

ABSTRACT

Council of Federation of the Federal Assembly of the Russian Federation 2006 report «On the State of Legislation in the Russian Federation»

The Council of Federation of the Federal Assembly of the Russian Federation 2006 report «On the State of Legislation in the Russian Federation» was presented by the Council of Federation Chairman to a chamber session on February 21, 2007. Materials for the report were prepared by federal and regional bodies of state power, along with other organizations and scientific institutes whose list is published at the end of this report. Individual provisions of the report were considered in preparation of the Address of the President of the Russian Federation to the Federal Assembly of the Russian Federation for 2006.

The 2006 Council of Federation report «On the State of Legislation in the Russian Federation» (herewith — report) is based on the succession of the main ideas and provisions of similar reports by the Council of Federation in 2004 and 2005. Especial attention in the report is devoted to strategic, vitally important goals and values of Russian state development, above all in securing the constitutional human and civil rights and freedoms in the process of fulfilling the domestic and foreign policy priorities of the state, as defined in the Address to the Federal Assembly for 2006.

The overriding criteria of legislation are its ability to match the long-term goals and values of state and society development, and to guarantee the breadth and quality of the legal groundwork set for the changes affecting the country. Legislative and legal enforcement monitoring helps detect weaknesses in the mechanism of state policy implementation and determine legislation's critical and problems points.

Over the past four years, a passage has been made from a theoretical justification of the idea of monitoring the legal sphere of the Russian Federation, to a practical unfurling of the full-fledged system on the basis of vital legislative evaluation criteria: the adopted legislation's ability to fully implement state policy priorities outlined by the President of the Russian Federation; guaranteed observance of citizens' constitutional rights and freedoms; the legislation's quality and efficiency.

The annual discussion of the Council of Federation report demonstrates the interest in this new form of collaboration in the process of constitutional partnership, stimulating the creation of regional analysis systems and improving lawmaking and enforcement. While preparing its report, the Council of Federation also identified a series of substantive problems that lawmakers must still resolve in order for the legal monitoring system to start working at its full potential.

The 2006 report analyzes federal legislation and the legislation of the constituent entities of the Russian Federation from the standpoint of quality of the legal groundwork it sets for the

principal directions of domestic and foreign policies of the Russian Federation, as determined by the address of the President of the Russian Federation to the Federal Assembly of the Russian Federation for 2006 and previous years.

The 2006 report was presented to the President of the Russian Federation, and also distributed to the State Duma of the Federal Assembly of the Russian Federation, the Administration of the President of the Russian Federation, the Government of the Russian Federation, other state bodies, as well as to the Russian Academy of Science, the Public Chamber of the Russian Federation, science research and expert institutes, civic organizations and political parties. In 2007, it was discussed at sessions of the Council of Federation and the Council of Legislators, and also at the fifth annual Russian National Scientific-Practical Conference on «Legislative and Legal Enforcement Monitoring».

A number of substantive problems were identified in preparation of this report that must still be resolved so that the monitoring system begins to work at its full potential. For this, it is essential to:

- prepare an appropriate regulatory and legal foundation for system of monitoring;
- develop a mechanism for placing specific responsibilities for work's end result on each member of the legislative process;
- guarantee the preparation of new skilled labor, capable of completing interdisciplinary political, legal and managerial tasks at a modern level;
- create a single database for legislative and legal enforcement monitoring.

The monitoring results have allowed us to present a list of demands for the modern legislative process: it is insufficient to simply develop a draft law or adopt relevant legislation; it is essential to also foresee the actual mechanism for its implementation, and to envision the consequences of its enforcement.

Legislative monitoring, based on the principles of targeted program and long-term planning, is called to synchronize legislative activity at the federal level, as well as in the constituent entities of the Russian Federation. Such an approach to the process of lawmaking and monitoring of its results is becoming a vital condition for how all federal and regional legislators improve the quality of their joint work.

Preparation of the report, as the final form of monitoring of the parliamentary year's results, helped resolve a number of far-reaching issues. First, in proving a systematic analysis of the results of the legislative power's activities in the context of a providing legal groundwork for the principal directions of domestic and foreign policies of the state. Second, in stimulating a constitutional partnership of the Council of Federation with the President of the Russian Federation and other state bodies in implementing the directions of domestic and foreign policy. Third, in consolidating efforts by state bodies and civil society institutes in securing human and civil rights and freedoms.

