

FEDERALISM AND THE DICTATORSHIP OF POWER IN RUSSIA

Mikhail Stoliarov



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FEDERALISM AND THE DICTATORSHIP OF POWER IN RUSSIA

In this volume, Mikhail Stoliarov presents an analysis of the historical traditions and distinctive features of modern Russian federalism. He reviews the state of affairs in today's Russia as it strives to become a federal democracy securing the rights and liberties of its citizens. By tracing two contrasting ideas – federalism and *derzhavnost'* (dictatorship of power) – in the legacy of the Russian state, and in relations between the modern federal government and the regions, he demonstrates the need for balance in the delimitation of power. The election in 2000 of Vladimir Putin as President raised doubts about the future of federalism among politicians and citizens, but Stoliarov believes that the development of federalism is the only way forward for this multi-ethnic and multi-religion society. He shows that the strengthening of “vertical power” and “dictatorship of the law,” despite their patriotic appeal, are likely to have a negative effect on the building of democracy and federalism in Russia.

Mikhail Stoliarov is the First Deputy Representative of the Republic of Tatarstan to the President of the Russian Federation. He is Professor at the Russian Academy of the Civil Service.

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TWENTY-FIRST CENTURY
A guide to the economies of transition
Ian Jeffries
- 23 FEDERALISM AND THE DICTATORSHIP OF POWER
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CONTENTS

<i>Foreword: historical dimensions of Russian federalism</i>	xi
Introduction: Russia on the way to the new millennium	1
1 Statehood legacy – Sovereign Russia: traditions of power	7
<i>Russian administrative reforms: the wheel of history</i>	27
<i>Dictatorship of law or law of dictatorship: the new Russian dilemma</i>	34
<i>Russia and self-determination according to V.I. Lenin</i>	47
<i>Stalin’s ethnic policy</i>	59
2 The rollercoaster of Russian federalism	68
<i>“We, the multinational people of the Russian Federation. . .”</i>	69
<i>State making in Russia: the modern history</i>	84
<i>The treaties must be observed!</i>	94
<i>Russia in August 1998 and afterwards: “the patient is more alive than dead”</i>	102
<i>Federalist hopes that did not come true</i>	119
3 Quo vadis, Russia?	133
<i>From Yeltsin to Putin: transit into a new millennium</i>	134
<i>Elite and power: heroes or hostages?</i>	147
<i>The principles of federalism, Russian style</i>	159
<i>Federal minister German Gref and others</i>	176
<i>Federation and state development: political parties’ approach</i>	198
4 “Union lasts forever. . .”	206
<i>Tatars versus Russians: a glimpse into history</i>	208
<i>Elections 2000: governors wanted!</i>	214

CONTENTS

Sovereignty or the ghost of separatism? 222

Lament for the Russian Republic 240

Federalism, great power centrism, and ethnicity:
pro et contra 250

Postscript 260

Notes 262

Index 281

FOREWORD

Historical dimensions of Russian federalism

Vladimir Putin's historical heritage derives from traditions of Russian national statehood, handed down from generation to generation. The burden of great responsibility taken for Russia by its President can only be fully understood when seen through this perspective of history and traditions developed over centuries.

M.V. Stoliarov, a doctor of political sciences, analyzes statehood traditions and the character of modern Russian federalism, with the specific features which, by the late twentieth century, developed in what the Russian Constitution proclaims to be a "democratic federative legal" state. The author describes a correlation between two opposing features, *federalism* and *statehood*, investigating the problems of modern federative development, resulting in a historical continuity of ethnic and federative relations in Russia.

The federative nature of Russia was a new development of the 1990s, a process accompanied by an active democratization of society. Changes and reforms corresponded to vital needs of the Russian people – citizens who were tired of revolutionary dictatorship, autocracy, discrimination, excessive centralization and changes to their way of life. By referendum in 1993 the Russian people adopted the democratic Constitution. The Constitution has become the basis of civil society, with guaranteed human rights and freedoms, equality of all units of the Federation and an approval of the new model of federal development, which is an inherent feature only of Russia.

In many instances the author rightly points out that Vladimir Putin's policy of reforms are essentially "a symbiosis of statehood, political conservatism and tendency for democracy and modernization called for by modern times." The necessity of changing the governing system in the Russian Federation determines the current actions of the federal authority. The society is offered the restoration of "the hierarchy of state power." President Putin tries to stop the practice of "political bargaining," intensify the struggle with "groups of interests," and silence the defiant regional *corps d'élite*. Soviet ideas of "imperial statehood," as propagated in

the newest history by communists and national-patriots of various hues, are described by the author as a constituent part of today's state development.

Stoliarov reveals contradictions and problems associated with enforcement in the Russian Federation of the "state power hierarchy" and the "dictatorship of law." He points out that the connotation of "statehood" includes not only great historical patriotism, but a negative aspect as well, especially when the case in point is the balance between democracy and federalism.

Russian power, as this book says, traditionally stems from the "historical potential of statehood." Through their daily activities, the federal authorities continue to promote the centrist traditions when "judging and forgiving on behalf of the people," creating and implementing federal legislation which is more suitable for a unitary state than a federation. The author writes of the origin of the Russian autocracy, considering a great deal of historical material, from the works of N.P. Pavlov-Silvanski, N.I. Kostomarov, V.O. Klutchevski, M.M. Speranski, A.V. Remnev, I.J. Andreevski, V.V. Pokhlebkin, and others.

Stoliarov looks at the process of the establishment of federal administrative units in modern Russia from a historical point of view, and considers the provinces governed by the governors-general in the past to be a prototype of the modern federative units. Stoliarov manages to turn back the wheel of history, providing a sophisticated analysis of autocratic, contradicting traditions of Russian society. These traditions appeared in the course of the development of appanage principalities, the flourishing of feudalism, during the period of governorship formation and its decline, and the reinforcement of the Russian Empire in the eighteenth and nineteenth centuries.

In the sixteenth century the transfer from the appanage system to statehood was made through reforming the system of central and local government. The problem of reforming the structure of federal and regional power as well as local self-government remains the topical issue today as well.

The role and effect of Mongol-Tatar influence on Russian history cannot be overestimated. Using examples from current thought and with the use of a great many historical sources, Stoliarov illustrates the specific evolution of the Russian Empire between the thirteenth and fifteenth centuries. The reader is encouraged to deeply analyze the period of internecine feuds, murderous wars, and violence.

Sometimes in our efforts to understand and justify (often without a solid ground!) actions of the current state power, we appeal to historical testimonies. And much to our surprise we find out that the traditional nature of the Russian power has been kept almost

unchanged from time immemorial, from the period of Kiev Russia to the time of Ivan the Terrible, from Peter the Great to Nikolay Romanov who was shot down savagely, from Lenin and Stalin to the latest communist leaders. Some people believe that during the Soviet time the government became better, less autocratic and less flint-hearted. Others believe that the victims of the past are a matter for regret only, but that nothing can be redeemed.

In his book, Stoliarov shows that the new generation of Russians should draw lessons from history. Autocracy and political conservatism may be brought together and rejected by citizens.

The excerpt above probably expresses the essence of M.V. Stoliarov's manifold work. The author's scientific background influences his viewpoint with regard to any event in Russia's past or present.

The evolution of Russian federative relations has been the focus of much research. Regretfully the events of 2000, directed to the strengthening of the "vertical line of power" in the Russian Federation, were destructive to the Federation's development. Many politicians and citizens who voted for the new State Duma and new President at the end of the twentieth century started to lose confidence in the belief that Russia would continue its development as a federation. At the session of the Russian Federal Assembly, President Vladimir V. Putin certainly said that only the frame of a civil society was created in Russia, and co-operative efforts are needed to build a federative state. As a true federalist, the author considers the destiny of modern Russia, offering ways and means to escape a crisis and to reform the market during the transitional stage.

It is clear that the essence of the state, as well as the ethical character of society, cannot be changed instantly. Equally, a federative state cannot appear of its own accord. Joint efforts are necessary to reinforce the federative basis, keeping the unity and territorial integrity of the multinational and multi-religious society on the basis of the constitution, laws and principles of federative development.

In the Soviet period, the problems of federalism were considered to a greater extent through national relations and ethnic problems as V.I. Lenin, A.V. Lunatcharski, and J.V. Stalin wrote.¹ From the height of a new century, the author thoroughly analyses the position of Marxist-Leninist classics with regard to the national question. He points out that a lot of the ideas of the Soviet state founders are worth considering in these later days as well.

Current federative development continues to depend on ethnic and political factors, and a science, even one such as the Soviet "Marxism" of one sort or another, does not die out without any trace. If one reviews it critically, the science may still be very useful in a later time.

While on the subject of federalism and national and political

contradictions in modern Russia, some analysts divine the breakdown of society and of the state, others believe in a federative future of a multinational Russian Federation. There is a third belief, that Russia has a tendency to strengthen the confederate model with more distinctive feudal features. The author, being a professor of the Russian State Service Academy appointed by the President of the Russian Federation, classifies this opinion as inadequate. It does not reflect the current status of Russian federative relations as a system, especially after the new President has been elected. From the beginning, the development of new relations in the Russian Federation was regarded as a complicated and ambiguous problem. Actually neither unitarism nor federalism and confederation can exist uncombined, which is proved by the manifold experience of other countries. The author, as an expert in the field of federative relations in foreign countries, researches the most efficient models of foreign federations with the use of a comparative method.

Taking ten years of federative development and specific political situations into account, the author analyses the current status and future possibilities of state development in Russia, new political, social, and economic conditions and specific problems of the transition stage. Ways of federative development, which most closely correspond to a strategy of state national and regional policy inherent in a federation, are chosen from many models and ways of public development. Such a strategy is to ensure the unity and integrity of the Federation, taking into account specific regional, ethnic and political interests while considering special features of the current contradictions of both the state structure and circles of federal and regional political *corps d'élite*.

Russia is looking for the most acceptable model of federative relations. Forms and methods of delimitation of power for different government levels have been widely discussed in different strata of the society. The conception of federalism development *phases* within a *transition stage*, which has no set time limit, reflects the Russian peculiarities and must be taken into account when choosing a federation model and ways of further development of the state.

The author endeavors to justify the necessity for all levels and branches of power to interact and be tolerant during the very difficult transition stage. This stage features unstable federative relations. The transition stage of Russian federalism has been expressed first of all by an incompleteness of public and political processes and absence of possibilities for internal system reconstruction, resulting in multiple contradictions in the structure of state power and government. Certain tendencies for centralization and even unitarism are dangerous because of the possibility of serious confrontation between the federal center and subjects of the Federation.

A feature of public development in Russia has been legislative interfer-

ence at various levels. The problem may be resolved through compromises between all of the parties. One of the priority goals of a federative state is to avoid ethnic and political conflicts, to be stable and at peace. This book is an attempt to contribute to the common effort of keeping society from ethnic and political conflict.

Using special examples and many documentary materials, Stoliarov illustrates the persistent and consistent work of the President of Tatarstan, M.S. Shamiev, to realize the constitutional principles and goals for Tatarstan development, and harmonization of relations within the Russian Federation on the basis of federal and republican legislation and a bilateral treaty signed in 1994.

Stoliarov is sure that the problem of asymmetrical federative development, in regard to the conditions of equality of subjects of the Russian Federation, must be resolved via consensus. Authorities at all levels of government are yet destined to determine ways and methods for the settlement of disagreements, constitutional and legal diversities, contradictions of federal and regional legislation originating from various approaches to problems of the state sovereignty, practice of relations based on treaties, symmetria and asymmetria in the conditions of constitutional equality of subjects of the Russian Federation. An outlook for Russian federative development is intimately associated with problems of ensuring equality for all of the people, regardless of ethnic group. For states with multi-ethnic diversity it is one of the most difficult questions in terms of public relations and state structure.

Russia must answer questions resulting from the political, social, and economic situation of 1990. A search for the answers constitutes a task to be fulfilled in the new millennium. This is a challenging but very important task.

This book is designed to bring these issues to the attention, above all, of politicians and statesmen at all levels of power in the multinational Russian Federation.

R.G. Abdulatipov,
Council of Federation Member,
Doctor of Philosophy

INTRODUCTION

Russia on the way to the new millennium

Shame on those who elect to govern nations not having in mind the true welfare of the state.

Catherine the Great

On 8 June 2000, the President of Russia, Vladimir Putin, elected to hold this post for the first time, was publicly sworn in on the Constitution of the Russian Federation at the Kremlin. The fundamental Law of Russia begins with lofty words about many nationalities that are united on their land by common fate, about human rights and freedoms, civil peace and harmony and common property of the people of the Russian Federation.

The preservation of historically formed state unity and the implementation of universally recognized principles of equality and self-determination is the important task of the Russian community. The memory of ancestors who instilled in Russians love and respect for the Fatherland and the belief in good and justice, helps the new generations restore the sovereignty of the state system, strengthen the stability of the democratic basis of the Federation and recognize themselves as a part of the world community. The attainment of well-being and prosperity of the Fatherland is a complicated task that citizens must complete, guided by the great responsibility to present and future generations.¹

Vladimir Putin declared that he would respect human and civil rights and freedoms, observe and protect the Constitution of the Russian Federation and use his power to defend the sovereignty, independence, safety, and integrity of the state and to serve the people faithfully.

