthened their influence over both the development of industrial and agricultural production and the monitoring of law and order. The soviets began to insure that the consumer and social-cultural services necessary for the general public, existed on the territory of every municipal (or city regional) soviet.

With the decision on directive organs of 1971, the local soviets were transformed into the central link of government organs, insuring locally the practical implementation of the policies of the Communist Party and organs of state power.

The USSR's 1977 Constitution enforced the principle of leadership of the soviets as the single organ of state power. Strengthening the soviets' political structure, the constitution established that all other state organs were under the control of, and subordinate to, the soviets. The soviets directly, and through the established organs, managed all aspects of state, economic and social-cultural development.

From the time of their origin, the soviets supported strong mutual relations with the population. The deputies of each soviet communicated with the proletarian collectives, which created the soviet. Many soviet regulations state that the deputy will give an account of his activity and the activity of the soviet to his electorate. In the event that the deputy does not justify the trust of the electorate, the electorate is obliged to inform the collective group of deputies. Later, it became compulsory to carry out elections.

Cooperation between the soviets and the trade unions and other mass organizations of workers was strengthened through joint problem-solving exercises. Many of these organizations, similar to the soviets, were born in the course of revolutionary struggle against tsarist autocracy.

Responsibility lay with all members of the soviet to report to their electorate not less than once every two weeks. Any member who did not perform this duty twice would be deprived of deputy mandate, and in his place a new deputy was elected.

COMMUNIST PARTY -- SOVIET RELATIONS

Still, in 1905, Lenin stated the necessity of forming a party nucleus within the soviets, and in this manner, maintain the party leadership. These Leninist themes found their reflection in the draft of the resolution, "the soviets of working deputies," which was written by the Bolsheviks for the Fourth Joint Congress of the Russian Republic. Thus, the fundamental principle of party leadership was designed from the beginning. The party does not directly lead the soviets but establishes its presence through members of the party who work in the soviets. Immediately, after the Party Congress, 47 out of a total of 62 soviets were headed by the Bolsheviks or were under their influence. The definitive principle of party leadership was written at the 8th Congress. It stated that the party of the Bolsheviks must establish itself as having unlimited political leadership and control of soviet activity, and that this was to be achieved by promoting its supporters and the members of the party to all soviet posts.

From the beginning, then, the mutual relations of the soviets with the Republics' leadership were built upon the principle of democratic centralism, i.e., the soviets were completely subordinate to the higher organs of government power. The principle of democratic centralism found a clear expression in the decree of October 28, 1917 "On the Plenitude of Power of the Soviets."

LOCAL SOVIET ELECTIONS

From a strictly legal position, during all the years of soviet power, deputies were never appointed, rather elected. In reality, however, beginning with the 1930s, there were no real elections. All the necessary electoral procedures stipulated by law were maintained and elections took place, but properly speaking there was no choice. No alternative to the Communist Party candidate was present in the elections. Within one voting district only one candidate appeared on the ballot.

Second, there was no secret ballot. A voter was not required to go into a booth to cast his or her vote. Citizens in mass, having received the ballots, would proceed directly to the ballot box.

The first real elections took place in the spring of 1989. Even if they were not carried out entirely democratically, voters were able to make a choice. In this election, even if only one candidate appeared on the ballot, voters could make a choice by crossing out the name of the candidate.

For the formation of a truly democratic system, however, even the 1989 electoral system is not enough. Events in the last year have shown that the organs of power, when chosen from a nonpartisan slate, become ineffective. An analysis of the election campaigns of 1988 and 1989 illustrates that people were unable to orient themselves to such a large number of candidates who did not represent defined parties. This was especially true if the candidate was not well-known among a large cross-section of the public. As a consequence, people who were able to run an effective campaign became deputies, but they were poorly equipped for future parliamentary work.

Still, since then the first step towards multiparty elections has been taken. In the course of the election campaigns both for the republic parliaments and for local soviets, deputy candidates have been defined as belonging to a certain bloc or as independents.

Currently, a uninominal majority systems exists in a majority of union republics, yet at the same time, the Supreme Soviet of the Russian Republic allowed elections along a multi-mandate system for small city, city-regional and rural soviets, if those soviets themselves desired such a system.

It must be noted that in smaller soviets of the Russian Republic, elections took place not along territorial lines, but according to a production principle, despite the fact that democratic forces actively came out against them.

ON THE STRUCTURE OF MUNICIPAL SOVIETS

There are 28,785 local soviets in the Soviet Union today. 1,205 of these are municipal soviets. There are many different kinds of municipal soviets. Municipal soviets can exist in cities which only have a population of several thousand and a small number of industrial, communal and other kinds of enterprises as well as in cities with populations of several million. In these larger cities, municipal soviets function as the economic, political and cultural centers of the country.

