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MY TELNOS 339 AND 346:
THE SOVIET UNION: NEW PRESIDENCY: COMMENT

SUMMARY

1. NEW STRUCTURE TRANSFERS POWER FROM THE PARTY TO THE PRESIDENCY. GORBACHEV VIRTUALLY CERTAIN TO BE ELECTED. HIS POWERS ARE WIDE: BUT THERE ARE CHECKS AND BALANCES. THE WAY IS NOW OPEN FOR HIM TO LEAVE THE PARTY LEADERSHIP. HIS NEW PRESIDENTIAL POWERS WILL HELP IN SOME AREAS - EG CONTROLLING ETHNIC VIOLENCE: BUT, IN THEMSELVES, WILL DO LITTLE TO SIMPLIFY THE COUNTRY'S MAIN PROBLEMS OF ECONOMIC AND NATIONALITIES POLICY.

DETAIL

2. THE USSR SUPREME SOVIET DECISIONS YESTERDAY MAKE IT VIRTUALLY CERTAIN THAT GORBACHEV WILL BE ELECTED PRESIDENT OF THE USSR WITH NEW AND WIDE POWERS BY THE CONGRESS OF PEOPLES' DEPUTIES PROBABLY IN MID-MARCH (WE ARE TOLD THE CONGRESS WILL LAST FOR ONE WEEK, BEGINNING 12 MARCH). THE REPERCUSSIONS ON THE WAY POWER IS STRUCTURED IN THE SOVIET UNION WILL BE FAR REACHING.

IMPACT ON THE PARTY

3. THE MAIN JUSTIFICATION ADVANCED FOR THIS FURTHER CONSTITUTIONAL UPHEAVAL IS THE NEED TO STRENGTHEN EXECUTIVE POWER IN ORDER TO DEAL WITH THE GROWING SOCIAL, ECONOMIC AND ETHNIC TENSIONS OF PERESTORIKA. BUT, IN PRACTICE, THE PROPOSED CHANGES WILL NOT SO MUCH STRENGTHEN EXECUTIVE POWER AS TRANSFER IT FROM THE PARTY AND THE POLITBURO TO GORBAHCEV PERSONALLY AS PRESIDENT (THERE CAN BE NO SERIOUS DOUBT THAT HE WILL BE ELECTED PRESIDENT) AND TO HIS PRESIDENTIAL COUNCIL.

4. THE CONSTITUTIONAL REMIT OF THE PRESIDENT AND PRESIDENTIAL COUNCIL IS EXTREMELY BROAD. THE COUNCIL IS TASKED WITH WORKING OFF MEASURES FOR IMPLEMENTING THE MAIN DIRECTIONS OF INTERNAL AND FOREIGN POLICY AND ENSURING THE COUNTRY'S SECURITY. ONCE THE NEW LAW COMES INTO EFFECT GORBACHEV IS LIKELY TO WORK THROUGH THIS BODY RATHER THAN THE POLITBURO. THE LATTER MAY WELL BE LEFT TO WITHER ON THE VINE. CIT IS DUE IN ANY CASE TO BE RESTRUCTURED AS PART OF THE PARTY'S

REFORM PROGRAMME). GORBACHEV HAS THEREFORE, VIRTUALLY AT A STROKE, ELIMINATED THE LEADING ROLE OF THE PARTY AT THE CENTRAL LEVEL, RENDERING IRRELEVANT MUCH OF THE PARTY'S INTERNAL AGONISING ON THIS ISSUE AT THE RECENT PLENUM. THERE WILL BE A KNOCK-ON EFFECT THROUGHOUT THE SYSTEM OF REGIONAL AND LOCAL GOVERNMENT. RESPONSIBILITY FOR IMPLEMENTING PRESIDENTIAL DECISIONS AT THIS LEVEL WILL LIE ACCORDING TO THE NEW LEGISLATION WITH THE PRESIDENTS OF REPUBLIC AND LOCAL SOVIETS - NOT THE PARTY. THERE IS NO EX-OFFICIO PARTY REPRESENTATION ON THE PRESIDENT'S COUNCIL. GORBACHEV WILL THEREFORE BE FREE OF THE RESTRAINTS HITHERTO IMPOSED ON HIM BY CONSERVATIVES IN THE POLITBURO AND CENTRAL COMMITTEE.