The political legacy left to the new President is an eclectic set of traditions which is a combination of Russian statehood and later features of post-Soviet democratic romanticism, and which is increased by the heavy load of great responsibility for Russia in the future.

That is why, in his first year as Head of State, he strives to comprehend both the statehood traditions of Russia and the character of federative relations which were formed by the end of the century in the democratic federative state during its period of transition.

Once when thinking about the world's fate, the Russian writer Daniel Andreev wrote:

The historical experience brings mankind to the comprehension of an evident fact that danger will not be averted by the development of science and technology, by *over-development* of state principles, by dictatorship of a "strong person" or by the coming into power of pacifist organizations of the social-democratic type. Such organizations swing with historical winds sometimes to the left, sometimes to the right, from powerless "beautiful soul's state" to the revolutionary maximalism. The danger may be averted by the recognition of the only way: to establish a certain stainless, incorruptible authority which will be ethical by its nature.²

The process of the federative state building that is dynamically developed in the Russian Federation, as in a number of European countries, began when society needed it. Reorganization and reforms were meeting vital interests of citizens who were tired of the revolutionary dictatorship, autocracy, discrimination, excessive centralization, and *all-penetrating* state control. In 1993, the new Constitution was approved by the referendum and since then it has become the legislative basis of the civil society. The Fundamental Law guaranteed human rights and freedoms, equal rights for all subjects of the Federation and strengthened a new model of development that was natural only for Russian statehood. The development of federative relations in Russia has been at the center of many experts' attention. The year 2000 did not bring the expected dynamism of state building but, on the contrary, it made many politicians and citizens who voted for the new State Duma and the President doubt that multinational Russia would continue to follow the endured and thorny way of federative development. In 2000, Vladimir Putin said, when addressing the Federal Assembly, that only the frame of civil society had been built in Russia. Joint and patient work was needed to build federative statehood.

A federative state can be formed only when the joint efforts of many interested parties become a reality. Not only common agreement, but also common work could strengthen the federative basis to preserve the unity and integrity of the multinational and multi-denominational society state within the frame of the Constitution, laws, and principles of federative development.

In the Soviet period the problems of federalism were seen mostly in the light of national relations and ethnic problems. Lenin and Stalin wrote about it more than once.³ In 1960 a prominent specialist in national relations, Professor Dzhunusov, suggested qualifying a nation as a "social-ethnic category," meaning that the ethnic and social bases are equal in value.⁴ In that period many were under the influence of Stalin's

idea that a nation is a historical category and ethnos is a social category. The director of the Institute of Ethnology and Anthropology in Moscow, Dr. V. Tishkov, notes that “the interpretation of the category ‘nation’ which was traditional for Soviet science must be replaced by the connotation of ‘ethnos’.”⁵ The ethnopolitical factor still plays an important role in the contemporary federative organization. When considering the crisis in the national state system and about national–political contradictions in present-day Russia, some analysts predict the collapse of society and the state, while others criticize the existence of so many regions in one federation. Dr. S. Valentei, the Chief Editor of *Federalism* (a popular magazine among politicians and researchers) writes that “a confederative model is becoming more popular in Russia, it is a model with evident signs of a feudal society.”⁶ This opinion, it seems, is not adequate because it does not reflect the essence of Russian federative relations at the present stage, especially in the period after the election of the new President. It is obvious that the formation of new federative relations in Russia is a very complicated and diverse problem. Neither unitarism, federalism nor confederate relations can exist in a pure state, and multifaceted experiences of foreign countries shows this.

Doctor of Political Science, A. Chichanovsky, remarks that:

one can infinitely debate and argue about more stable models of federalism in the West and East, but we must proceed from this imperative: if there are more than a hundred nations living in the country, there is no alternative but the scheme of a federative organization.⁷

The experience of the federative construction of the first ten post-Soviet years and the distinctive features of the established political realities allow us to give a profound analysis of the state and perspectives of national organization in Russia. It is beneficial to discover new political and socio-economic conditions and individual problems of the transitional period. It is necessary to consider, and then to choose from, the great number of options and methods of social development those directions and ways to federalism which fully correspond to the strategy of state, national, and regional politics peculiar to a federation. Such a strategy is invoked to ensure guarantees of unity and integrity of the state and to take into account the specific character of regional and ethnopolitical interests. The peculiarities of the contradictions formed both in state organization and in groups of federal and regional political elites should also be considered.

The concept of gradual formation of federalism in Russia, within the bounds of a transition period, which reflects Russian specifics, must be taken into account when choosing the model of federation and ways of further state development.

The current stage of Russian federalism is one of transition to the democratic, federative legal state that is proclaimed by the Russian Constitution. A transitional period is defined by the degree of completeness of economical and political reforms in the country. This stage of the federal development in Russia is connected with general changes in the system of production forces and relations, market economy formation, and evolution of the course of the reform in the Federation and its subjects in recent years.

Such a period is characterized by the instability of federative relations. The transition stage of Russian federalism is accompanied by an incompleteness of sociopolitical progress and a lack of opportunity to restructure the internal system. Numerous contradictions in the structure of the government and public administration appear to be the result of this process.

On one hand, a transitional period as a period of formation has a tendency to maintain the unity and integrity of the federative formation (state); but on the other hand, it leans toward the formation of the subjects' statehood, the development of their self-governance up to the declaration of sovereignty and the proclamation of a legal international statute. The period of formation is also accompanied by clashes between different levels of the legislature, and conflicts can be overcome only when there is a compromise between all parties. Avoiding ethnic-political conflicts and maintaining peace and stability are the major tasks of the federative state.

An understanding of the conditions and characteristic features of the transitional period allows us to surmount countless numbers of large and small obstacles in the process of the federative development. It neither precipitates nor artificially restrains the trends of movement in political, economic and social fields, interbudgetary relations, international contacts, and external economic links. Separation of subjects of federation and authorities on the constitutional and contractual base, asymmetry of subjects of federation, their partial right to be subjects, as well as other problems must be compared to similar foreign experiences and taken into consideration by politicians, scientists, and public figures.

The President of the Russian Federation, the new political elite of all levels, and generally speaking, the power that favors statehood on one hand and regional ethnocentrism on the other hand, must choose the balanced model of the power delimitation between different levels of public authorities in Russia. This should be done by means of negotiation and based on the Constitution of the Russian Federation, regulations of its subjects, federation and other treaties on delimitation of power and competence.

The time has come to choose an acceptable form of co-operation between the Federation and its subjects in a sphere as complex and

contradictory as the organization of the international and extra-economical contacts system. The existing legislative base must be taken into account. It is very important to find a consensus in such conflicting problems as asymmetry in federative development and the equality of subjects of Federation and to determine a formal attitude to the problem of optimal combination of unity in diversity and subsidiarity. These phenomena are a characteristic of Western federative structures, but they have not yet matured in the Russian Federation. Authorities of all levels will have to determine ways and means to resolve the differences, constitutional and legal clashes, and contradictions in the development of federative and regional legislation. Problems arise from a broad choice of approaches to the issue of state sovereignty, legal practice and asymmetry in the conditions of constitutional equality of all national subjects. The perspective of the federal development in Russia is inseparably linked with the equal rights problem of nations and ethnic groups. It is one of the most complex issues of social relations and the state system in those countries with heterogeneous populations.

The model of a federative system, as proclaimed by the Constitution of the Russian Federation, contains principles of constitutional and contractual distribution of power, and dictates the necessity to move in the direction of this important phenomenon, though it is often misunderstood or is even irritating to advocates of “pure” federalism.

The most important component of federative relations is a budgetary federalism in which problems can be settled only by appropriate legislative and political decisions and the good will of all those at official levels. Russian budgetary federalism is going through a complex and sometimes painful stage of formation. It is characterized by an unavoidable stand by the regions against totalitarian budgetary traditions and by aspirations to save Russia as a whole and not to allow domination of local interests over federal. This stage is further complicated by a deregulation of budget system both vertically and horizontally.

The search for a solution to the dilemma that appeared with the new political and socio-economic reality of the Federation in the 1990s still remains Russia’s problem in the new millennium. It is an elusive but also exceptionally important goal.

Present-day Russia is in search of the most acceptable model of federative relations. The only way to preserve the state (the danger of collapse permanently exists!) and even to prosper in the new century is to keep a balance between federalism and statehood and to preserve a tolerance of all participants in the federative process, as well as in all governmental branches.

Forms and methods of federative regulation are the focal point of politicians and scientists.

The great Nietzsche once said: “Scientists who become politicians

INTRODUCTION

usually play the comic role of the politics' good conscience."⁸ This is well said indeed. The diversity of opinions and points of view about the build up (or destruction) of federalism (or unitarism) in Russia is too immense.

The contradictions of parliamentarians, leaders of political parties, members of the government, unitarists, centrists, "great-power" chauvinists, federalists, representatives of "regional elites," national radicals, and separatists are so insurmountable that even a genius would not be able to build that one paradigm of social development which would satisfy all parties. So the delicate position of being "politics' good conscience" remains the only consolation of those political scholars who work with state federative development under the pressure of the "strengthening of the vertical line of power."

STATEHOOD LEGACY

Sovereign Russia: traditions of power

One has to be Russian in order to understand the power of a monarch's gaze. . .

Marquis de Custine, French traveler

At all times, and especially in periods of great social changes and reforms, citizens of multinational Russia looked to the past of their country in order to trace back the sources of Russian *derzhavnost'* (great power or dictatorship of power).¹ The word *derzhavnost'* is not easy to translate. It has quite an abstract meaning and yet it is very understandable and dear to Russians. It is used to express a complex and contradictory concept. In *derzhavnost'* one may find patriotism, appreciation of traditional values and love for the Motherland, and at the same time authoritarianism, dictatorship, and disregard for civil rights, especially when democracy and federalism are concerned.

Derzhavnost' inspires today's statesmen to carry on the traditions of their great predecessors who ruled Russia before them. Often we look to historical manuscripts with piety and admiration in order to understand present-day events and sometimes to justify the actions of modern politicians. Historical precedents, thus, serve in many instances as an excuse for the abuse of power. In our analysis of Russian history we discover to our great surprise that the ruling regime in Russia in essence has not changed much from the immemorial times of Kievan Rus' to Ivan the Terrible, from Peter the Great to Nicolas Romanov, from Lenin and Stalin to the latest leaders of the Communist party. In the latter case, even if some people in Russia may consider Soviet times a less imperial and hard-hearted regime compared to the previous ones, millions of victims of that period would declare quite the opposite. The strivings for the great power and political conservatism have the same origin.

President Putin's policy today is a cluster of *derzhavnost'*, political conservatism and craving for democracy and modernization. The target of the recent steps taken by Putin's administration was the reformation of the very structure of power. A new social contract was set at the core of the reform. Its basic points were to strengthen "the vertical line of power," to

end the practice of “political bargaining,” to reduce the influence of “corporate groups of interests,” and to increase the control over the elite in the regions. It is noteworthy that post-Soviet Communist and nationalist ideology did not become a part of this new policy.

Analyst A. Morozov writes about President Putin’s actions in *Nezavisimaia gazeta*: “The so-called new policy of Putin contains evident traits of neo-conservatism. From the moment of the address to the Federal Assembly, this policy has prevailed in all Putin’s speeches and actions.”²

According to Morozov, “neo-conservatism” is *derzhavnost’* that is planted in the grounds of a democratic federal state. In this way, terms like “state conservatism” as well as “enlightened conservatism” that have centuries-old traditions are now revived in the modern context.

The recognition of economic freedom and the inviolability of private economic initiative are important parts of modern “stately conservatism.” A sovereign neo-conservative is very careful about the democratic institutions, especially the power structures and social sphere. Being a true pragmatist he or she supports the military, police and other attributes of a powerful state, at the same time accepting elected representative power as an unavoidable compromise in the state administration and in the public service system. Elections and other democratic procedures are viewed as an instrument for the selection of personnel needed for various levels of administration. The sovereign neo-conservative respects the “social consent” because it was achieved with his or her help and it is based on high moral and ethical values.

In order for us to fully comprehend the origins of Russian sovereign neo-conservatism, let us turn to historical sketches of Russian life by Radishchev, Kostomarov, Kluchevskii, Solov’ev, Il’in, and other great Russian historians.

From far back into history, Finns and Turkic tribes have inhabited the eastern part of modern Russia. In the West, various Eastern Slavic tribes neighbored with the Baltic and Finnish tribes, spread along the Baltic Sea coast. The Slavs usually settled along the rivers, such as Dvina (Daugava), Volkhov, Dnieper, Pripjat, and others. They formed small communities, centered around fortified settlements. There was no intertribal political power. Princes ruled numerous Eastern Slavic tribes, and there were many military conflicts between the tribes. Because of this isolationism separate Eastern Slavic tribes were often not able to protect themselves from outside enemies and were subjugated by other tribes.

Christianity came to Rus’ from the Byzantine Empire. At the end of the ninth century, after an unsuccessful military expedition to Constantinople, Russian Grand Duke Vladimir accepted Baptism from Byzantium. Before that, under the Rurik dynasty, barbaric practices were dominant. The dukes imposed heavy “tribute” on many Russian tribes. This “activity,” of course, was not regulated by any sort of legislation and was very arbi-

trary. The aim of such raids was to loot as much as possible. Dukes, however, did not interfere with the customs and traditions of the neighboring tribes. As long as they paid the “tribute,” the internal affairs of the subjugated tribes were left alone.