This variation in the representation of the soviets is demonstrated in the scale of activity which the soviets undertake, in the strength of the material base, in questions of co-subordination to higher government organs, and in the set up of the apparatus itself.

DEVELOPMENT OF URBAN AREAS

The speed of growth in the country's urban areas is striking when compared to the Western countries. In 1950, the urban population in the USSR reached 61 million, up 60 million from 1940. Such urban growth has never been known by a highly-developed state. For example, the doubling of the population in the U.S. required 30 years, and in Great Britain, 70 years.

The social make-up of the cities correspondingly changed. The percentage of the working class in the urban population in 1936 was 68.5 percent. By November 1, 1933, this number had increased to 88 percent. The percentage of cooperative goods producers in the cities during the same period increased from 2.1 percent to 6.2 percent. These changes reflected the colossal economic-political changes in the Soviet Union at that time.

The overall number of cities grew from 700 on January 1, 1931 to 743 on May 1, 1934. The number of workers' villages grew even more rapidly. On January 1, 1926, there were 23 workers' villages in the USSR, and by July 15, 1964 this figure had grown to 463.

The number of large cities in the USSR grew incomparably faster than in capitalist countries. From 1926 to 1939, the number of cities with populations larger than 100,000 in the Soviet Union grew from 33 to 82. In the US, the overall number of such cities increased from 80 to 94; in Great Britain from 51 to 58; in Germany from 45 to 57; in Italy from 18 to 22; and in France no increase took place.

From data dating May 1, 1940, there were 1,081 cities and 1,541 workers' settlements in the Soviet Union, and according to March 1, 1954 data there were 1,515 cities and 2,423 workers' settlements. In that period, the number of cities subordinate to the republics and oblasts also significantly increased. If in 1940 there were 391, their number had increased to 585 by March 1, 1954.

HIERARCHY OF SOVIETS

The name "local soviet" includes *oblast* soviets, regional soviets, soviets of the autonomous oblasts and districts, city and regional-city soviets, and district settlement and rural soviets. Their system of governing is based on a decreed hierarchy. For example, the jurisdiction of the Sverdlovsk *oblast* soviet is the whole territory of Sverdlovsk *oblast*, and subsequently, the local soviets located on that territory: the municipal district city, district settlement and rural soviets. At the same time, under the jurisdiction of the Sverdlovsk municipal soviet are the district soviets of the municipality of Sverdlovsk. In rural areas, under the jurisdiction of the district soviets are the small municipal, settlement and rural soviets. Such a system is often called a *matrushka* system, named after the famous nesting Russian dolls.

DEPUTIES OF MUNICIPAL SOVIETS

The number of deputies constituting a municipal soviet is dependent upon several factors:

- 1) The category to which the given city belongs. There are cities of republic, regional, oblast, and district subordination. The placement of a city in a certain category depends upon both its population and its political, economic and cultural significance.

- 2) The maximum number of deputies as decreed by law. For example, the Russian Federation has established a limit of 200 deputies for municipal soviets that represent regional *oblasts* and for municipal soviets in cities of district subordination, 50 deputies. By law, up to 500 deputies may be chosen for the Moscow soviet, and up to 400 for the Leningrad soviet.
- 3) The number of municipal soviets, not greater than the legislative maximum, defines the higher standing soviet or presidium. Exceptions are made only for Moscow and Leningrad. Their number is established by the Supreme Soviet of the Russian Republic or its presidium. Currently, the Moscow soviet is somewhat larger.

EXECUTIVE COMMITTEES OF THE MUNICIPAL SOVIETS

It became clear soon after the government structure of the Soviet Union was built that the model of a "working corporation," as envisioned by both Marx and Lenin, did not, in fact, work. The operational functions were handled by few deputies, rather than by all of them. Soon, this segment was legally organized into executive committees. Participants in these committees were approved of by the party structure. This is a manifestation of one of the most fundamental principles of the party control of the state -- the principle of "selection and placement of personnel." Selection to the executive committee was made prior to an election. Elections then served only to formalize the deputy's status.

The executive committees were required to fulfill not only administrative functions on the territory of the soviet, but also to call sessions, to determine the projects on a sessions' agenda, to manage preparations on questions of consideration at the sessions, to coordinate the work of standing soviet commissions, to organize training of deputies, and to look after their responsibilities in their electoral districts. The executive committees ultimately defined the politics of a given soviet, fully arranged the budget, and finally, controlled the deputies.

Several academics, beginning in 1962, proposed the formation within the soviets of special organs that would organize the so-called "parliamentary work," leaving only administrative functions for the executive committees. The academics, however, never proposed a mechanism of coordination for the presidiums with the soviets and executive committees. Therefore, the constitutional changes in the structure of local soviets, which were accepted in 1988 and realized in 1990, gave rise to confusion among local leaders, and in many local soviets became cause of a power struggle between the presidiums and executive committees.