THE DEFENCE COUNCIL

5. THERE IS NO MENTION IN THIS LEGISLATION OF THE DEFENCE COUNCIL. WE ASSUME THEREFORE THAT IT WILL BE ABOLISHED AND ITS FUNCTIONS TAKEN OVER BY GORBACHEV (THE PRESIDENT IS NOW TO BE DESIGNATED ALSO ''COMMANDER IN CHIEF OF THE ARMED FORCES'') AND THE PRESIDENTIAL COUNCIL.

REFORM OF THE FEDERAL STRUCTURE

6. THE ESTABLISHMENT OF A 'COUNCIL OF THE FEDERATION' CHAIRED BY THE PRESIDENT, WILL RELIEVE GORBACHEV OF THE NEED TO TAKE SENSITIVE ISSUES AFFECTING THE CONSTITUTIONAL RELATIONSHIP BETWEEN MOSCOW AND THE REPUBLICS TO THE CPSU CENTRAL COMMITTEE - AS HE HAD TO WITH LITHUANIA. NEVERTHELESS, HE MAY NOT FIND THE 15 UNION-REPUBLIC PRESIDENTS, WHO WILL MAKE UP THE MAJORITY OF THIS BODY, THE EASIEST OF PARTNERS TO WORK WITH.

7. ONE OF THE MAIN OBJECTIVES IN FRAMING THIS LEGISLATION APPEARS TO HAVE BEEN TO ESTABLISH A MORE EFFECTIVE METHOD OF HANDLING INTER-ETHNIC RELATIONS AND ETHNIC VIOLENCE. GORBACHEV WAS PROBABLY DEEPLY WORRIED BY THE COMPLEXITIES OF THE RECENT DECISION TO SEND TROOPS TO AZERBAIJAN AND THE SUBSEQUENT CRITICISM THAT HE DALYED TOO LONG. UNDER EXISTING ARRANGEMENTS, SUCH DECISIONS HAVE TO BE TAKEN BY THE PRESIDUM OF THE USSR SUPREME SOVIET - AN UNWIELDY BODY CONSISTING OF ALL 15 PRESIDENTS PLUS THE HEADS OF ALL SUPREME SOVIET COMMISSIONS. THE NEW LEGISLATION WILL GIVE GORBACHEV THE POWER TO DECLARE A STATE OF EMERGENCY HIMSELF - THOUGH THE LEGISLATION REQUIRES THAT HE ''CONSULT'' THE SUPREME SOVIET PRESIDUM OF THE APPROPRIATE REPUBLIC. A COMMENTARY IN TODAY'S PRAVDA, HOWEVER, DESCRIBES THE PRESIDENT AS HAVING TO SECURE THE ''AGREEMENT'' OF THE REPUBLIC PRESIDUM. IT COULD BE THEREFORE THAT THIS IMPORTANT CONCESSION HAS BEEN OR IS ABOUT TO BE MADE TO THE REPUBLICS. GORBACHEV NEVERTHELESS WOULD RETAIN THE RIGHT TO INTRODUCE DIRECT PRESIDENTIAL RULE IN CASES WHERE THERE WAS A THREAT TO THE SECURITY

OF CITIZENS.

CHECKS AND BALANCES

8. GORBACHEV'S POWERS UNDER THE NEW LEGISLATION ARE WIDE BUT ILL-DEFINED. HE IS ENTRUSTED FOR EXAMPLE WITH PROTECTING THE RIGHTS AND FREEDOMS OF SOVIET CITIZENS, ENSURING THE SECURITY AND TERRITORIAL INTEGRITY OF THE COUNTRY, COORDINATING THE ACTIONS OF OTHER ORGANS OF STATE AND DECLARING WAR IN THE EVENT OF AN ATTACK ON THE USSR. HE ALSO HAS THE POWER TO ISSUE BINDING PRESIDENTIAL DECREES. AN ACCOMPANYING COMMENTARY PRESENTED TO THE SUPREME SOVIET ALONG WITH THE DRAFT LEGISLATION CLAIMS THAT NONE OF THE POWERS OF THE CONGRESS OF DEPUTIES OR THE SUPREME SOVIET HAVE BEEN TRANSFERRED TO THE PRESIDENCY AND THAT THIS DECREES MUST NOT CONTRADICT SOVIET LAWS OR THE CONSTITUTION. BUT IT IS NOT CLEAR WHAT THIS WILL MEAN IN PRACTICE.