The barbaric practices in Rus’ were put to an end after the acceptance of Christianity that was soon followed by many governmental and legal Byzantine institutions. That was a revolution that transformed Rus’ and many ways determined its future. The Grand Duke Vladimir, a great man of his time, who was later canonized by the Orthodox Church as a Saint, played the pivotal role in this process.

Vladimir controlled a large territory of what is today’s Russia. Nineteenth-century historian Kostomarov writes:

he [Vladimir] ruled the entire Novgorod Land, along Volkhov, Neva, Msta and Luga rivers; Belozersk Land, Rostov Land, Smolensk Land in the upper parts of Dnieper and Volga, Polotsk Land on the Dvina river, Seversk Land on the Diesna and Sem’ rivers, Kiev (Polian) Land, Drevlian Land (eastern Volyn’) and most likely western Volyn’. The Rodimiches, who lived along the river Sozh, and the Viatches, who lived along Oka and its streams, *wanted to be independent from Rus’*, but soon this riot was subdued. Vladimir was able to impose tribute even on the distant Pagan Iatviagians, a Baltic tribe that inhabited the western part of present day Belarus’. But it would be wrong to assume that the Grand Duke’s power over the subjugated tribes had any structure. It was only limited to the process of collecting the tribute during more or less regular raids. Vladimir himself settled in Kiev with the help of some Scandinavians (Variags) and gave them the right to tax certain cities.³

Another prominent figure in the pre-Horde period was Vladimir Monomach. He was a hard worker with a strong will and a realistic mind. Many important events in Russian history occurred during his rule (second half of the eleventh and first half of the twelfth centuries). Monomach belonged to the people that lived in the period when Christianity came to Rus’. In the eleventh to twelfth centuries barbarism and cross-tribal hostilities still existed. At the time when the understanding of the importance of treaties and laws was only forming, Monomach unified all political powers of Rus’. Eastern Slavs, who for a long time existed as separate tribes, one by one recognized the Kiev prince’s supreme authority. This enabled a gradual and slow growth of the governmental structure of the state.

The famous nineteenth-century historian V. Kliuchevskii paid much attention in his works to the formation of the Great Russian nation. He insisted that, already prior to the thirteenth century, there were some

specific features of everyday life that were inherited from the previous tribes, i.e. Polians and Drevlians. But these peculiarities disappeared as time went by or they lay so deeply in the people's minds that it is very hard for historians to uncover them. In particular, Kliuchevskii states:

I do not have in mind these old tribal or regional particularities, but rather the splitting of one nationality into two new tribes, which began roughly in the thirteenth century when the population of the central-middle Dnieper area, which was the basis for the Russian nation, went in the opposite directions. They both lost Kiev as a co-ordinating center and their common existence also came to an end.⁴

Between the Oka and Volga rivers Russian settlers lived along with Finnish tribes: Estonians, Ves', Meria, Mordva and Cheremis. On a large territory between Oka and the White Sea one can still see many non-Russian names for cities, villages, rivers, etc. They are of Finno-Ugric origin.

The beginning of the Russian statehood originates specifically at the time of Vladimir Monomach, Rurik, and Romanov dynasties. It provides the basis of sovereignty and integrity of the Russian state. We cannot renounce our history and the great national traditions just because many of them are incompatible with modern democracy and federalism.

The Mongol-Tatars defeated Rus' in 1236-40, which led to the total destruction of the ancient Kievan Rus' without any peace treaty, without anything written about the results of the war, even without mention of the fact of Russian enslavement to the so-called "Golden Horde." The tribute Rus' was supposed to pay to the khans was never set at a specific amount and was changed after every census, regularly held by the Horde. The tribute amount also depended upon the relations between Russians and the Horde at each concrete historical setting.

The severe subjugation was not reflected in the agreements between the victors and the defeated side. As years and centuries went by (the Golden Horde existed roughly for 250 years), Russian dukes regularly paid the tribute, usually one-tenth of their income. If it wasn't paid, the Horde invaded the principalities of their choice and sometimes even Moscow. Every year Russian dukes went to the capitals of the Horde, Sarai-Batu or Sarai-Berke, to settle all problems with neighbors, to deliver the tribute, to complain about each other, with requests to resolve disputes over land ownership. All these matters were settled orally during a personal meeting with the khan or his ministers. The illiteracy of many khans and dukes was not the only problem. Khans had to get help from literate people for a legalization of their relations with Genoa, the Byzantine Empire, and Egypt at that time. More specifically, peace treaties and martial contracts were signed. But when it came to Rus' these legal forms were not in use. What

then was the guarantee that the Russian dukes would fulfill their obligation? The answer was simple. The princes gave guarantees of their vassal subordination by sending their sons and younger brothers as permanent hostages, sometimes for as much as eight years.

At the same time, the khans did not give any guarantees to Russian dukes. There were examples of executions without reason. The land of a punished duke was given to others. Even at times when the Horde was weak, rules or these relations didn't change. Russian dukes personally depended on the khan, like serfs. The nation got used to its humiliating state, and a slave mindset began to form. We could say that the double standard began back then. From that time on, many Russians preached it. This ideology especially manifested itself at the time of Stalin's dictatorship. Any citizen of the Soviet country could have been proclaimed as "the enemy of the people" for nonconformist behavior, free thought that contradicted basic party dogmas, for a joke that a person next to you didn't like. Even after Stalin's epoch (he was called "the father of nations") a person could have ended up in Siberia for a small sin. It is evident that a sense of personal freedom and legal standards has never been a part of the Russian mentality. Every new generation was usually raised in the environment of full personal deprivation of rights and state power despotism, which hid under the "highest governmental interests" idea.

There was no ground for legal norms in Russia during the Golden Horde period, since no one anywhere wanted to give any guarantees to the population. Only in the eighteenth century, when Catherine II ascended to the throne, did the monarchy take responsibility for issuing the first written documents that provided for some civil rights.

The absence of any treaties and legal standards in relations with the Golden Horde slowed down the formation of the Russian statehood, led to the cult of master-slave relations and exerted a negative influence on the national mindset in general.

The Golden Horde carried out the first census of the population in Northeastern Rus' in 1255. It was accompanied by spontaneous riots by Russians, who did not want "to give the numbers to the Tatars." The character of the census itself was very progressive for that time, but its main purpose was the opportunity to collect more taxes. In 1262 a meeting of several Russian cities occurred. The participants discussed how to resist the Horde. After that, revolts broke out in several principalities; they were severely suppressed by the *Bascaques*.⁵ Soon the Golden Horde khans took into account their past experience in collecting the tribute and introduced a new system. After 1263 this task was turned over to the Russian dukes and city administration. They collected the tribute, took the whole blame for it from the population and transported the money to Sarai-Batu. Gradually this practice became quite ordinary and the fact that Russian dukes collected the tribute and not Mongol-Tatars was acceptable to everyone.

In the twelfth century, the Dukes of Chernigov and Kiev fought with each other, calling to the Polovets to intervene. In the thirteenth century, the Dukes of Northeastern Russia had numerous hostilities with each other and often relied on the Horde squads, who were invited to suppress one of the principalities involved in the conflict.

For example, in 1281 Andrei II, Alexander Nevsky's son, called the Horde forces against his brother Dimitry I. Under the excuse of Dimitry's prosecution and with Andrei's support, they devastated a number of Russian principalities – Vladimir, Tver', Suzdal', Rostov, Murom, Pereiaslavl'-Zalessk, and their capitals. The Horde reached the city of Torzhok, having occupied all of Northeastern Rus'. Dimitry returned to Pereiaslavl' and started preparing for revenge. Andrei went to the Horde with a request for help. In 1282 Andrei came to Rus' with Tatar regiments under the supervision of Turai-Temir. He reached Pereiaslavl' and drove out Dimitry again. The latter went to the Black Sea (Nogai Khanate) and brought the Horde army, forcing Andrei to return the principality to his brother.

As a result of this resistance Nogai khans received an additional income, called *yasak*,⁶ in Kursk, Lipetsk, and Ryl'sk. Rostov and Murom again were devastated.

There are many examples of civil wars where the Horde acted as a mediator. This is why it is not completely justified to blame just the Mongol-Tatars for the ruining of the Russian land. On the contrary, there are a number of examples where the Golden Horde prevented hostilities between the Russian dukes.

Russian campaigns against the Horde started in the period of 1360–75, first of all toward the Bulgars. It was a new phenomenon in Russian-Tatar relations.

In 1380, in the Kulikovo field battle, 75,000 Russian and 150,000 Horde soldiers of the Khan Mamai were killed in four hours. After that, in 1382, Khan Tokhtamysh (energetic Mamai's successor) invaded Moscow. It was unexpected, sudden, and arrogant. The Horde completely plundered and destroyed the city. The state treasury and the golden stock were taken away, all the icons from the Kremlin cathedrals was broken and the metropolitan's diamond collection was stolen. During the robbery and destruction, 24,000 Muscovites who defended their home city were murdered. Following that, Tochtamysh's army divided into groups and searched the whole area around Moscow and all the principality's great cities. They sacked and ravaged everywhere and took people for servitude. The Tatar forces retreated through the territory of its ally – the Riazan' principality – which was treated in the same way.

The history of the Russian-Horde relations officially ended in 1481 after the death of the last khan, Akhmat, who was killed after a year of the "great standing" on the Ugra river. The Golden Horde stopped existing as

a state and even as a certain territory. New Tatar states appeared in its place, but they were smaller and more consolidated: Kazan, Astrakhan, Crimea, Siberia. The relations between them and Rus' were of a completely different, bilateral character. Multiple political agreements were concluded. When the wars ended, peace treaties were signed.

The relations of the Russian State with the Golden Horde heirs completely changed. Rus' became absolutely free from the Horde's dependence. The country ceased to be a vassal principality and became a sovereign state, a subject for foreign contacts.

It would be wrong to assume that only Mongol-Tatars were cruel to the warriors and the civilians. It's enough to recall Ivan the Terrible's fourth campaign to Kazan in order to see how terrible those times were. A prominent scholar, V. Pokhlebin, writes in his work on Russian-Tatar relations:

having seized the Kazan's fortress walls after a long and persistent combat, Russian forces met with no less resistance on every street and in every house. Nothing could have been taken without a fight. At the end of the day Russian soldiers faced another problem of the second defense front, which consisted of the khan with his guards who locked themselves in the internal courtyard. The khan was taken as a prisoner. He was the only male left alive to travel to Moscow. All other men in the city were killed: warriors, civilians, clergy. The head of the Kazan Khanate's Muslims mufti Kul Sharif was killed next to the main Mosque, which was located by the Tezitsky gully. The streets of Kazan were covered with dead bodies: the victors had no mercy for women or for children. To congratulate Ivan the Terrible Russian soldiers with a great deal of effort could have cleared up just one central street, which connected the Muravlev gates with the khan's palace. The length of this street was only 213 meters.⁷

Having conquered the Khanate, having taken hostage the last Kazan Khan Iadiger and having destroyed the Tatar statehood, Ivan the Terrible like Batyi did not legitimize his victory through a peace treaty because the adversary simply no longer existed. Since that time Russia could impose tribute on the territories that were invaded or collect head money (poll tax). But nothing was that simple. After Ivan the Terrible's fourth campaign against Kazan, the struggle for national independence broke out again. Ivan had to undertake another, fifth, campaign against Kazan. Large punitive expeditions were sent to the banks of the Volga, Kama, and Viatka rivers.

The Kazan Khanate was bled dry by the annihilation of the male population and the capture of all working inhabitants. It was driven to despair

by perennial ravage and had no forces or opportunities to continue the struggle. In 1557 it was completely destroyed. The war came to its end but again no peace treaty was signed. The territory was simply added to Rus' and the Russian administration started ruling it.

In its political beliefs, notions, public relations, and everything that made its mode of life, the Old Rus' produced plenty of materials for supreme power and autocracy. It was not a model but rather a collection of concepts that could be used by every Moscow monarch according to his personal peculiarities and his political situation. Ivan the Terrible occupies a special place in the autocratic history of Russia.

According to Kostomarov, on 16 January 1547, when Ivan turned seventeen, he was crowned in Uspenski cathedral.⁸ By that time the Moscow sovereigns already considered themselves to be successive Tsars. On one hand they had taken the place that had belonged to the khans of the Golden Horde in older Russia. Russians had got used to calling khans "Tsars." On the other hand they considered themselves to be successors of the Byzantine emperors on the female side of the family. The title "emperor" is translated into Russian as "Tsar" at all times. Metropolitan Makarii crowned Ivan with the fur cap, shoulder pads and chain of the Monomach.

On 3 June 1547, seventy men arrived in Moscow from Pskov to complain about their governor. They appeared in front of the Tsar. Ivan disliked it so much that he ordered them to be undressed, laid them on the ground, poured hot wine on them and burnt their hairs and beards with candles. During that event a piece of unexpected news was received – a large bell fell down when they began to ring for church evensong. Ivan abandoned his victims and hurried to the location of the occurrence. At all times in Russia a bell's fall is considered a forerunner of a public calamity.