The situation was further aggravated by the contradictions of the laws, the absence of a civilized view toward power, and by the introduction of the position of soviet chairman.

INTRODUCTION OF A CHAIRMAN IN THE LOCAL SOVIETS

The Constitution of 1988 decreed the position of chairman for all the local soviets. These chairmen automatically assume the position of presidium leaders where presidiums exist. Only in settlement, rural, and small municipal soviets do presidiums not exist.

The chairman holds both the title "chairman of the soviet" and "chairman of the presidium of the soviet" to indicate that the person oversees the work of the soviet while it is in session and during the intervals between sessions. Such an outlook on the role of chairman of a soviet is further strengthened by the fact that in May 1989, Mikhail Gorbachev became the chairman of the Supreme Soviet. In the periphery, there is a tendency to copy the power arrangements of the center; therefore, it is not by chance that the posts of chairmen of the soviets are often assumed by leaders of the corresponding party organ (many of whom are now declining these party positions) or by the popular democratic activists, for example Mayor Popov of Moscow and Mayor Sobchak of Leningrad.

Elections of the chairman of a soviet are carried out by secret vote. If more than two candidates are put forward and one does not receive over 50 percent of the vote, a repeat vote takes place with two candidates which received the larger share of votes. The victor is the deputy who receives at least 50 percent plus one vote from the general membership of the body of deputies of the soviet.

If, even with the repeat vote, it is impossible to determine a victor, an entire repeat election is carried out, beginning with the nomination of candidates. Although at this point, soviets have varying methods. In some, those who had been on the ballot in the previous vote are allowed to participate in the repeat election while in others they are not.

The assistant to the chairman is chosen as a rule by appointment by the Chairman of the soviet. However, in many soviets, which have a complicated political composition, the chairman is decided upon by compromise and thus the position of assistant to the chairman goes to a representative of the opposition forces. While in other soviets, the post of first assistant to the chairman is occupied by the one who earlier held the post of chairman of the executive committee. In general, it must be noted that the assistants to the chairman of a soviet, as a rule, are responsible for one or two departments -- for example, assistant for economic development, assistant for the social sphere, and so forth.

It is highly difficult to characterize the authority of the chairman and the assistant to the chairman of a soviet. Various soviets hold varying views on the presidium of the soviet and on its leaders. In some places, this authority approaches the authority of a hierarch while elsewhere only the authority of a speaker.

DESCRIPTION OF THE EMPLOYMENT OF A DEPUTY

In a majority of municipal soviets, the members of the presidium (which besides chairmen of soviets and their assistants, includes chairmen of standing commissions and several deputies, who were chosen in the session as members of the presidium) are paid employees of the Soviet and therefore are not allowed to supplement their work with any other work. An exception is made in many soviets for scientists, teachers, and creative artists. At the same time, in other soviets, any deputy has the right to work on a paid, standing basis. However, as far as it can be judged, a majority do not utilize this right, preferring to give up their old work for the sake of their still cloudy career of a professional parliamentary or municipal functionary. Deputies receive a salary of approximately 450-500 rubles a month, and possibly more in some places.

The meaning of "standing work in the Soviet" is becoming highly relative if it is taken into account that even the sessions of local soviets now last for one month at a time and even more. The Russian Republic adjusted the minimum number of local sessions to three per year as compared to the previous four sessions per year, which only lasted for one or two days. Furthermore, the law allows for extraordinary sessions to be called at the request of the chairman of the Soviet, at the request of any of the standing commissions or by one-fifth of the deputies.

STANDING COMMISSIONS IN THE SOVIETS

The main functions of the standing commissions in the soviets (and they exist in all soviets, though some of them carry the name "committee") are the following: to study problems and consult with specialists; to conclude a problem with a planned project or preparation of such a project; and to discuss candidates for project administrative positions, and similar actions. Commissions also oversee the fulfillment of the soviet's or its presidium's decisions. In the past, soviet commissions had to also fulfill the function of the organization responsible for carrying out the decision. Such a function remains now only as a formality, and it is possible that due to new legislation, it will disappear entirely.

The composition of a standing commission is not legally defined. The deputies themselves express a desire to work on a commission that often corresponds to their professional experience. At the same time, the presidiums of the soviets actively participate in the appointment of personnel. While in session, the soviets ratify the membership and size of each commission. Commissions are formed in almost all spheres of activity under the jurisdiction of the soviet. For example, soviets at the local level have commissions for law and order, industry, transport, communications, communal commerce, housing construction, public education, health care, culture, science, sports and others. Recently, commissions have been formed for *glasnost*, protection of individual rights and food supply.

Corresponding with legislation, a standing commission has the right to hear testify, any official, any director of an enterprise, organization or organ, and not only on questions relating to a given commissions' competence. Upon the results of these reviews, the commission can adopt solutions in the form of recommendations. The sole rule established is that officials are required to provide, not later than one month after the recommendation, a justified response to the commission on agreement or disagreement to realize its recommendations, while the regulations of the soviet give the commission the right to reintroduce the question before the commission for consideration in a session. Standing commissions do not have authoritative powers; therefore, the degree of approval for standing commissions depends on how much the soviet as a whole supports the opinions of the commission within its powers.