9. IT WAS EVIDENT FROM YESTERDAY'S DEBATE IN THE SUPREME SOVIET THAT DEPUTIES ACROSS A WIDE POLITICAL SPECTRUM HAVE BEEN IRRITATED BY GORBACHEV'S BLITZKRIEG TACTIC OF RUSHING THIS LEGISLATION THROUGH WITHOUT PROPER DISCUSSION AND CLARIFICATION. THERE ARE ALSO WORRIES THAT THE LEGISLATION DOES NOT PROVIDE THE LEGISLATURE WITH PROPER CHECKS ON EXECUTIVE POWER. THERE IS AN IMPEACHMENT PROVISION. THE CONGRESS OF DEPUTIES CAN REMOVE THE PRESIDENCY BY A TWO THIRDS VOTE - BUT ONLY IF HE INFRINGES THE CONSTITUTION. THERE IS NO PROVISION EG FOR A SIMPLE VOTE OF NO CONFIDENCE OR FOR LEGISLATIVE VETO OF PRESIDENTIAL DECISIONS. THIS IS SOMETHING ON WHICH DEPUTIES ARE LIKELY TO CONCENTRATE WHILE THE LEGISLATION UNDERGOES FURTHER DISCUSSION IN COMMITTEE THIS WEEK.

10. DESPITE HIS WIDE RANGING POWERS, IT WOULD BE WRONG TO DESCRIBE THE PRESIDENT'S POSITION UNDER THIS LEGISLATION AS A CONSTITUTIONAL DICTATOR. THE CHECKS ON EXECUTIVE POWER ARE WEAKER THAN IN WESTERN DEMOCRACIES - BUT THEY ARE GREATER THAN IN THE DAYS WHEN THE COUNTRY WAS RUN BY THE POLITBURO. FOR EXAMPLE, THE SUPREME SOVIET WILL STILL RETAIN SUBSTANTIAL POWERS - IN ADDITION TO THE IMPEACHMENT PROCEDURE.

IT WILL, FOR EXAMPLE, STILL HAVE THE RIGHT TO CONFIRM OR REJECT MINISTERIAL APPOINTEES - IMPORTANT GIVEN THE NUMBER OF EX-OFFICIO MINISTERIAL POSITIONS IN THE PRESIDENTIAL COUNCIL. IN THEIR PRESENT MOOD, THEY WILL BE VERY SUSPICIOUS OF ANY FURTHER ATTEMPTS TO ERODE THEIR POWER. GORBACHEV MAY FIND THEM MUCH LESS COOPERATIVE PARTNERS IN FUTURE.

11. THE ESTABLISHMENT OF A SEPARATE POSITION OF CHAIRMAN OF THE USSR SUPREME SOVIET WILL MEAN THAT GORBACHEV, AS PRESIDENT, SPENDS LESS TIME THERE AND CONSEQUENTLY, HAS LESS OPPORTUNITY TO EXERT HIS OWN PERSONAL INFLUENCE ON THE PROCEEDINGS. HE WILL TRY AND MINIMISE THE EFFECT OF THIS BY ENSURING THAT A CLOSE ALLY, PROBABLY LUKYANOV, IS

ELECTED TO THE SUPREME SOVIET CHAIRMANSHIP. BUT THERE MAY BE RESISTANCE TO THIS.

12. THERE WILL BE OTHER PRESSURES LIMITING HIS POWER. THE GOVERNMENT MACHINE UNDER RYZHKOV REMAINS IN PLACE AND WILL RETAIN PRIMARY RESPONSIBILITY FOR ADMINISTERING THE ECONOMY. GORBACHEV STILL LACKS AN EFFECTIVE MECHANISM FOR IMPLEMENTING PRESIDENTIAL DECISIONS AT REPUBLIC AND LOCAL LEVEL. IN MANY WAYS, THE SO-CALLED 'CRISIS OF POWER' RESIDES IN THIS, NOT IN THE LACK OF A POWERFUL EXECUTIVE AUTHORITY IN MOSCOW. UNDER THE NEW LEGISLATION THE PRESIDENTIAL POWER IS TO BE EXERCISED THROUGH PRESIDENTS OF REPUBLICS AND LOCAL SOVIETS. BUT THEY NOW HAVE THEIR OWN POWER BASES AND ELECTORATES TO CONSIDER. THE NATURE OF THE RELATIONSHIP BETWEEN THE USSR PRESIDENT AND THE REPUBLIC PRESIDENTS IS ONE OF THE MAJOR UNCERTAINTIES ARISING FROM THE NEW STRUCTURE (THERE ARE SOME WHO ARE SUGGESTING - ONLY HALF JOKINGLY - THAT GORBACHEV MAY BE BACKING THE WRONG HORSE AND THAT EG YELTSIN AS PRESIDENT OF THE RUSSIAN REPUBLIC MAY END UP HAVING THE STRONGER POSITION).