A considerable place in the report is dedicated to evaluating the results of previously adopted conclusions and recommendations. Today, stability has been established in how the legislative groundwork is set in time for the implementation of the annual address to the Federal Assembly. It was manifested in the 2006 laws on the structure of the state, socio-economic development, and relations between Russia and other nations — members of the Commonwealth of Independent States — in the fields of defense and security.

Implementation of the large-scale and long-term goals of legislative provision for national projects is impossible without the creation of a corresponding strategy for the legal development of the Russian Federation. To formulate and implement such a strategy, the legislative bodies of state power of the Russian Federation and the constituent entities of the Russian Federation will have to learn program-targeted planning involved in lawmaking, develop methods of resolving complex inter-branch problems, and create a system of dependable forecasting of the consequences of adopted laws.

The annual Council of Federation reports have turned into an important event in Russia's political life, drawing considerable public response and comment from both federal and region-

al bodies of state power. For example, the 2005 Council of Federation report received responses from more than 90 entities to which it had been sent, including state bodies of power of the Russian Federation, constituent entities of the Russian Federation, the scientific community, and business community representatives. These responses included words of approval, constructive criticism and, most importantly, specific proposals for improving the legislative and legal enforcement practices. These recommendations were used in determining a further way to develop the lawmaking process at all levels.

A revealing example of this — the reform of local self-government. Based on the monitoring results of the actual capabilities of the constituent entities of the Russian Federation, a decision was reached to introduce the reforms stages, in proportion to how fast the constituent entities of the Russian Federation adopt corresponding legislation. The 2005 Council of Federation report included a large number of essential recommendations, which helped prevent the adoption of frankly unprepared decisions and to initiate a timely lawmaker response to real problems affecting the housing and communal services sector.

Thanks to the active participation of state bodies of the constituent entities of the Russian Federation in the discussion of the 2005 report in the Russian regions, a significant part of the 2006 report was devoted to issues on developing regional legislation and securing the systemic unity in Russia's legal sphere, including in regulating the solution of national problems in manner of constructive cooperation, relieving the arising problems at their early stages.

At present, the role of regional parliaments is being elevated. At the same time, many of them have introduced to their legislative practice an annual summing up, in the form of reports on the state of legislation in the respective constituent states of the Russian Federation. In 2006, such reports were prepared in the Arkhangelsk, Novgorod, Penza, Samara, Saratov, and Tula oblasts. They reflect the distinctive aspects of regional legislative development from the standpoint of setting the groundwork for the main program documents of the constituent entities of the Russian Federation.

The Federal Assembly of the Russian Federation's work is a powerful factor in Russian society's political stability, and a platform for dialogue between the various political authorities. It is parliament that assembles and expresses the interests of the regions, as well as groups and organizations that make up civil society, remolding these interests into a government position. The main foundation of legislative work consists of constitutional cooperation with the head of state on ways to implement the annual address by the President of the Russian Federation to the Federal Assembly of the Russian Federation.

The Council of Federation, in view of its special constitutional role, evaluates all laws under review in parliament not only from the standpoint of their legal qualities, but also their conformity to constitutional values, the priority directions of government policy, and from the position of their efficient implementation in constituent entities of the Russian Federation.

The report informs civil society about the results of the work of bodies of state power, and determines the prospects of future legislative development. As a state parliamentary document, it reflects the Council of Federation's input in the improvement of Russian Federation legislation and development of a system of constitutional and social partnership in the Russian Federation.

The report once again underlines that most lawmaking problems arise from poorly-considered organization of the whole process of legislative regulation. The content of the 2006 report and its preparation was in a large part determined by a clause of item 1 of article 7 of the Constitution of the Russian Federation: «The Russian Federation shall be a social state whose policy is aimed at creating conditions ensuring a worthy life and a free development of Man».

The report has an introduction dedicated to a comprehension of the principal directions of legal development of the Russian Federation in 2006, and also to the prospects of development of a constitutional partnership. Chapter I addresses the questions of strategy of state development, and the legislative groundwork for the principal directions of domestic and foreign policy.

The second chapter outlines the results of efficient monitoring conducted in the constituent entities of the Russian Federation on the more pressing problems of implementing state policy, presenting proposals to their solution and demonstrating the results of the Council of Legislators' work. Chapter III presents the results of the main tendencies of legislation in the Russian Federation, for the first time sets forth a conception for creating a system of monitoring laws, regulations and legal enforcement, and displays a mechanism for legal monitoring.

The development of the monitoring system will in the future help create a new model of state administration, open to institutes of civil society, business, social groups, clear to every citizen, and based on fruitful cooperation between the individual, society and the state.