STRUCTURE OF POWER FOR THE PEOPLES' DEPUTIES

It must be recognized that the peoples' deputies in the strict sense of authoritative power have hardly any power at all. Only one area fell under the jurisdiction of the deputy: the right to demand an elimination of a breach of lawfulness. The law on the status of the peoples' deputies in the USSR (1989) allows a deputy to demand on the spot an overturning of a violation for either a private citizen or a public official. The breach can be fixed in protocol, which was put together by the deputy, or on his request by a representative of a legal defense or law enforcement organ (the police, inspector, and so forth). The officials and law enforcement representatives are required to undertake measures without delay for the elimination of the violation, and for bringing the guilty to justice. If no measures are taken, these officials carry disciplinary or even criminal responsibility.

Deputies also have the right to an immediate audience with officials, the right to review criminal investigations, the right to disclose such information to those individuals and organizations who require it, the right to take part in hearings of governmental administrative organs or public organizations as a representative of one's district (and citizens interests), the right to acquire information from state and public organs necessary to his deputy duties, the right to legal consultation with specialists and so on.

Additionally, deputies have the right within the limits of a session to attain a solution on any problem with the aid of the entire soviet body which has arisen in his electoral district. Deputies also have the right to conduct a survey, to raise questions, to add a supplemental request on the agenda of the session, and to question the removal of certain officials from their responsibilities.

MUNICIPAL SOVIET STRUCTURES

Municipal soviets began to acquire their own apparatus along with the other soviets with the following subdivisions:

- 1) The general department monitors the registration of incoming correspondence, receives public officials, carries out the administrative service for the soviet and the organizational-technical support for the deputy sessions.
- 2) The organizational-instructional department renders organizational assistance to the deputies and standing commissions, prepares reference materials for the carrying out of deputies' accounting, analyzes and summarizes electors' mandates, conducts deputy training, etc.
- 3) The protocol section oversees the archives, accounting, the personnel sector and the legal department.

The legal status of municipal soviets is defined by the constitution of the Soviet Union, union and autonomous republic constitutions and the laws of the union republics with regard to municipal and regional city soviets. These laws were accepted in 1971, and revised and reaffirmed in 1979. Problems, however, do exist with the structure of the legal system.

First, the supreme soviets of the union republics occasionally accept laws that are in contradiction with the Constitution of the USSR or legislation of the USSR. Second, several laws of the USSR contradict the Constitution of the USSR. For example, the "law on the general beginnings of local self-government and local economy in the USSR" contradicts several articles of the Constitution of the USSR. In fact, municipal soviets prefer to orient themselves away from the old or revised laws governing them, and instead refer to the "general beginnings" for general principles upon which to guide their actions.

It is not necessary to spell out the various acts that regulate the activities of municipal soviets, particularly in terms of their legal contradictions. Under the conditions of totalitarianism, it was simply not necessary to work out realistic mechanisms of functional responsibility. These responsibilities were fulfilled at the discretion of a state bureaucrat or party functionary.

THE LAW ON GENERAL BEGINNINGS OF LOCAL SELF-GOVERNMENT AND LOCAL ECONOMY IN THE USSR

The "law on the general beginnings of local self-government and local economy in the USSR," by itself is a progressive one. However, it allowed many deputies and leaders of soviets to accept the meaning "local self-government" literally, meaning in essence complete independence from the Union. This law states that local soviets independently decide all local

questions within the limits of their competency. This principle, however, does not function so far as there exists a plurality of power in the system of soviets at the local level.

DEMOCRAT VERSUS CONSERVATIVE

As has already been stated, elections without parties do not allow one to determine definitively whose forces (democratic or conservative) control this or that soviet, nor are there official statistics with which to make such determinations. If, in fact, such statistics exist, they would have to be examined carefully. Since a multiparty system is not yet institutionalized, extraordinarily vague criteria are used to determine political bent, democrat or conservative. Therefore, it is impossible to say how many municipal soviets are controlled by democratic or conservative forces. At the same time, it is possible to name several municipal soviets where a majority is composed of deputies who were not supported by the official structures, and therefore are not categorized as national patriots. These are the Leningrad, Sverdlovsk, Kaliningrad, Volgograd and Riazan municipal soviets.

It is certain that in the Russian Republic elections of 1990, the candidate supporting the platform of the nationalists did not receive support from the voters. So, for example, the society PAMYAT was not able to get even one of its candidates into the Peoples' Deputies of the Russian Republic. It is apparent that there are other soviets with a democratic majority, but as has been asserted already, such data is unavailable. To this point, it is more accurate to determine the party of the chairman of the Soviet.