On the 21st of June a fire broke out in the Elevation of the Cross Church. It spread very quickly to the city's wooden buildings. A heavy storm contributed to it. Within an hour large areas in the center of the city turned into ashes. The fire was approaching the Kremlin . . . It is said that seventeen hundred adults and countless numbers of children were burnt.⁹

After the fire a riot began. It seemed that Russian autocracy was losing its charm for the people who had lost their patience.¹⁰

Old Rus' state power used almost the same means of influence upon people who were subjected to it with the help of the Church sermon about the Tsar power given by God, the sermon that appealed to believers' conscience. These were simple instruments of political influence that were addressed to a person's elementary instincts and primary

community relations. Incentives of the second kind were, for example, persecution of the relatives of the person, whose wife and children were punished by confiscation of all his personal belongings.

Peter the Great did not invent a new power model. Rather, he adapted the old one by giving it new instruments, ideas, and his unprecedented personal energy. He set new aims and widened its limits, especially at the expense of the Church. Peter the Great tried to change the way those with power treated the country's subjects.

In the Old Rus', the relationship between those with power and its subjects resembled that of a master and a slave, or, in the best case, a strict father and his young children. The subjects were told to carry out an order and not to think about its necessity. Peter the Great preserved the former power structure's strictness but softened its tone of speech. He was virtually the first ruler who began to speak to the people about the bases of a state organization, about the people's good and the duties of the Sovereign.¹¹

The lord manifested himself as a statesman, and a conciliatory principle appeared in the strict edicts, recognizing the nation's maturity. The government began not only to threaten the careless and disobedient, but also to trust in the people's common sense. It called on its subjects not only to fulfill the Sovereign's will but also to think about its necessity for the state and about its motives. Thus it was an invitation to participate in state affairs and training for political independent actions, a kind of political education.

Peter the Great had broadened his power and justified its limits with tremendous progress that crowned his rule with success. He tried to explain to his nation that power was not only his right, but also its barest necessity. According to Kliuchevskii, Peter the Great was engraved on the people's memory as "a Tsar who was worth his salt and worked more than any man."

Peter's successors did not diminish the power that they inherited but were not able to justify it. They abused their power and forgot about their duties. They neglected their responsibilities just to enjoy life.¹² The system where those who wielded power were regarded as the source of the law was soon substituted with *autocracy*. There were five power shifts during the seventeen years after Peter's death. Those frequent changes happened mostly not according to any law or natural course of events but under circumstances that were not clear for the people and looked like political intrigues. It looked as if the changes were clearly accidental. The importance of a strong power structure was so crucial at that time that all these factors had a destructive impact on the social order. *Derzhavnost'* was replaced by autocracy and authoritarianism.

Six reigns during thirty-seven years after Peter the Great give us an opportunity to fully appreciate the importance of his reforms. Peter the

Great could hardly have recognized his deeds in the work of his successors. He acted as a despot, representing the state and identifying his will with the will of the people. The great reformer understood more clearly than his predecessors that the people's good is the veritable and sole purpose of the state.

The social stagnation lasted for thirty-seven years after Peter's death until Catherine the Great's accession to the throne. State relations, juridical and moral bases were doomed. The empire that was *the most autocratic* in the world suddenly found itself lost without any prescribed dynasty that would inherit the power. The hereditary throne was left without a legal heir. It was as though state life came to a standstill with casual masters (who shifted very often) retreating into the Palace. The compound high-born or high-official ruling class which had absolutely no rights and constantly shuffled, turned all the content of the country's political life into a court intrigue, guards' full-dressed parade and political monitoring. What struck foreign diplomats at that time was a common fear of the arbitrary rule that restrains all sense of law. In their memoirs, foreigners wrote that everything changed each minute and everyone was afraid of their own shadows. People startled at every word about the government. Nobody knew which saint to pray to. A small number of the existing intellectuals in governmental circles understood the danger of such a situation in which the state did not hold on to the law but to chance. The necessity of strong legal bases and rapprochement of the government toward society was important.

Kliuchevskii wrote about the times after Peter the Great's death:

Apparently the country's power grew and widened, but individuals were humiliated and grew smaller. That is why nobody could appreciate Russia's progress. Public life in the governmental circles became inert and dissolute. Court intrigues replaced politics, its scandals became daily news. Intellectual interests drowned in the thirst for mercy and entertainment. The most appreciated cultural and social progress that was noted by contemporaries was the intensive ordering of expensive attires from abroad at the time of Catherine I. Under Anne's rule burghundy and champagne appeared on the tables of the nobility. Under Elizabeth divorces became more frequent. English beer became fashionable thanks to Anne Vorontsova, the chancellor's wife. English counterdance appeared after two high society Russian ladies went for a visit to London. "Very particular philosophy" dominated in the high circles of the country. Foreign newspapers that were published in Moscow wrote about it in connection with the fire in 1757 when the court stayed in the city. This philosophy "makes such adventures less sensitive here than

anywhere else. For it isn't noticeable that they diminish the inhabitants' inclination for entertainment even a little. They are only talking about comedies, comic operas, intermezzos, balls and other amusements of that kind."¹³

When reading these lines the "new-Russians" coming to Europe in the early 1990s instantly come to mind. Today's business owners found themselves outside of Russia with a great deal of "greenbacks" in their pockets, heavy golden chains around their necks and with an arrogant "nouveau-riche" culture. With all that they didn't know any languages, traditions or "diplomatic details" of behavior. Loud drunken voices were heard not only in first-class airplane salons, but also in expensive hotels in Paris, Rome, Istanbul, etc. They were the ones who were buying for cash all the things that could be sold: villas, hotels, yachts, cars, cheap consumer goods. After that a wave of "new-Russian" shuttle-traders appeared. Carrying out their "historical role," they flooded the Russian market with cheap but bright imported goods and packed storehouses and wholesale markets with products that were of scarce supply in Soviet times. It helped people survive the period of Gaidar's reforms. But let's return to Russian state history.

The palace revolution in June 1762 made Catherine II (the Great) an autocratic Russian empress. From the beginning of the eighteenth century the supreme power in Russia belonged to either extraordinary people such as Peter the Great or accidental people such as some of his successors. Catherine completed the line of extraordinary people. She was the last non-dynastic empress on the Russian throne. Catherine the Great had a long and unusual reign. A whole period of Russian state history was personified in this woman.

In a sense, it was easy for Catherine to rule compared to her predecessors. People in the second half of the eighteenth century who were proud of their superiority over their forefathers in education and the social way of life, were inclined to remember more dark rather than light sides of the recent past.

Evaluating the period of Catherine's accession, one of her retainers, N. Panin, mentioned that she received the throne without any clear ideas of its tasks and limits, with already shaken authority and with depleted material and moral resources. Public opinion thrived on anecdote and gossip. Personal and national pride was absent. Fear and tyranny maintained order. It was directed more by people's energy than by the state power. Moreover, the level of civic feeling and consciousness of common interests was extremely low, and there was no love for the Motherland in Russian society. Roughly one can imagine what Catherine received from the period of favorites and casual governments according to descriptions of the contemporaries.¹⁴

If one considers this quotation out of its eighteenth-century context, that situation can be applicable to Russia in the first half of the 1990s. History repeats itself, indeed.

A bright flash of the Late Renaissance, the Great French Revolution gave European countries and nations ideas of liberty. And, naturally, it had some influence on post-Peter's Russia, especially under Catherine the Great's rule. The great "actress" of her time, Catherine was inspired by the spirit of the Renaissance. She brought up her dearest grandson with tales and textbooks especially written for him by herself, taught him history in person and as a result provided him with access to those ideals that inspired Decembrists later.

The source of political ideals that Catherine adopted was the most recent West European political idea, offspring of the strong world belief of questions about origin and laws of state development and state organization.

The autocratic power in Catherine's hands was the main means of action and reliable guarantee of progress. Slavic publicist of the seventeenth century, Iurii Krizhanich, compared Russian sovereign power with Moses's rod that was capable of beating water out of a rock. In a letter to Grimm, Catherine expressed her vision of power when she wrote about her undertakings: "It is still on paper and in my imagination, but do not rely on it: this will grow like mushrooms when it is expected least of all." Catherine understood that during the Enlightenment period the state's power-wielders should change their attitude to society. It didn't look like the same relations between these two forces in the West. In the West society preached to the government through literature. In Russia the government had to direct both literature and society. "In your country," Catherine wrote to Voltaire, "lower classes teach and upper classes easily use these ideas. In our country the situation is the opposite."

Two hundred and forty years later, President Vladimir Putin was asked by journalists if those with power direct literature and society in Russia. Answering the question he responded as if he were contradicting Catherine:

the freedom of the press has already been established in Russia. But Russian mass media are still at the stage of development just as our society in general. One should be sincere about it. All the problems of the country and its developmental diseases are reflected in the mass media as in a mirror because they work here, in our country, and do not observe current events from an island. Our journalism fits our society and our power. That is why when someone often tells me: "Take over mass media and do this and that," my answer is: "Let's take society as a whole. Only in this case mass media will change." But the Russian democracy won't

be able to survive and the civil society can't be established without the real freedom of the mass media.¹⁵

Harsh actions of Mikhail Lesin, the Mass Media and Communications Minister of the Russian Federation, concerning a number of nonconformist mass media, did not entirely correspond to what was declared by the President. Perhaps these actions had a casual character. New Russia's citizens hoped that those with power wouldn't teach literature and society and break the law of mass media and communication.

Kliuchevskii wrote about the role and place of the government and about the significance of the Constitution and the laws: "The only means for a legislator to make everybody obey the voice of reason is to convince that his claims coincide with the basis of the public order which everyone needs and whose benefit is clear to everybody."¹⁶ Appealing to the people's reason, Catherine evoked senses that were able to incline their minds to the legislator's side.

Catherine organized a campaign to win people's trust and sympathy. It consisted of trips, outings, conversations and a more frequent presence at the senate sessions, but most important were her edicts and manifestoes. Beginning with the 6 of July 1762 Manifesto, announcing Catherine's ascension to the throne, the new government used every opportunity to speak about its intentions and concerns. That was done in decrees on bribe taking, on the division of the senate into departments, in a manifesto on plotters, in prescripts to Russian ambassadors and governors, and even in private conversations. The new government was heartily welcomed by public opinion which itself was proclaimed the legal political factor: the public vote body. The Manifesto of 1762 stated that the Empress was forced to ascend the throne to avert the dangers that threatened all subjects during the last reign. According to the Manifesto, the palace revolution was performed to save the Fatherland from these risks, from a weakening of the Orthodox faith, from the destruction of the Russian glory and honor, from overthrow of internal order and even from an "almost inevitable danger of Empire's collapse."

How astonishing! Two hundred and thirty years have already passed, but sovereign rhetoric has almost remained in the same form as the distinguished historians described it. The words about a strong Russia, about Russian glory and honor, about unity and integrity of the state, about the "almost inevitable danger of Empire's collapse" are heard from the Federal power over and over again.¹⁷

If one compares historical periods and draws associative parallels between them, especially in the sphere of legislation, another historical fact concerning Catherine the Great is worth attention. It is Catherine's "Order" (*Nakaz*) that became a prototype for the present Russian Constitution. "The Order" was a systematic account of principles that were

proclaimed in the Empress's edicts and manifestoes. Catherine kept her promise, pledged in the Manifesto on 6 July 1762, to establish state institutions with government according to exact and permanent laws. In that "Order" many things could have seemed incomprehensible to the majority of the eighteenth-century readers because of their novelty, while others could have seemed unexpected. It was not easy to learn four determinations of political freedom for those minds that were not accustomed to political thinking. State freedom, Catherine asserted, is not a permission to do everything that everybody wants. It is an opportunity to do what everybody *should* want and not to do that which shouldn't be wanted. It is the right to do everything that is allowed by the law. Freedom is a citizen's peace of mind that arises from the confidence of personal safety. For the first time, Russian minds were given an appeal to think about state freedom, tolerance, harm of torture, equality of all citizens and about the concept of the word "citizen" itself. They were called upon to think about the things that before were of no concern for the ordinary people. What should have impressed the Russian reader the most were those parts in which power has defined itself, stating its purposes. As it was stated, words themselves could not be an insult to her majesty. In autocracy the prosperity of the government partly lies in mildness and grace. It is the greatest misfortune for a state if nobody dares to express his opinion freely. There are some cases when those with authority must limit themselves. The Sovereign should only encourage and let the laws threaten. The autocracy is demolished when a Sovereign puts his or her wishes above the law. Flatterers tell Sovereigns over and over again that nations are created for them, "but we think and consider it a privilege to say that we are created for our people. That is why we are obliged to speak about all matters the way they should be."

Before that, authority had never assumed such an aspect and had never been on such terms with society as it was in Catherine's decrees. Promulgation of the "Order" became an important step to democratization of Russian society and the first serious step against autocracy.

Sovereign traditions of the Great Russian Empire were passed on from one Romanov to another.

In the first years of his reign, Alexander I passed a decree that allowed "the release of serfs by their owners provided this practice will be based on mutual consent." The nobility was very much offended by the Emperor's initiative. In October 1804 another decree permitted merchants with high ranks to own serfs. However, Alexander's decrees that were designed to make the relationship between the serf and their owners more liberal did not bring any practical results. This once again has demonstrated that laws in Russia are too severe and usually do not work.