13. THE NEW STRUCTURE WILL NOT INCREASE GORBACHEV'S LEGITIMACY OR PERSONAL AUTHORITY AMONG THE POPULATION AT LARGE -AS IT WOULD IF HE WAS PREPARED AT THIS STAGE TO SUBJECT HIMSELF TO DIRECT POPULAR ELECTION. ONE REASON FOR HIS RETICENCE APART FROM THE GREATER RISKS INVOLVED) MAY BE THE PROBLEM OF MAKING SUITABLE ALLOWANCE FOR THE FEDERAL STRUCTURE OF THE USSR IN SUCH AN ELECTION. THE PLAN IS THAT THERE WILL BE CANDIDATES STANDING AGAINST GORBACHEV WHEN THE CONGRESS OF DEPUTIES VOTES FOR THE NEW PRESIDENT. BUT GIVEN THE STRENGTH OF HIS POSITION IN THAT BODY, IT IS DOUBTFUL THAT ANY SERIOUS OPPONENT WILL BE PREPARED TO TAKE HIM ON. THIS IS LIKELY TO ENGENDER PUBLIC CYNICISM. GORBACHEV WILL THEREFORE FIND IT LITTLE EASIER TO FORCE THROUGH UNPOPULAR REFORM MEASURES THAN HE HAS HITHERTO.

14. UNLIKE THE POLITBURO, THE PRESIDENTIAL COUNCIL IS NOT DESCRIBED AS A CONSENSUS BODY: THE IDEA OF 'COLLECTIVE LEADERSHIP' HAS BEEN ABANDONED. THIS HAS SUBSTANTIAL ADVANTAGES FOR GORBACHEV: BUT IT ALSO CARRIES RISKS. BY TAKING SUCH A WIDE MEASURE OF PERSONAL RESPONSIBILITY, HE MAY INCREASINGLY FIND HIMSELF THE FOCUS OF POPULAR DISCONTENT, MUCH OF WHICH, AT PRESENT IS BEING VENTED ON THE PARTY APPARATUS.

CONCLUSION

15. GORBACHEV HAS ONCE AGAIN OUTMANOEUVRED EVERYBODY. HE HAS, PROBABLY DEFINITELY, FREED HIS HANDS FROM THE PARTY. IT MUST NOW BE VIRTUALLY CERTAIN THAT HE WILL LEAVE THE PARTY LEADERSHIP AT, OR SOON AFTER, THE CONGRESS. HE MAY CONTINUE TO PRESS FOR PARTY REFORM: BUT IT IS ALSO POSSIBLE THAT HE HAS NOW DECIDED, GIVEN THE EXISTING PARTY STRUCTURE, THAT THIS IS A LOST CAUSE. DESPITE THE ADROITNESS

OF THIS LATEST MANOEUVRE, THERE ARE STILL MAJOR UNCERTAINTIES IN STRUCTURE OF STATE POWER. IN PARTICULAR, THERE ARE QUESITON MARKS ABOUT THE RELATIONSHIP BETWEEN REPUBLIC AND FEDERAL POWER AND, WITH THE DECLINE OF THE PARTY, THE RISK OF A POWER VACUUM AT THE LOCAL LEVEL. GORBACHEV WILL HAVE TO TAKE CARE THAT HE DOES NOT REPEAT, AT THE POLITICAL LEVEL, THE MISTAKE HE MADE WITH THE ECONOMY IN DISMANTLING ONE SYSTEM WITHOUT A CLEAR IDEA OF WHAT IS TO FOLLOW. AND NOTHING IN THESE CONSTITUTIONAL CHANGES THEMSELVES WILL DO MUCH TO HELP RESCUE THE ECONOMY OR REDUCE SOCIAL TENSIONS

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ADDITIONAL 11

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