ON THE SPHERES OF THE MUNICIPALITY AND ITS STRUCTURE.

Formally, the municipal soviets in the USSR are responsible for a wide variety of functions. These are the protection of public order, housing construction, commerce, everyday operations, public health, public education (secondary), the construction and maintenance of cultural objects, the city improvement, the building of roads, industrial enterprises which were subordinate to the municipal soviet, and municipal transport and communication.

However, under the totalitarian government, the municipal soviets did not have authority over these functions and for the most part, they still do not.

First, the municipal soviets (with the exception of the Moscow and Leningrad soviets) are found under the jurisdiction of the oblast, regional soviets and often the district soviets. Thus the higher soviets considered the territory of the municipality to be their own territory as well.

Second, the legislature does not severely delimit the authority (neither functionally nor territorially) between the local soviets of different levels. Naturally, in such conditions, it is

impossible to talk about the full power of the municipal soviets because the higher soviets can interfere with any decision.

Third, dual subordination exists in practically all spheres of municipal leadership. This means that, for example, the department of public health in the executive committee of the municipal soviet is subordinate both to another soviet and to its executive committee, and in final analysis to the ministry.

It is necessary to note that the law on the general principles of local self-governments and local economies of the USSR liquidated the double subordination of the local organs of administration, making them subordinate only to the soviets that had formed them. However, this law is not clear on the function of the soviet executive organs and its branches. Besides, this law directly contradicts the active Constitution of the USSR and the Constitution of the Union Republics. Furthermore, after the acceptance of the corresponding Law of the Russian Republic on October 10, 1990 this law was in essence abolished.

TRANSFER OF POWER TO THE MUNICIPAL SOVIETS

The transfer of real power to the municipal soviets is only beginning. The recent formal tax inspections will play a rather large role in the development of this process. Although they appear to be a centralized structure created by the Ministry of Finance of the USSR, the collection of all taxes, nevertheless, provides for additions to the municipal budget. However, special municipal services for the collection of taxes do not exist.

In daily life, the administration utilizes various executive-administrative organs.

- 1) The executive committee of the municipal soviet;
- 2) The executive committee of the district soviets that are situated in the municipality;
- 3) The departments and administrations of the executive committees of the municipal Soviet and the district soviets;
- 4) The production-governmental services (as a rule, the district services). For example, the budget for city improvement, for the repair of roads, for cleaning the streets, the dispatched services for energy, emergency services, services for housing, etc.

In large municipalities, the majority of the administrative work falls to the district organs and their services. However, much depends on the character of the sector and on the objectives of the administration. For example, information concerning a large-scale emergency on the metro system is immediately received by the executive committee of the energy department. In general, however, the structure of an operating administration in a city is extremely complex and intricate. There are still many parallel organs which duplicate each other, yet at the same time

compete with one another. The huge departmental infrastructure is also a serious factor that complicates the municipal administration. For example, many large-scale governmental undertakings independently utilize energy that is allotted for servicing the housing belonging to them, & the objectives of special assignments.

Presently, the system of municipal government is becoming even more complicated. First, the presidiums have begun to lay claim to a whole line of operative administrative functions. Second, municipal and district soviets are engaged in a power struggle for authority. All this gives birth to a diffusion of responsibility and discredit to the soviets which are currently declaring their democratic orientation. In all of this, the citizens are not only affected by the very condition of the cities, but by the public battle between the authorities of different levels. Therefore, many instinctively gravitate towards authoritative methods which they associate with order.

Today, the control of several functions, the distribution of housing, city improvement, and sanitation have been given to committees of self-government of micro-districts. The danger exists of still greater organizational chaos in municipal government as well as the appearance of new "centers" of abuses by the authorities as the obvious unreadiness of citizens for self-government is manipulated by certain factions.

THE MUTUAL RELATIONS OF THE SOVIETS WITH ONE ANOTHER

Up to two-three years ago, the only ties existent between soviets were vertical ties, which manifested the principle of centralism. The leaders of the municipal soviet contacted the leadership of its own provincial soviet; the leaders of the settlement and rural soviets contacted the leaders of the district soviet and so forth. Sometimes the joint sessions of the standing commissions and the sessions of the executive committees of soviets of higher and lower levels took the initiative. All this carried a more propagandist character since problems were really decided in unofficial forums.

Now a new phenomenon is emerging: the establishment of "horizontal" ties between the soviets of one level. This harsh necessity is a result of a worsening economic condition which is pushing the soviets toward this action. At the same time, local economies have a vital need to exchange products. This prompts the soviets to conclude agreements with adjacent regions as well as with the soviets (as a rule with the *oblasts*) of other republics.