Emperor Alexander I enjoyed the outward appearance of liberty as one could enjoy a stage performance. He admired himself as a

liberal ruler because it appealed to his self-esteem. At the same time there was not much behind this exterior. To sum it up, he would be glad to agree that everybody should be free as long as his own will is being done.¹⁸

This was written by Alexander's close friend, who knew him very well.

Alexander's policy in education, too, did not serve its purpose. Even good books, written or translated by that time in Russia, did not reach the illiterate population, as was true for many "liberties" and "inalienable rights." The serfs remained indifferent to many recipes prescribed by the liberal Tsar. This explains the unusually easy shifts in the state policy at the time, passing "from constitution to execution, from justice to police, from Speransky to Arakcheev."¹⁹

One should be Russian to understand the power of a monarch's gaze. In his presence an asthmatic starts to breathe freely, a paralyzed man regains his ability to walk, sick ones recover, lovers forget their passion, and young people leave politics aside. The place of all human aspirations, thoughts and wishes is taken by only one thought: to put oneself forward, to rise to the next step, catching the sovereign's smile at the same time. In one word, the Tsar is god, life and love for these miserable people.²⁰

Thus wrote the French traveler Marquis Astolf de Cuistine, who knew Russia under Nicolas perfectly well.

The spontaneous strive for self-determination of the Moscow Rus' as a European state led to the foundation of a regular army based on the European model. Nicolas I was both a typical front-line soldier and an official bureaucrat. As an admirer of the military he disregarded civil rights and alternative views on any matter. He couldn't stand anything civilian. As a bureaucrat he despised everything that, in his opinion, wasn't structured like the military. Beginning with a cruel suppression of the Decembrist revolt he ruled Russia for thirty years in a similar manner. At the expense of numerous Russian Army casualties, Nicolas I saved the inimical Mitternich's Austria. In 1830 he smothered Poland as well and, in 1849, Hungary. Nicolas I also interfered in the Belgian revolution and gained fame as "Europe's policeman" and Russia became frightful to all progressive people in Europe. In all of Europe there was no other monarch with such power, who had all the resources of a huge country and an obedient army consisting of drilled slaves ready to destroy anyone anywhere.

At the same time the infirmity of Nicolas's interior policy had a negative effect. The serfdom exhausted the country, which was already left bloodless by the exterior policy that drained much of the country's wealth.

It was dangerous to keep the serfdom, but its abolishment, in the

sovereign's mind, was even more dangerous. During his long reign Nicolas could not resolve this matter.

Freedom was never taken from the Russian people by a seizure. For many ages the Russian peasant plowed (though rather badly), sowed, harvested, and somehow fed himself and his children. And, of course, he fed those who were higher than he. As S. Lubosh notes, the peasant's freedom was stolen from him in parts and gradually the land was practically pulled from under him. Though the peasant was still allowed to work on his land, he was no longer its owner. Supposedly he didn't believe it and kept on considering this land his own. No punishment could convince him of the opposite. Eventually this belief was the only thing that saved him.

Nicolas I was a self-contented Sovereign ruler and a conservative. He truthfully considered himself to be the father–commander put by God over his children–subjects.

Perhaps this is the meaning of the great Russian mystification, when the Tsar–Father or the Sovereign is the Father–Commander put over his children–subjects. It's a pity that history never teaches us anything and this scenario keeps on working all the time in Russia!

There were different Tsars in Russia. They played different historical roles. But some historians suppose that the most awful and bloody Tsar was Nicolas II, this courteous and educated, shy and plain person, who began his reign with the “Khodynka” massacre²¹ and ended it with Rasputin. As historian S. Lubosh considered, none of the Tsars, even such a pathological executioner as Ivan the Terrible, “torturer and martyr,” cost Russia so much blood. The reign of Nicolas II, who was the last Sovereign, was indeed a tragic period for Russia. Nicolas II paid a great favor to Russia by taking absolutism to its absurd form, though he never realized that.

The traditions of autocracy and great power in Russia have their roots in history. V. Mezhuiev, who has thoroughly studied this problem, writes:

All political regimes in Russia that have been replacing one another during the last three centuries had one common characteristic – they were unique and not like anything in history of other countries. Monarchy was not the same as in Europe, not absolute, not constitutional, perhaps . . . a very autocratic one. Bolshevism that gave the origin to the totalitarian regimes of our century was different from them by the exceptional cruelty to its own population. Even the power of the President of Russia, which considers itself to be democratic, in certain ways surpasses the power of the tsars and Communist leaders by the scope of authority.²²

It is hard to disagree with Mezhuiev when he writes about autocracy. Many generations of scholars of Russian history try to resolve the mystery of

Russian autocracy. However, one should not think that autocracy is explained by the passion our politicians and rulers have for power. There are plenty of lovers of power in any country!

Not a single nation would voluntarily tolerate despotism of the authorities, though genetic submissiveness of the Russian people has become legendary. The patience should, however, not be mistaken for consent. It is often caused by powerlessness to change anything and lack of opportunity and the necessary knowledge of how to do it. *Derzhavnost'*, the object of our historical study, has a very fertile ground in Russia. The monarch in Russia was always perceived not as a tyrant or dictator, but as “dear father,” as the supreme person in the state, appointed by God over all for the mutual benefit of all.

Already in the times of Peter the Great the idea of divine origin of tsar’s power was interpreted as a treaty between the Tsar and the people. According to this treaty, the Tsar was obliged to serve the people, care for their well-being, peaceful living and security.

Even in the modern Russia there are many adherents of the autocratic idea of the “father-Tsar who cares for his subjects as for his small children.” A symbiosis of love and devoted service is a part of the Russian national character. This feature sets Russia aside from the tyrannies of the East.

“The only, unconditional and all-encompassing source of all authority, . . . any legislation, . . . any activity and creative work” – this is a traditional perception of the monarch by Russians. It denies the principle of division of power. Sharing of power was never popular in Russia. The causes of problems of Russian federalism are in many ways explained by the traditions of *derzhavnost'*. The vertical line of power has always been the backbone of the one and indivisible Russia. Regretfully, autocracy still remains a part of political tradition in Russia. Mezhuiev is confident that the monarchy and the Bolshevik rule collapsed not because of their anti-democratic character and despotism; in their radical forms they were examples of stable and lasting regimes. They collapsed because of various internal and external factors. For instance, they were making certain political concessions, were trying to limit themselves, extend the limits of political life and give the people more political rights and privileges. Usually these attempts had sorrowful endings. In the West, liberalization and civil institutes are normal practices, while in Russia they are a signal of danger. Russia responded to the events of February 1917 with the October revolution; to the New Economic Policy (NEP) of the 1920s with Bolshevik terror; to Khrushchev’s “thaw” with Brezhnev’s stagnation; to Yeltsin’s federalization with Putin’s “vertical line of power” and “dictatorship of law.” Who can confidently say that Vladimir Putin’s “vertical line of power” is not inspired by traditional Russian autocracy? It is hard to deny the fact of monopolization of the supreme power. The political affairs are limited

entirely to those with the power, leaving out society and the people. Almost anything is possible in Russia.

One may criticize authorities, express discontent, create opposition parties and movements, but all this would only remain on the level of private initiative and would not affect the political and ideological choices of the existing administrative system.

The ideas of federal regional self-government appeared in Russian political and social life 200 years ago. Perhaps already at that time its unique character was determined. The history of Russian federalism cannot be separated from the world's development, though it has its own unique features. We are not only talking about the recent experience of the New World (USA, Canada, Australia) but also about the newest Western traditions of federalism (Switzerland, Germany, Belgium, Austria). The traditional division of power between the center and the regions in Russia was formed by the peculiarities inherited from the past that still have not lost their importance today. R. Tsiunchuk noticed it quite correctly: "Russian federalism has a peculiar historical tradition and history. Neglecting the historical experience doesn't benefit the creators of the simplified schemes of the national and governmental reconstruction in Russia."²³

According to Tsiunchuk, the following factors, specifically important for Russia, can be identified.

- 1 *Geography and population*: long distances, unpopulated territories and overpopulated cities, regional differences, determined by geographical, climate, and natural energy factors.
- 2 *Geopolitical situation*: intermediate position of the country between European and Asian centers along the "East–West," "North–South" lines, concentration of natural resources and communications in certain regions, that predetermines the political domination of some regions.
- 3 *Multinational ethnic set up*: traditionally multinational population, ethnic factor in the policy of the regions, assimilation and disintegration of ethnic groups, migration of various kinds, merge of nations.
- 4 *Civilization and culture*: common culture and a great variety of regional civilization types, cultural, different forms of self-expression of peoples, many religions and religious persuasions.
- 5 *Economy*: a combination of different types of economy in different regions and nations, regional labor divisions, regional market relationships, their role in the world economy.
- 6 *Politics and national mindset*: the special role of the state in social life and class society, high level of centralization of power, bureaucracy and militarization, absence of self-government institutions.

The events of Russian history demonstrate that centralism and unitarism and regionalism, self-government, and federalism have played an important role in the state. These tendencies interacted, often contradicting each other.

The Russian Empire was a multi-structural state with a developed system of regional self-government. Decentralization, autonomy, protectorate: those were the forms uniting the empire. Different territories of the Empire had different legal norms, their own courts and local government. The Russian Empire was always characterized by the different status of various regions and nations.

The genesis of regional policy and federalism in Russia has its distinctive features. And today's policy makers should pay special attention to the fact that already, by the end of the nineteenth century, there was a tendency for multi-structural political and administrative status of regions and territories. Professor Abdulatipov writes: "Russia always tended to be a federal state. As no other country in the world it is made of many national territories, most of which joined Russia of their free will."²⁴ The later any national region entered the Russian Empire, the more of its specific political features were taken into consideration. On one hand the central power in Russia had the idea of a Great Empire, on the other it had to accept the independence of some regions and peoples.

The imperial legislation refereed only the central regions. Special laws regulated the government and the courts in Siberia, Kazakhstan, Central Asia, and many other regions. The legislation sources in the national provinces were provided by such documents as: Lithuanian Statutes, Magdebourg Law, Roman Law, Moslem Law, Swedish, Austrian, Prussian law, Code of Napoleon, etc. The Caucasus, Kazakhstan, and Central Asia kept their traditional organization of the government and the court. Different parts of the Empire had different statuses: it varied from complete dominance of imperial legislation to protectorate, as in Bukhara and Khiva, where Russia controlled only external security matters.²⁵

Even in Siberia, where by the end of the nineteenth century the Slavic population made up more than 80 percent, a special legal and governmental status was secured by the "Siberian Institution."

Various forms of administration in the Russian Empire (protectorate, special status for the Kingdom of Poland, the Grand Duchy of Finland, governor general districts, provinces, city administrations, and Cossack authorities) organized the geopolitical space and preserved peace and concord in the country.

Over the centuries large territorial divisions have evolved. Many of them had their own political and socio-economical character. People of these regions often identified themselves with their regions. This regional self-identification, as a rule, had a *super-ethnic* character and was determined not by national, but by territorial factors.

Gradually a dual civilization scheme was established in the Empire. In some of the regions multicultural and often different cultures interacted, while in other regions a single culture prevailed.²⁶

The regional policy of the autocracy aimed for the integration of the economy, politics, and legislation. However, the government had to consider the regional differences while administering the country. The administrative policy, therefore, was evidently controversial. It manifested itself in the relations between the imperial center and the regional and local authorities. Interregional conflicts led to the creation of closed economic systems. The social and economic differences of the territories halted the unification policy of the imperial center.

The Empire did not have any well-formulated concept of its regional policy. It appeared by chance, in many variants, adapting it to the political and economic conditions of this or that region. National peculiarities of the local population were taken into account, if necessary. Everywhere, except Poland and perhaps Finland, separatist and nationalist moods in the nineteenth century were too weak to have any serious influence on the government. Despite centralization of power, local authorities had enough initiative and did not depend on the system. What seemed to be unsystematic, in reality presented a system that secured the existence of a large multinational state. The scholars of the regional policy of the Russian Empire, A. Remnev and P. Savel'ev, note that the "Russian Empire was a system of geographical, social, economical, administrative components with asymmetrically distributed political and military administration."²⁷

The tangle of different factors, asymmetrical elements in the state power, communal traditions, the experience of *zemstvo*,²⁸ became the bases on which Russian Federation ideas were founded from the nineteenth century.

In Soviet times the discussion on federalism and *unitarism* took on a new start. Denying federal principles of the governmental structure, the Bolsheviks had to acknowledge it during the revolution. This was explained by a desire to preserve the state. It is known that in the Soviet Union the declared federal state represented a system, solving the "national question," and providing nations' rights of self-determination according to Marx and Lenin. Soviet federalism was based on national and territorial principles and was not a result of the union states that existed before. On the contrary, on the centers' initiative divisions of state were formed and then made up a federation. Later, again on the centers' initiative, some of these entities formed a union state. The Russian Soviet Federative Socialist Republic became an enormous quasi-federation, which consisted of more than 170 nations and nationalities.

