

# Kremlin Enters Uncharted Waters

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Region: [Russia and FSU](#)

Global Research, March 10, 2008

[The Moscow Times](#) 7 March 2008

While the presidential election proved entirely predictable, the transfer of power from Vladimir Putin to Dmitry Medvedev looks likely to be anything but.

This will be the first time in the country's history that a popularly elected head of state hands over power to another popularly elected head of state.

The lack of precedent is raising some curious constitutional questions over exactly how the Kremlin's impending round of musical chairs is going to work.

"There is not really any previous experience for what happens between an election and the moment the new president assumes power," said Mikhail Krasnov, an author of the Constitution.

While Medvedev is now president-elect and first deputy prime minister, Putin by law will remain president until May 7, exactly four years after his inauguration. Putin has said he will then become prime minister.

The constitutional quirks of the interim period mean that, if things stay as they are, President Medvedev on the day of his inauguration will have to approve the resignation of First Deputy Prime Minister Medvedev, along with the rest of the government, before nominating Putin to be his subordinate.

Throw into the mix the fact that Medvedev is also currently chairman of Gazprom, and that suggests he could end up simultaneously holding the posts of president, first deputy prime minister and Gazprom chairman.

Confused? You're not the only one. The unprecedented situation has left even constitutional experts and those involved in the process scratching their heads.

"There are a lot of theoretical legal problems connected with this period," said Stanislav Stanskikh, director of the Russian Foundation for Constitutional Reforms.

Part of the problem is that a bill drawn up in 1996 to fully regulate the handover of power between presidents was never approved by the State Duma.

But the main reason for much of the current ambiguity is that eight years ago the ever-unpredictable President Boris Yeltsin quit his post early, said Krasnov, who chairs the constitutional law department at Moscow's Higher School of Economics.

After Yeltsin's dramatic resignation on New Year's Eve in 1999, then-Prime Minister Putin was automatically promoted to the role of acting head of state, allowing Putin to fulfill the

role of president before being officially elected to the position in March 2000. That makes the direct transfer from Putin to Medvedev, who, perhaps luckily, is a trained lawyer, unparalleled.

Under Article 116 of the Constitution, the government automatically has to give up its powers when a new president comes in, so one of the first things Medvedev will have to do when he assumes the presidency is to sign off on the dismissal of the Cabinet.

“That means Medvedev will eventually have to fire himself as a member of the government,” Krasnov said.

To avoid this scenario, Medvedev could well decide to step down as first deputy prime minister between now and May 7, Krasnov said.

A spokeswoman for Medvedev refused to comment on the transfer of power. A Kremlin spokesman said Putin would continue to hold full presidential powers until the inauguration.

Another possibility is that Putin will replace the Cabinet sometime before the inauguration. Citing Kremlin and government sources, Nezavisimaya Gazeta reported late last month that Putin would fire the Cabinet before the election.

The dismissal of the government remains a technical possibility, but no such plans are in the works, said the Kremlin spokesman, Dmitry Peskov. “We are only talking purely hypothetically,” he said.

Cabinet spokesman Alexander Zharov said he could not comment on the plans for the interim period. “This is not our decision, and you have to ask the president what will happen,” Zharov said.

### **Putin Paves the Way**

Putin has already transferred some presidential responsibilities to Medvedev. Putin on Monday asked his successor to stand in for him at State Council meetings.

On Monday he also issued a special decree regulating Medvedev’s new role as the “newly elected president but not yet the president who has assumed presidential power.”

The decree means that the presidential administration can now work toward serving the future president while still serving the current president and hands over duties for guarding Medvedev to the president’s Federal Guard Service.

And, according to the decree, the guard service and presidential administration can now set about allocating Medvedev his official residence. Peskov said Thursday, however, that Medvedev’s official presidential residence has yet to be decided on.

The Kremlin’s legal department had not replied by Thursday to written questions submitted a day earlier.

One thing that constitutional experts agreed on is that, under a law that Putin signed after Yeltsin stepped down, Putin and his family will have immunity from prosecution for life for anything he has done as president over the past eight years.

Over at Gazprom, the transfer of power for its top post is also proving problematic. Gazprom is set to elect current Prime Minister Viktor Zubkov as chairman at its annual general meeting on June 28 — six weeks after Medvedev becomes president.

A Medvedev spokeswoman directed all queries on the matter to Gazprom.

A Gazprom spokesman said he did not know whether Medvedev could or would remain chairman until June. Gazprom then redirected legal enquiries to the Federal Property Management Agency. The agency had failed to respond to a written query by Thursday.

Legally, there is nothing to stop Medvedev from being both president and Gazprom chairman, said Stanskikh, the constitutional scholar. But he said it could create a conflict of interests due the need for the president to be neutral.

### **What About Sechin?**

Another intriguing element is what will happen to the presidential administration, an immensely influential body that Putin has packed with powerful, former-KGB colleagues such as deputy chief of staff Igor Sechin and presidential aide Viktor Ivanov.

Unlike the Cabinet, the presidential administration is under no obligation to resign, and any changes in personnel are up to the new president, Stanskikh said.

During a recent news conference, Putin said he expected changes both in the new presidential administration and in the Cabinet.

Speculation is also rife over whether Medvedev will use the same tactics as Putin did to shore up his own power eight years ago and bring in close associates to fill prominent positions in the administration.

“Traditionally in our country the presidential administration has often had more power than even the government,” Stanskikh said.

Among the people to watch are former classmates of Medvedev’s from the law department at Leningrad State University, including Anton Ivanov, chairman of the Supreme Arbitration Court; Ilya Yeliseyev, deputy chairman of Gazprombank; Konstantin Chuichenko, head of Gazprom’s legal department; and Nikolai Vinnichenko, head of the Court Marshals Service, analysts said.

“Undoubtedly, the influence of such people will increase,” said Mikhail Vinogradov, director of the Center for Contemporary Russian Politics.

Leonid Sedov, an analyst at the Levada Center, warned that there would be a struggle for influence and any change would be a long and difficult process.

Despite the legal curiosities over what could happen over the next few months, the problems are more theoretical than real, the experts said.

The Kremlin and Cabinet are keen to see that any confusion over the handover does not put the brakes on the functioning of government during the period.

“One thing is for sure, we don’t have the luxury of spending the next two months just sitting

around,” said Vladimir Pligin, head of the Duma’s Constitution and State Affairs Committee, at a recent round table.

Given that a presidential term is four years long, the two-month transition period represents almost 5 percent of that time, said Gleb Pavlovsky, a Kremlin consultant.

“We know for certain who is the president now — that is Putin — and who will be president in May — that is Medvedev — and we can’t waste the time dithering,” he said.

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