The negotiation of joint legislative enactment with the soviets of the municipal and the oblast groups is another form of linkage. Before this, there was no mention about the mutual relations of the "subordinated" soviet with the soviet which "leads." This new form of agreement is moving quickly in certain areas. For example, conducting joint sessions of municipal and oblast soviets is being considered in Leningrad. However, this will not be a formal action as each soviet appears to be a fully independent subject.

The law "concerning the general principle of local self-government and local economy in the USSR" perceives the possibility of association of the soviets "horizontally," but only on the level of populated areas (the settlements, villages, cities). However, the aspiration to socially protect the population of the region pushes oblast soviets to unification. Thus, the association of soviets of the Northwest region of the Russian Republic and several other regions was created.

By 1971, it was established in the legislature that the decision of the local as well as the municipal soviets could be abolished only by the higher soviet, that is by the imposing organ of power. Thus, neither the republic nor the union government has the right to change the decision of the municipal soviet since these are executive-administrative organs. Also, the decisions of the soviets are not standard but declarative in character. Furthermore, it would have been unthinkable for a municipal soviet to make a decision as the soviets were previously fully controlled by the nomenclature. And lastly, in the juridical literature of those years, even if the soviet accepted an illegal or "false" decision, such a decision was "recommended" to be changed. Municipal governments simply did not have a feeling for such problems since they were fully controlled by the leadership of the Soviet and its decisions.

It is characteristic that the decision of the municipal soviets (and in general of all the local soviets) are not even under surveillance of the procurator's office. The public procurator can not protest the illegal decision of the soviet. According to law, only acts of the executive committees and their departments and administrations are liable to revocation by the higher executive organs as well as by the government organs.

Moreover, the heritage of the administrative system, which was not concerned with the creation of a strict and legally clear mechanism for distributing power, has created the bulk of the difficulty in the functioning of the soviets today. Currently, even if the decision of the municipal soviet is revoked by the higher soviet, there are no legal levers to secure such a revocation if the municipal soviet does not agree with it. This problem is caused by the absence of a mechanism of responsibility and could result in a crisis of power.

Unfortunately, judges did not and do not accept participation in deciding questions of lawfulness and constitutionality as they pertain to the soviets. One solution to this problem is to create a judicial mechanism to revoke illegal decisions of the soviets. Another option is to change the legal system into an institution fully independent of the legislative executive organs. The judgements must protect not only the private interests but the public view as well. However, this idea has still not found wide support.

THE ORGANIZATION OF THE WORK OF MUNICIPAL SOVIETS

The absence of a multiparty system undoubtedly leaves an imprint on the process of preparing and accepting the decisions of the soviets. Although factions function in the soviets, which are named by the deputy groups, they have less influence than party-based groups.

First, the notion "faction" differs significantly from the similar notion in western parliamentary systems. In principle, factions do not accord with parties, but accord with the general loyalty of the deputies to political or even ideological positions. Therefore, factions are now, as a rule, very weakly organized and registered. The deputies have no connection to faction discipline. Therefore, the sessions remain a means for publicizing an individual opinion. This type of system makes for long discussion and delayed decisions.

Second, the government consists of a mixture of institutions of the old system which conflict with new institutions. In the soviets, groups of deputies formed in terms of their political sympathies sit side by side with groups that formed as a result of professional interests. Still, the general atmosphere in the municipal soviets cannot be determined.

In these conditions, the theme and character of decisions often depend upon the presidium of the soviet and the opinion of the president of the soviet. The fact is that the presidium determines when the sessions convene and the course of the questions which are subject to discussion. A deputy or several deputies can formally request the inclusion into the agenda of a specific question.

According to the law, any standing commission can also request a change in the agenda. Most standing commissions are much more comfortable including "their own" question on the agenda already proposed by the presidium of the soviet. If the request of any standing commission is not accepted, its leaders can appeal to the soviet as a whole. The president of the commission, however, hardly wants to have strained relations with the president of the soviet or with any other leaders, understanding that in their hands are powerful levers of influence which can remove the president of the commission from his position at the session of the soviet.

Questions planned to be examined at the session are sent to standing commissions, which study the situation and invite specialists, scientific experts and consultants to prepare a plan of decision. The plan of decision can also be prepared at the initiative of a group of deputies by a scientific collective, by the executive committee or its staff. Other combinations of methods are possible for preparing the decisions of the projects. The presidium may appoint a standing commission responsible for the preparation and expertise of the decision of the project. In the final stage, the presidium itself also considers the project and depending upon its readiness brings it to the discussion sessions of the soviet -- after having sent the plans of decisions and introductory materials to the deputies.

The lengthy work of preparing the projects does not mean that they are accepted by the session without conflict. Earlier, a project was practically identical to its own decision and there was no question that the decision would be adapted. Yet now the president of the soviet, who possesses authority, is not even in a situation to guarantee acceptance of a certain project.

ACTS OF SOVIETS

The deputies must work with their own electorate and must carry out the leadership function in their electoral region. Significantly lowering the number of deputies would practically eliminate this possibility.