Russian administrative reforms: the wheel of history

In the general order of government of the provinces the governors-general are the main keepers of the inviolable superior rights of the monarchy and work for the benefit of the state. They ensure accurate implementation of the laws and orders of the superior government in all aspects of administration in the regions entrusted to them.

Address by Tsar Alexander II to the governors-general of
Russia (1853)

In order for us to evaluate the steps taken by President Vladimir Putin at the end of the 1990s to strengthen the “vertical of power” and the “dictatorship of law,” and to ascertain the future of federalism in Russia, we need to look back upon some events in Russian history, particularly on the unification of the Russian principalities in the late Middle Ages²⁹ and the creation of the Empire in the eighteenth and nineteenth centuries.

The transition from a feudal society to a centralized state had been initiated already in the sixteenth century through local and central government reforms. The new institution, *prikaz*, replaced the office of *d'iak* (secretary) in foreign affairs.

On the local level, in turn, governors gave way to *voevodas* (commanders). *Voevodas* kept a share of collected taxes, and thus somewhat preserved the previous system. Yet there was a major difference from the governor's office. The governor acted almost entirely on his own with his only obligation that of giving a share of taxes collected in the city and the province to his local prince. At the end of the fourteenth century the prince's share was 50 percent. A *voevoda* was controlled by the central government to a much greater extent, which means that he had the right to keep revenues only on certain taxes and was strictly accountable for all the profits he collected in the region. Moreover, prior to being appointed, *voevodas* were given detailed instructions and had a service term limited to two years. Historian Andreevskii writes: “While governors regarded their subordinates only as a means to meet their own needs, *voevodas* could enjoy this practice only as an abuse of the delegated power and due to lack of government supervision.”³⁰ Governors were expected to synchronize their activities with local nobility assemblies, the *Zemstvo* Councils. The *Zemstvo* Councils were only called when the monarch needed some support from his people. Naturally, this practice was not based on any kind of “constitution,” but rather on the good will of the monarch and on his notion that various classes of society should participate in the law-making and government of the country. The elected representatives in these councils had only very limited opportunity to express any initiative, and certainly not to demand anything from the monarch. Moreover, they

did everything to recognize and emphasize his authority. A special form of petition, the *chelobitie* (literally “hitting the ground with the forehead,” or a deep bow greeting) was used to address the Tsar. Sometimes *zemstvo* representatives even refused to answer the question the Tsar would pose to the assembly, saying, “For only his majesty comprehends how to judge and what to do.”

In the 100-year period from 1550 to 1653 *Zemstvo* Councils were called many times, including The Time of Troubles and even later after the 1648 revolt in Moscow. However, the elected representatives, even though they had many opportunities, never attempted to use the *Zemstvo* Council to secure their right to take part in the law-making and government of the country and transform it into some form of legal institution. Finally, *Zemstvo* Councils initiated by the monarchy were brought to an end, again by the monarchy. Konstantin Aksakov, a well-known slavophile³¹ writer, considered the *Zemstvo* Council a unique Russian form of accord between the Tsar and his people. “A free union of land and state,” as he put it, where “the government would have the power to rule and the land would possess the power to counsel.” Russian *zapadniki* (Westerners) Chicherin and Kostomarov, on the other hand, castigated the councils, saying, “they feel a victim of their own triviality and this does not honor the society of that time.”³²

This very much resembles the present-day situation, when the supreme power acting without consent of the lands (the constituent parts of the Federation) and the *Zemstvo* Council (Federation Council) easily reformed the Federation Council. As a result, the leaders of parts of the Russian Federation were stripped of their right to participate in the central government of the country, a right given to them by the Constitution.

Historian N.P. Pavlov-Silvanskii feels sorry for the fate of the *Zemstvo* Council: “Compared to the British Parliament, that quite early gained its constitutional rights, our *Zemstvo* Council, that remained deprived of its rights and finally perished with no resistance, should be found guilty without any compassion.”³³

This quote can readily be applied to many modern Russian senators who unanimously voted in favor of the new law on the formation of the Federation Council.

The *Zemstvo* Council had very limited rights and depended on the will of the monarch in a similar manner to the assemblies in the West. The extent of authority and rights, as well as their status, however, were neither clear nor certain in any way. The councils were called to discuss issues in laws, courts, government or foreign affairs. But the initiative as well as the final decision completely depended on the will of the monarch.

The German historian Tezner comments on the relationship between the weak Tsar and the *Zemstvo* Council:

this relationship was dominated not by any legal norms, but rather by force. Even if the representatives managed to introduce some regulations limiting the power of the monarch, they were never regarded as legal institutions. Most of the time such regulations came and went, together with the political conflicts that they initiated . . . This instrument was necessary for the monarch who was weak, politically incompetent, wasteful and disappointed with dynastical quarrels and military failures. All this disappears and melts as snow in the sun when a gifted, powerful successor comes to the scene, be it an authoritarian ruler or someone who skillfully uses the right political situation.³⁴

If we take this commentary out of its context of the Russian Empire, it can easily be applied to the political events in the Russia of the 1990s. History repeats itself . . . And today we have a very similar situation. V. Korshunov, a regular contributor to *Nezavisimaia gazeta*, writes:

It seems that even the most active politologists are not talking anymore of possible break-up of Russia into separate “principalities.” With president Vladimir Putin in office it became evident that this is not likely to happen . . . History once again has presented an opportunity to solve this essential and vital matter for Russia, this time to President Putin. And it seems that he used this opportunity better than his predecessors. The governors’ revolts were pacified on the grass-root level, and the federal districts are gradually becoming the basic structure for administering the country. The only problem that is left, as it always has been in Russia, is finding the appropriate human resources.³⁵

In 1719 Peter the Great, as was previously noted, divided *gubernias* into provinces. According to nineteenth-century historian V.O. Kliuchevskii, provinces were headed by *voevodas* who handled finances, economy, and internal administration. In all these matters *voevodas* reported directly to the central government, leaving out the governors.³⁶ Of the eight *gubernias* created by Peter the Great only two – Saint Petersburg and Azov – were headed by governors-general. These territories had a special status for defense reasons because of their proximity to Sweden and Turkey. There were other reasons for which this special status was granted. Governors-general were also appointed to emphasize the special status of a region. For example, Moscow was made into a governor-general district because it was a capital city.

The reform of 1775 essentially introduced martial law government in the entire country. The major reason for that was the Pugachev peasants’ revolt that the governors failed to stop. Most of the provinces were

eliminated and *gubernias* were made into larger units. Catherine the Great issued "The Regulations for Administration of *Gubernias*" that transferred the administrative power entirely to governors-general.

The "Regulations" also stated that governors-general "should conduct supervision primarily of administrative and secondarily of judicial affairs in *gubernias*." Thus a new court system, independent of the governors, was created. The local authorities, however, often tried to interfere with the courts. And supervision of the courts was named as one of the primary duties of the governors-general. According to the "Regulations," the governors-general were to ensure the proper implementation of the laws, but did not have a right to administer the *gubernias*. Other responsibilities of the governors-general were defined later in the course of the reform.

The power of the governor-general was based on personal trust of the monarch and was virtually without limitation. At the same time he could not issue legislation, command the military of the districts, alter local administration personnel, chart or handle the finances without consent of the central authorities.

Nevertheless, the power of the governors-general had enabled them to abolish the local governors' legislation that contradicted the laws of the Empire, initiate persecution and approve sentences in criminal cases. A governor-general also acted as the commander-in-chief of the armed forces on his territory at the times when the monarch was not present there. He commanded the police and had a right to proclaim a state of emergency in the territory and report directly to the Emperor. In practice, the governor-general often interfered with the jurisdiction of the governor. Normally the governor-general was the president of the *gubernia* assembly and thus was able to participate in the local administration.

As historian Karamzin writes in *Notes on Old and Modern Russia*, the Empress preferred to rely not on some abstract regulations or institutions, but rather on gifted, ambitious, and personally devoted helpers and would give them freedom to operate.

However, Catherine the Great did not fully realize the danger that strengthening the power of the governors-general would pose to the unity of the empire. A.D. Gradovskii, a scholar of Russian local government, writes: "this system barely could serve the purpose of strengthening the unity of the country. If consistently and accurately implemented, it would rather produce a network of separate satrapies and invoke many discords."³⁷ According to Gradovskii, unity of the state and political centralization is not accomplished by granting the leaders of the regions exceptional rights. Rather, it should be grounded in a framework of institutions backed up by a single uniform legal base.

The plan of the monarchy was that regional governmental institutions gradually replacing each other would eventually produce a uniform political and administrative system. The governors-general were considered

only a temporary transitional stage on the way to a single all-empire government model. M.M. Speranskii defined governors-general as “ministers working in the regions.”³⁸ The relationship between the governor-general and central authorities based on direct accountability to the Emperor was complemented by close government supervision. Decentralization by limitation of authority of the regions and by giving them the right to act on their own was not typical for Russian state administration. The government used various administration schemes in different parts of the empire. The difference was particularly evident between central and frontier territories.

In order for us to evaluate this legacy of the Russian Empire, once again we need to go back to the administrative reform of 1775. Here reference can be made to a thorough and objective analysis by A.V. Remnev, who studied the structure of the regional government in the Russian Empire in detail.³⁹

When the governors-general were first introduced, it was supposed that they would just supervise the local authorities from the outside. This brought forth a controversy that remained unsolved in the Russian Empire: is the governor-general a part of the administration or just a supervisor? The correlation of the governor-general’s authority both with central and local administration (the governor and *gubernia* institutions) remained uncertain. The governor-general was an intermediary between the tsar and the governors. And confrontation between them often caused chaos and confusion, promoting abuse of power within the administration.

At first the governor-general’s scope of authority was no different from the duties of the governor. It included both administrative and judicial powers in *gubernia*. The administrative reform by Peter the Great that was intended to eliminate the gap in power between the center and the regions created a new problem, namely that proper control over the local authorities was lost. Control in this case was transferred to the prosecutors, accountable to the Prosecutor General, who was the head of the Senate. They had a right of appeal on the decisions of the government officials and were quite effective in this. However, they could not revoke or suspend decisions of the governor, even if those decisions contradicted the laws. In other words, prosecutors were exclusively a law enforcement institution, without any political functions. They ensured that the local administration acted in accordance with the laws and were not an instrument for political power of the supreme authority.

In 1781 the number of *gubernias* almost doubled, and governor-general districts were made up of two to three *gubernias*.

While keeping the governmental order in the empire, governors-general increased their control over the local administration, and gradually this turned into a very complex administrative puzzle. The authorities

of different levels could not co-ordinate their activities, causing much confusion and abuse of power. Governors-general had conflicts both with the center and the governors. They only cared to increase their personal power, often neglecting the welfare of their region.

The administrative reform of 1775 strengthened the authority both of local administration and of the governors-general. This was one step toward decentralization. Alexander I, who ascended the throne of Russia on 12 March 1801, continued the reforms of his father, Pavel I. That was a moderately liberal bureaucratic reform organized by M.M. Speranskii and the Secret committee. A shift toward a centralized state inevitably came into contradiction with "The Regulations on *Gubernias*" issued by Catherine the Great. This resulted in numerous conflicts between the local representatives of the ministries and the governors-general. Since the duties of the governors-general were not precisely defined, this at first enabled them to enjoy a relative freedom to operate without the consent of the central authorities. With the growing abuse of power, the central administration was losing control over the situation. The situation was further complicated when the imperial ministries created their own administrative bodies in the regions.

All that has been said above is related to the past of the Russian Empire. At the same time one is confronted with the fact that the events, controversies, and conflicts of the past in many ways correlate to the present-day social and political context. The paradox in evolution of the governor-general institution at the turn of the nineteenth century was that, even though governors-general gained much power, they were never backed by any definite legal basis. And for that reason they were more selfish than a self-standing authority.

The original plan was to keep governors-general only in frontier territories. In practice, however, things went differently. The regular council to Alexander I came to the conclusion that governors-general are needed for the entire country and not just for the territories near the boundaries, as was stated "for the purposes of uniformity, and for civil order and for better coherence in matters." If, at the beginning of the reform, there were only three governors-general, by the mid-nineteenth century there were already twelve of them, including two *namestniks*.⁴⁰

From the times of Alexander I onward, however, it was believed that the making of governor-general districts threatened the political unity of the state and did not improve the administrative system of the country. In 1827 it was declared that governors-general were needed only for some parts of the empire, first of all the capital cities, remote and frontier territories. This time the central authorities emphasized the role of governor as a key instrument in administering the provinces. This was later secured by the Decree of 1837 and other legislative acts. The advantage of the governor, as people in the capital thought, would be that "he would

not be able to attain excessive political power that will overrule other institutions and, therefore, can serve his primary purpose, which is to be an instrument of government control over all local authorities.”

In the second half of the nineteenth century, the status of the governor-general in the administrative system continued to be uncertain. The Law Code of the Russian Empire declared:

In the general order of government of the provinces the governors-general are the main keepers of the inviolable superior rights of the monarchy, and work for the benefit of the state. They ensure accurate implementation of the laws and orders of the superior government in all aspects of administration in the regions entrusted to them.⁴¹

Abolishing a governor-general district was not an easy task, for there had to be appropriate circumstances and the region had to fit into the federal administrative system. As a region was gradually losing its “separate” or “frontier” status, or special political administration was no longer needed, the government proposed to abolish the governor-general district.⁴² This, however, did not mean that the monarchy completely dropped the idea of strengthening the local administration. The extraordinary character of the governor-general’s power, and the uncertainty in relations both with the central power and with the governors and *gubernia* authorities, became an object of criticism by many experts and politicians. The governors-general were viewed primarily as instruments of political power, often used for emergency situations. Political instability, not just in frontier regions, but also in the central *gubernias*, forced the government to strengthen the local administration. The dilemma here was whether to use the governor, who was accountable to the ministry of internal affairs, or a governor-general, a subordinate of the Emperor.