The acts of the municipal soviets are named by the decisions accepted at the session. By legislation, it is obligatory that the decisions are executed by the establishments, by the organizations, and by the necessary people and citizens. The decisions can be executed from the moment of their acceptance, from the moment of publication, or from the time period specified in the decision itself.

If the law is not revoked, the decisions of the soviet must be given to interested parties by the executive committee within seven days. This obligation lies in the presidium of the soviet. The publication of the decision of the soviets was not foreseen by the legislature. Therefore, the spread of the text of the accepted acts depends on the presence of a technical capability in the soviet.

In relations concerning subordinate officials, the soviet had the right not to accept a decision concerning the imposition of disciplinary punishment. In laws concerning the leaders, which are not subordinate to organs, organizations, enterprises, etc., the municipal soviet can solicit higher instances concerning the imposition of disciplinary punishment.

Recently, the problem of executive discipline in the country has been abruptly aggravated. Therefore in October of 1990 the Supreme Soviet of the Russian Republic accepted a law that fines deputies for intentionally not performing the decisions of the organs of power (up to 10,000 rubles)

ON THE MUTUAL RELATIONS WITH THE POPULATION AND COMMUNITY

The problems of the "soviets and the population" and the "soviets and the community" have become some of the sharpest in the USSR. While the danger of pseudo-democracy exists, this process does have a democratic direction.

Presently, the following channels of interaction between the soviets and the population are widespread:

- 1) The deputies of the municipal soviets. Their mandate requires the active leadership of the deputies in the electoral region. The deputies are held accountable before their electors no less than two to three times per year. They are obliged to examine the treatment and appeals of the voters and to regularly inform the voters about the work of the soviet and the pre-election programs. The soviets also assess the population's general opinion regarding the soviets' communication of regional problems to the Supreme Soviet.

- 2) The direct appeals of the citizens and their community representatives to the soviet. The regulations regarding the structure of the soviets establish the order of consideration of such appeals.
- 3) The committees on public self-government of the micro regions, having taken into account that the deputies of the regional and municipal soviets are often the committee leaders or members.
- 4) The free press that now expresses different opinions or nuances of opinions held by groups of people and community formations.
- 5) By means of sociological inquiries. This form has not developed into a strong option yet.

Citizen initiatives often serve as forms of protests. These include: pickets, demonstrations, hunger strikes, the declaration of public formations, strikes and strike threats.

In the future, there will be a new form of communication between the municipal soviet and the population. One example of this is municipal referendums -- as long as they accept the Law of the Russian Republic concerning the execution of referendums.

However, assuming that they receive the majority, neither the referendums themselves nor the legal consequences of the referendum are sufficiently regulated. Therefore, if the soviets do not take into account the general opinion, they will lower not only their moral and political authority, but their acts will not have any judicial legitimacy.

FORMATION OF MUNICIPAL BUDGETS

Before the acceptance of the law in the USSR, "On the general beginning of local self-government and local economy in the USSR," (the passage of which did not revoke the laws in the Russian Republic which concern the vital functions of the local soviets of peoples' deputies), the budgets of the local soviets were formulated from the top down.

Before the beginning of the calendar year, control figures would come down for calculation of the index of the local Soviet of peoples' deputies' budget. (As a rule, these norms were calculated from a level achieved from the previous years' index.) After a review in the local soviet, these indexes are usually agreed upon with the addition of a small supplement which is usually a response to a request for an increased budget. Never in the discussion is the question posed as to whether a supplement is needed or not. After the local soviet decides upon a budget, that figure is sent to the soviet for final agreement.

In all the laws of the Russian Republic concerning questions on the activity of the local soviets, only one norm is maintained:

"The local soviet of peoples' deputies confirms the budget and organizes its utilization, taking into account the requests of votes, and redistributes under necessary situations in the process of budget utilization the budget means among branches of the economy, departments and administrative functions of the executives committee, and also redistributes appropriations to wages within the limits of the already-ratified wage fund, and confirms the calculations on budget utilization."

The local soviets' budgets are not independent. Rather, they are components in the Russian Republic budget.

In actuality, such was the case even in the formation of budgets for 1990, but with a minor change.

With the emergence of the cooperative movement and other forms of commerce, there appeared (even according to the existing laws of the Russian Republic and the accepted laws of the USSR) the possibility of supplementing the budgets with the inclusion of incoming taxes from cooperatives and other enterprise activity.

A large degree of independence was given to the local soviets of people' deputies by the law in the USSR, "On the general beginnings of local self-government and local economy in the USSR.":

- 1) The understanding was given that soviets' budgets were formulated, approved, and utilized by the soviets independently;
- 2) The understanding was given as to the minimum budget support for one resident, which is one of the equalization measures of working conditions in various local soviets.

In budgets at the primary level of self-government, receipts are included in full: 1) Income taxes from the citizens; taxes on the wage fund of collective farm workers; 2) land rents; 3) land taxes; and 4) local taxes and collections.

In local budgets the following receipts are also included in full: 1) territorial taxes; 2) income from payments made for rent of property that is held in commercial ownership in the local soviets, and other receipts.

Furthermore, it has been profitable for the local soviets to register small enterprises, since taxes from such enterprises fall fully into the budget of the soviet.

In the project for the law of the Russian Republic on the principles for 1991 budget formation, which was introduced at the session of the Supreme Soviet of the Russian Republic, several other principles were advanced for the local soviets' budget formation. Income taxes (as a more stable source of finance receipts) were proposed for oblast and autonomous soviets

that could then distribute this tax among nearby soviets. Analogously, taxes would be "gathered" from the profits of local enterprises, and the taxes would in turn be directed to local budgets. The oblast soviet will decide which pattern of receipts would be directed to each soviet at the lower level.

The Committee of the Supreme Soviet of the Russian Republic proposed in its remarks on the introduced budget plan, a transition period to secure the right for the supreme Soviet of the Russian Republic to determine fiscal distribution of taxes to the local budgets of various soviets.

THE WORK OF MUNICIPAL SOVIETS DURING MAY TO OCTOBER 1990

The slogan, "All power to the soviets," which arose in Russia after the February revolution of 1917, signified the liquidation of the diarchy. At that time, a coalition government was formed by the soviets and the provisional government.

Today, the situation is very different. Until recently, the Communist Party has ruled the structures of government. The organizational structure of the Communist Party almost completely duplicated that of the organs of power. Discussions today revolve around the issue of making the soviets equivalent to the legal and constitutional government. Elections are being held in the local soviets which should permit them the legal right to govern.

The goal of the municipal soviets and the soviets at other levels of power is to man the levers of real power. Unfortunately, this will not be as easy to achieve as was originally believed. Many voters and candidates had assumed that the arrival of new people in the soviets - not selected by appointment but rather by free votes -- would in principle transform this powerlessness. By the spring of 1990, such changes had not occurred.

There are a number of reasons for this. In the Soviet Union, not only politicians but public consciousness itself is saturated with authoritarian stereotypes and thinking. Here, a right is understood only as a rule, with prohibitions and punishments prescribed everywhere. It is not associated with justice and maintenance of a personal identity. In such an environment, the reduction of the old-style governmental commands has given birth not to an explosion of creative energy, but rather to an explosion of socially negative energy and to criminal activity. While it goes without saying that this section of society is quite small, it does influence the character of the society. Municipal soviets have suddenly had to address not only economic problems but also with a sharp increase in criminal activity.

Many new deputies entered the soviets with their own perceptions of problems and their own solutions -- solutions that are, for the most part, not serious. It must be recognized that this is a national problem. Whereas earlier, the only criteria for the voters was the candidates' relationship with the Communist Party, the soviets are not selected on a party basis any longer.

The deputies now in power are not part of one party with one platform. Each deputy has a party platform and a slogan.

The decentralization of power is not a simple matter, especially when power continues to be concentrated in the union government. Workers which always tactfully catch on to where the source of power is still hidden, and orient themselves toward Communist Party organs. Further, the non-party principle on which elections were held, led to a situation in which many soviet deputies represent national interests.

Local soviets have had to immediately assume and solve many problems: nationality questions, political instability and the absence of detailed legislation concerning the distribution of power that exists throughout the Soviet Union.

The existence of all these factors has made it difficult to determine in practice, in which municipal soviets democratic forces comprise a majority, and in which municipal soviets conservative factions have a majority. This is especially the case because the current municipal soviets contain various political tendencies. The future development of economic and political programs, however, will demand soviet activity, and soon it will be easier to determine the division between democratic and conservative forces. Issues on which the distinctions between the forces of conservatism and democracy will become evident include: the process of privatization, development of private businesses, depoliticization of law-enforcement agencies and the establishment of state programs for the needy and for retraining of the work force.

Under the current conditions of decentralization of power, the direction of economic reforms depends largely on the political position and organizational skill of the municipal soviets.

Municipal soviets will decide on major issues both in session and at presidium and committee meetings. The first act of the municipal soviets will be the formation of executive organs, the apparatus of the soviets themselves, the changing structure of the operational organs, the formation of the order of work of the soviets (regulations), and the work of the presidium and standing commissions.

One solution discussed in the municipal soviets regarding the economic situation is a system of protective measures: coupons for procedure, trade regulated by passport or special "buyers cards," food stuff cards. This solution attempts to defend the rights of the weak segments of the population (pensioners, multi-family households, and so forth.)

It goes without saying that in different cities, different issues command attention. Examples of these are the intention to create a free economic zone or a market infrastructure, the liquidation of the nomenclature's privileges, the privatization of housing and the establishment of private city newspapers.