Alexander I partly modified the status of the governor-general. The governors-general from then on were called the plenipotentiary administrators and the famous sophism about the division of the administrative power and the power of supervision ceased to exist. During the entire nineteenth century the legal status of the governor-general remained uncertain, causing many conflicts and controversies in the state administration

As we can see, the monarchy was gradually transforming the territorial division of the country by replacing historical regions with smaller artificial administrative units. These efforts were viewed as a way to prevent the consolidation of the separate regions and national territories.

However, lack of control over governors-general produced a “home-grown” style of administration that combined absolute power and despotism with weakness and lack of will. Governors-general especially could not

be restrained at the times of conflicts or quarrels in the regions or in the capital. Driven by their survival instinct, the governors-general often surrounded themselves with loyal people, suppressed all kinds of opposition, and ensured that no information beyond their control would be known to the central authorities. According to A.V. Remnev, the relationship between the central and local authorities was not structured and regulated and, because of this, both local and central administration officials often preferred to use informal connections, acting “through personal acquaintances, relatives, and even the mistresses.”

The role governor-general districts played in Russian history is very complex and requires further analysis and thorough study, especially because of the particular meaning they have for our most recent history.

Governor-general districts survived until February 1917, when they were abolished by the new power-holders and were replaced with other institutions of political control, first by the commissars of the temporary government, and, in October 1917, by Bolshevik commissars.

Dictatorship of law or law of dictatorship: the new Russian dilemma

Public opinion seems to ascribe bad intentions to the plenipotentiary representatives of the President. They are regarded as “the striking sword” and the intermediary institution between the center and the regions . . . However, they are not authorized to interfere with the power of the elected leaders of the regions.

Vladimir Putin

A Russian monarch who appointed governors-general probably could not have imagined that, 200 years later, his distant successor President Vladimir Putin would follow his example by setting up seven federal districts. As in the case of the governors-general, the representatives in the districts became directly accountable to the central authority, the President, and became part of the local Presidential Administration of Russia.

As has been stated, “in order to execute his constitutional rights in the regions of Russia, and to raise the efficiency of the Federal authorities and to control the accurate implementation of their decisions,” the President of the Russian Federation has significantly increased his vertical power by delegating many effective administrative tools to his representatives.

The plenipotentiary representatives have been given many responsibilities. Their main duty is supervision of the local authorities, ensuring that they act in line with the foreign and domestic policy of the central government and carrying out the decisions of federal institutions. They also advise the President on staff appointments in the regions and prepare

regular reports on national security, as well as on the political, social, and economic situation in their federal district.

The details, however, remain uncertain. What is the mechanism for this new institution? How does supervision differ from administration? Where are the limits for the representative's power, and how does it relate to the power of the leader of the region? As it has been in the case of the governor-general, there exists a possible danger for the representative to become an authoritarian ruler, the "owner" of the region. This could be the reason that President Vladimir Putin had to emphasize that new federal districts should not turn into quasi-states of their own.

The analogy between the federal districts and the institute of the governor-general in Putin's reform doesn't appear to be absolutely groundless. At the same time, as historians A. Trifonov and B. Mozhuev note, this institution has not yet been finally established and, therefore, it is too early to speak of that analogy. One thing that is clear now is that the President's representatives will never enjoy as much power as did Potemkin and Rumiantsev, the favorites of Catherine the Great. So far, representatives' scope of authority resembles that of the prosecutors of the Senate in Imperial Russia. In contrast to governors-general, they could not abolish or suspend decisions of the local administration.

Russian analyst M. Kolerov, evaluating the representative's office, writes:

an unusually high level of popular trust and support has given Putin a maximum possible legitimacy. And local governors and presidents had no choice but to yield and obey to his policy of reforms. This, however, does not mean they are not playing back. The modern feudal elite will have an antidote for every move of Putin. The energized central government, that can't wait to use Putin's high reputation, will soon be confronted with calm, self-assured and well-experienced local leaders. Here representatives coming from military and party backgrounds are not likely to become successful. They are bureaucratically and politically too naive and their political tourism might end with no result.⁴³

According to legislation that regulates the federal districts, the representatives co-ordinate the activity of the federal executive authorities by organizing their mutual co-operation. They also evaluate the activity of federal law enforcement agencies in the district.

In the federal district representatives organize co-operation among the federal executive authorities and the authorities of the parts of the federation, local self-government bodies, political parties, public and religious organizations. The President's representative, together with cross-regional agencies, co-ordinates the economic activities of parts of the Federation

and prepares regional socio-economic development programs. He oversees the accurate implementation of federal laws and presidential decrees and standardizes the legislation proposed by the federal government that has to do with the special interests of the federal center or the region located within the district. The latter is especially important because so far the federal center has shown little interest in the opinion of the regions while preparing legislation that will affect the regions.

The representatives have a right to participate in the local government institutions of the constituent parts of the Russian Federation and local self-government bodies. Furthermore, to the extent of their authority they are to check the accurate execution of presidential decrees and orders, as well as the implementation of federal programs. The effectiveness of this new institution now depends on the actual character of the interaction between the different levels of government. The federal districts would become invaluable if they would assist the regions in preparing federal programs and would represent their interests in the federal ministries and agencies. Should this happen, regional officials would be happy to visit the administrative center of their district instead of going to Moscow, and real co-operation for the benefit of the whole country would become a reality.⁴⁴ One matter that causes concern is that newly established districts almost match the military districts (territorial division used by the Ministry of Defense) in number. The State Duma has not yet defined the legislation on settlement procedure for the disagreements between the authorities of different levels and has not passed the law on the extraordinary state (martial law). This may easily result in an abuse of power in case of conflict between the regional and central authorities. And we have seen some examples of that in the most recent history of Russia.

In September 2000 in Rostov-on-Don, the center of the North Caucasus Federal District, the first session of the Advisory Council to the Representative of the President of the Russian Federation in the region took place. According to the plenipotentiary representative V. Kazantsev, the Council discussed political, social, economic, and national factors contributing to the general welfare and security of the district and prepared recommendations for the federal authorities. Among the participants in the council were local politicians, industry, and agriculture business people, the intellectual elite, as well as spiritual leaders representing all eight republics, territories, and regions of the federal district. The advisory council provided an excellent opportunity for a dialogue between the local authorities and the central government. V. Kazantsev put a special emphasis on the election campaigns in the region. He stressed that candidates with a criminal past and executives who were involved in misuse of state budget funds should not be allowed to run for the offices.

In the Far East Federal District, the President's representative, Konstantin Pulikovsky, has been very active in supervising the district due to a

special political situation in the region. On his visit to Dalenergo Energy Company in October 2000, Mr. Pulikovskiy publicly criticized one of the local senior officials. The first vice governor, K. Tolstoshein, complained once that their region was spending time and money to support the border guards, the Pacific Ocean Navy, and other federal institutions. Pulikovskiy reacted sharply, saying: "You are not an ordinary resident who can mutter about it. Your region will continue to support the federal institutions as long as you are receiving additional funding from the federal budget for these very purposes. Only then will you have a right to complain."⁴⁵ Konstantin Pulikovskiy has repeatedly emphasized that the Primorie (Maritime) Krai has the most energy resources in the Far East, and the only reason for repeatedly occurring energy crises is the lack of a sensible policy on that matter.

In his first press conference after being appointed a plenipotentiary representative, Konstantin Pulikovskiy said that he "does not intend to get involved in politics and give preference to certain candidates in the elections." It is true that for some time he kept his promise. At least the elections in Khabarovsk Krai, Chukotka, and Magadan Oblast went through without involvement of the plenipotentiary representative. However, the image of an impartial federal politician was spoiled in Primorie. Here Pulikovskiy tried to act not only as the "striking sword" of the Kremlin but also as an independent political player who tried to put his "own person" into the governor's chair.

In June 2001 Pulikovskiy's statements about "the new state order of Russia" started to appear in the press. The plenipotentiary representative in the Far East district started speaking about revision of the administrative division of the country. Supposedly it was inherited from the Soviet past and did not meet the new criteria. Pulikovskiy referred to the need for governors to be appointed (only the President has to be elected!), and to the fact that many of the newly-elected regional leaders came to power by accident (as if they did not know why they came and what to do!). Pulikovskiy proposed to adopt a new law on delimitation of powers between the constituent parts of the Federation and authorities of the federal districts.

After having certain success in harmonizing legislation of the constituent parts with the federal laws, the plenipotentiary representatives are now interested in administration of the districts entrusted to them. According to Pulikovskiy, "in order to improve the well-being of the Russian people, plenipotentiary representatives have to receive all powers to control the budget flows. Otherwise they would not be able to influence the social and economic processes." Therefore, the proposal is to set up a "miniature government" in the districts.⁴⁶ Pulikovskiy also suggested establishing district councils, which would be composed of the leaders of the regional legislative bodies.

In the Volga Federal district, the representative has been active in co-operation with the law enforcement agencies, the military, and the emergency ministry. He has ensured the implementation of the orders, decrees, and recommendations of the Security Council, as well as the anti-crime programs. He has also prepared reports on civil security, evaluating the work of the federal law enforcement agencies and local authorities.

So far the President's representatives in the federal districts do not seem to claim much power in the regions. They are busy synchronizing the local legislation, constitutions, and statutes of the regions with the Constitution of the Russian Federation and the federal laws. However, their close ties with some of the federal ministries in certain cases produce parallel government structures that interfere with the authorities of the regions. This often significantly reduces the popular support for the representatives.

Another important aspect of "center–regions" relations is the role and the status of the representations of the constituent parts of the Russian Federation to the central government. The representations have been set up in accordance with the Constitution of the Russian Federation and the constitutions and statutes of the constituent parts of the federation, as well as power delimitation agreements. Over the last decade they have become an effective link between the federal government in Moscow and the regions. Yet there is a strong need for more definite legislative support that would make this co-operation more effective.

In their work with the federal government, the President's representatives not only advocate for their own regional interests but also work for the benefit of the entire country. An important part of their activity is to maintain close relations with the federal ministries. As a result, many long- and medium-term programs in economy, social welfare, and culture have been prepared and accomplished on both local and federal levels. The representatives also encourage contacts with foreign countries, especially in the area of international trade. This helps to advance the economic reforms in the country in general and works toward social stability in certain regions of the Federation. In many instances representatives significantly reduce the time needed to resolve a particular problem.

The recent federal reforms have also affected the status of the leaders of the constituent parts of the Federation. As members of the Federation Council, leaders of the regions were 'fired' from this upper chamber of the Federal Assembly. At the same time they were invited to participate in the new State Council of the Russian Federation created by President Vladimir Putin in September 2000. This was a form of compensation for the loss of some of their power at the Federation Council and gave them direct access to President Putin. Now they can approach the President directly or through the representatives, leaving out the hated presidential staff. This forced local governors to settle their relations with the Presi-

dent's representatives in the regions. This task wasn't easy because the representatives were very busy bringing the local legislation into line with the Federal Constitution.

Some governors wondered how long the new federal districts authority would go on, others were interested to find out the exact powers delegated to the representative and how this would affect the federal regional programs, the distribution of funds, and investments. They all, however, were seriously perplexed when the federal government started appointing prosecutors, judges, and other senior officials without their consent. The governors couldn't protest, being financially dependent on the central authority, nor did they want to lose their prestige. The main question was: "How long will the federal districts last?"

Strengthening the vertical power in Russia today is viewed as an extraordinary measure in order to create a stable economy and uniform legislative system for the entire country and to stop the constitutional crisis. Keeping these new structures in the future may pose a serious threat to building a democratic federal state. Here we have much to learn from the super-regions' experience of the Russian Empire, especially the negative aspects.

In an interview for the *Rossiiskaia Federatsiia* magazine,⁴⁷ V. Stepankov, one of the deputies of the President's plenipotentiary representative in the Volga Federal district and former Prosecutor General of Russia, mentioned that in every region of the district there are from seventy to eighty federal officials, including senior officials with high powers. However, he noted, they are often left on their own by the federal ministry. Some officials were quite content with their tranquil life and behaved calmly just to remain unnoticed by the Moscow authorities. Others simply gathered reference information and considered their mission accomplished with that. Still others came under strong influence of the governors, presidents, and other local authorities and started advocating for the interests of the regions instead of representing the federal government.

The number of representatives of the federal institutions who have been left on their own is quite impressive. A. Rutskoi, the former governor of Kursk oblast', and former Vice-president of Russia in 1991–3, noted in one of his television interviews that there are almost 16,000 federal officials not subordinate to the local authorities in his region alone. These officials, unlike many teachers and doctors, are paid well and on time. S. Samoilov, who was in charge of regional affairs at the Presidential Administration from the end of the 1990s to the beginning of 2001, said that less than half of the former plenipotentiary representatives to each region have been employed as senior federal inspectors in the central government. Many of them moved to different regions or republics.⁴⁸ They represent different federal bodies in the regions: Anticrime departments of Ministry of Interior, Ministry of Justice, Tax Ministry and others.

S. Samoilov further explained that the plenipotentiary representatives are not an extension of the federal government at the local level. Their main duty is to help solve problems that federal institutions encounter in the regions. And we know, there are many such problems. At the end of the year 2000 the President's representatives, together with the Prosecutor General, prepared general guidelines for synchronizing the local legislation with the Constitution of the Russian Federation. The goal was not to abolish all the "contradictory" regional laws, but to sort out all reasonable local initiatives and even in some cases to alter the federal legislation. S. Samoilov is also adamant that the representatives should not become public politicians.

What remains unclear is how the representatives will handle financial matters. President Putin has not yet given an answer to this question. So far the representatives are not legal entities and do not have separate financial accounts. The presidential decree regulating them only states that the representatives "are to control the flow of finances; however, they should not distribute the funds."

The idea of federal districts was not solely Putin's initiative. In the last decade, the President of Russia constantly tried to strengthen his authority in the regions, and this experience has not always been a successful one.

In May 1998, President Boris Yeltsin issued a decree setting up the Collegium of the Representatives of the President of the Russian Federation in the Constituent Parts of the Federation. The purpose of this group was to co-ordinate the activities of the federal institutions on the local level. The representatives were given one month to set up their offices in the regions. The Regional Collegium acted as an advisory board to the President and was made up of senior officials representing federal institutions in charge of defense, internal affairs, security, foreign affairs, emergency situations and natural disasters in the regions.

The Collegium officials were to analyze the general economic, political and social situation in their regions, prepare plans for mutual cooperation with the local authorities and inform society and the local authorities about the activities of the federal government institutions. Separate agencies have been created for different issues.

The Collegium based its activities solely on the Federal Constitution, the orders of the government of the Russian Federation and the Regulations on the Regional Collegium. Local self-government statutes were not taken into consideration. By doing this President Yeltsin simply ignored the authorities of the regions and their legislation. Article 7 of the Regulations reads: "The Collegium, to the extent of its authority, assists the President of the Russian Federation in the realization of his constitutional rights to perform the concerted functioning and interaction of all bodies of state power in the constituent part (parts) of the Federation in the region."

This meant that, through the Collegium, the President could directly interfere with regional administration authorities, violating the delimitation of powers described in the Constitution (Articles 71–72). Article 80 of the Constitution clearly states that the President of the Russian Federation “ensures concerted functioning and interaction of all bodies of state power.” The verb *to ensure* was replaced with *to perform* in the Collegium Regulations, significantly distorting the constitutional role of the President.

Since members of the Collegium were not obliged to take into account any local legislation, as was written in the Regulations, there was the possibility for many conflicts with the regional authorities. Numerous cases in which local legislation had to be synchronized with the federal law provided good grounds for this. The story of the Collegium clearly demonstrates that the Federal government should be aware that synchronization is a necessary stage in the transitional period of state making and that setting up new federal administrative bodies of power should be done with great care.

Today, when the federal districts have already been created, the Collegium will most likely lose its significance and eventually die out, as have many other local power structures. Or, perhaps, now is the time for the regional leaders to use the Collegium as a base for their relations with the central administration.

In recent times calls for a strengthening of the central power have become much more frequent on the Russian political scene. A radical centrist view, with many allusions to the administrative practices of the Russian Empire, was expressed by one of the staff writers of *Vek* daily. He wrote that:

Recreating a unified economic space in Russia and the return of the “prodigal sons,” many of whom are already “choked with sovereignty,” into a unified state is probably the most significant task for the new President of Russia, and it will not be an easy one. Today the members of the Federation Council no longer talk about the candidates for the next Cabinet of Ministers. Two or three governors will become ministers, but what does this have to do with the rest of them? What will happen to their power has become the primary question now. Even though Putin once again has expressed his hope for constructive co-operation, many thought – “this is the end of our independence.”⁴⁹

According to the author of this article there are four main problems in the current situation:

- 1 the elected leaders of the regions become too strong politically;
- 2 the structure of the federal state is too complex and made up of too many components;
- 3 the presence of governors in the Federation Council makes their role as federal politicians more prominent; and
- 4 the power delimitation treaties between the regions and the federal government started to be an obstacle on a way to “dictatorship of power.”

Another quote comes from Iu. A. Danilov of the Higher School of Economics. His article, entitled “Finally We Should Think about the Interests of Russia,” appeared in the *Nezavisimaia Gazeta* daily newspaper at the time of the inauguration of President Putin. The author condemns the regional political elite for all the deadly sins, stating that “the federal laws are not being observed in the regions and regional legislation contradicts the federal laws. The authorities of the regions often behave the way they want, and the interests of Russia as a unified state often come last. . . .”⁵⁰ To solve this problem Danilov suggested the introduction of governors-general, who would be given a certain time period in which to bring local legislation into accord with the federal constitution. At the end of this period, governors who have not done so would be dismissed from their positions. This “aggressive separatism,” according to Danilov, demonstrates the need for direct presidential rule in some regions, and there is a need for a proper legislative basis for it.

It didn’t take long for these thoughts to become a reality. In June 2000 appropriate laws were passed by the State Duma and ratified by the President. What remains uncertain is whether they will actually work in the present-day situation. We do not know if the centuries-long experience of Russia was taken into account while preparing this legislation.

There have been two basic tendencies dominating political and economic development of the regions in Russia. Being a large and culturally diverse country Russia, on one hand, always wanted to associate itself with Europe and the international community and form mutual political and cultural space. On the other hand, there has been a striving for a differentiation from the rest of the world that manifested itself in regionalism and a decentralization of power.

The transitional period in the creation of a federal state is very complex and requires careful planning and study. Here not only a retrospective analysis of the national history, but also the experience of other nations, especially the well-established federal states, should be taken into account. We can name several key problems that the federal state faces today in Russia. There is a disproportion between the equal rights and the actual status of the regions; local legislation has to be synchronized with the federal Constitution; the economic reforms must correlate to the federal policy toward the regions; and there is a need for local self-government reform.

In the federal systems of most of the foreign democracies the central government does not meddle in the local matters and gives regional authorities the right to act promptly and independently. At the same time, there is a strict hierarchy in the distribution of powers between the center and the regions. This ensures the unity of the federal state and works for the benefit of the entire country. No one in the West talks about the “dictatorship of law” since the supreme primacy of law is implicitly understood, not only by the ordinary citizens but also by the regions of the federation.

The comparative analysis of the constitutions of foreign federal states shows that defense and economy, politics, law, social welfare, culture, ecology and information affairs that significantly influence the unity of the state have been assigned to the jurisdiction of the federal government. At the same time the federal authorities under certain circumstances, defined in the constitution, have a right to decide on any matter that is vital for the state and society.

Almost all federal states have constituent parts of the federation listed in their constitutions. For instance, Part 2 of Article 2 of the Constitution of Austria names the *Laender*, whereas Part 1 of Article 2 only mentions that the territory of the federation includes the territories of *Laender*.

The Constitution of Switzerland follows the same example and in the first article states that “bound together by this union, the peoples of the twenty-three sovereign cantons of Switzerland . . . constitute the Swiss Federation.”

The United States Constitution, in order to provide for the unity and the territorial integrity of the state (Article I, Part 8), gives Congress the exclusive right to “raise and support armies; to provide and maintain a navy; to make rules for the government and regulation of the land and naval forces.” The US Congress under special circumstances also has the right “to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.”

The Constitution of the Federal Republic of Germany gives the federal government the exclusive right to protect the foundations of freedom and democracy, the well-being and security of the *Laenders*. The defense of the territory of the federation, in case of danger from the outside, is also the competence of the government (Paragraph b and Point 10 of Article 73).

Constitutions of other foreign federations contain many similar regulations. Some of the constitutions provide for the unity of the state not only by listing the powers of the federal government, but also by prohibiting parts of the federation from performing certain actions. For example, according to the US Constitution (Article I, Part 10):

No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in

payment of debts, etc. . . . No State shall, without consent of the Congress lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws . . . no State shall, without the consent of the Congress, lay any duty of tonnage, keep troops, or ships of war in the time of peace, or with the foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

According to Amendment 14, Section 1: “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.”

The recognition of the supremacy of the federal constitution over all other levels of authority is vital for the effective functioning of a federal state. The supremacy of the constitution emphasizes the importance of a single legal basis for all orders of government in the country. The constitutions of most federations, therefore, declare this basic principle, formulating it, however, in different ways.

The German Constitution states that: “The Federal law has supremacy over the laws of the *Laender*” (Article 31). The US Constitution demands that “all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding” (Article IV, Part 2).

This principle not only declares the primacy of the federal legislation of the United States over the laws of the individual states, but also makes it obligatory for persons actually enforcing the law. This provides an additional guarantee for the uniformity of the federal state.

The forty-six power-delimitation treaties which the government of the Russian Federation signed with the constituent parts of the Federation in the 1990s come to mind instantly. Today not only are these treaties not being observed, but moreover the central government does everything possible to cancel them, acting as though they do not exist. And when our foreign colleagues naively ask why this happens, we only quote the poet: “Russia is baffling to the mind.”⁵¹

Virtually all constitutions make no mention of the right for unilateral secession of the constituent part of the Federation. This provides additional stability and ensures confidence in the future of the federal state. The right to secession contradicts the very nature of the Federation, which is one state and not a union of separate countries.

An important part of the constitutions of federal states is a provision for the rights of their citizens, including single citizenship for all persons, equality of all citizens before the law, and the use of one or several official languages in the entire territory of the Federation.

The Constitution of Austria, for example, provides separate citizenship

for each of the *Laender*. The conditions for acquisition and loss of citizenship are the same in each *Land*. Citizenship in the Federation is acquired automatically with the citizenship of the *Land*. Every citizen of the Federation has the same rights and duties in each of the *Laender* as the citizens of that *Land* (Article 6).

The Constitution of Switzerland declares that every citizen of a canton is simultaneously the citizen of Switzerland (Article 43). The federal laws define the procedure for acquisition and loss of Swiss citizenship.

According to the Constitution of the United States, “all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside” (Amendment 14, Section 1).

This linguistic unity plays an important role in a federal state. The German and US Constitutions do not mention the official language of the state because each population uses one language, German and English respectively, and there are no conflicts concerning language issues. Constitutions of other federations contain language regulations. The Austrian Constitution emphasizes that the German language is the official language of the state; however, it makes provisions for the use of Slovene and Croat in certain regions of the country (Article 8). The Constitution of Switzerland names three official languages (German, French and Italian) and a fourth, Romansch is recognized as a “national language.”

The legislative system of a federation allows co-existence of the federal constitution and the constitutions of its constituent parts. This fact predetermines the possibility for some differences between them. The right for a separate constitution that reflects historical, ethnic and cultural traditions of the region, as well as its political role, is an important characteristic of a well-developed federation.

However, such contradictions in legislation may weaken the unity of the state. Most of the federal constitutions, therefore, do not allow such differences between federal and local legislation.

The US Constitution states that the federal constitution “shall be the supreme law of the land.” The Constitution of Germany notes that the constitutional setup of the *Laender* should correspond to the principles of republic, democracy and social state in accordance to the Constitution of the Federal Republic of Germany (Article 28, Part 2).

Some of the federal constitutions describe special procedures for synchronizing contradictory legislation. In Switzerland every canton must obtain an official notification from the federal government stating that its constitution does not contradict the Constitution of the Federation. This notification is issued in the following cases:

- a if the constitution of the canton does not contain regulations contradictory to the federal constitution;

- b if the constitution of the canton provides for the political rights of the citizens in accordance with republican norms, i.e. representation and democracy; and
- c if the constitution of the canton has been accepted by popular vote and it may be revised if a majority of citizens demand it (Article 6).

Such control is performed by the federal government before the constitution of the constituent part of the federation is adopted. Some countries have other procedures. The control is done after the regional constitution is accepted by the institution of power of the part of the federation. Usually this is done by the Supreme Federal Court or Constitutional Court.

In Germany both the federal government and the Constitutional Court are authorized to control the implementation of the federal laws by the *Laender*. The federal government may delegate its representatives to the top authorities of the *Laender*, and with the consent of the *Laender* or, in case the *Laender* do not agree, with the consent of the *Bundesrat*, also to the authorities subordinate to the *Laender*. If inconsistencies in the application of the federal laws found by the federal government cannot be settled, the *Bundesrat* will review the petition of the government or the *Land* and will decide whether the *Land* has violated the Constitution. The decision of the *Bundesrat* may, in turn, be appealed at the Federal Constitutional Court. The federal government has the right to issue instructions on particular laws. The *Bundesrat* must approve the law regulating this practice. The instructions of the federal government should be passed on to the authorities of the *Laender*, excluding the matters considered urgent (Article 84). In this case the federal government acts directly.

In most federations the constitutions and the legislation of the constituent parts of the federation must agree with the federal constitution, and federal laws. Otherwise the laws of the constituent part of the federation that disagree with the constitution will be considered fully or partially invalid.

The latest development of federalism in Russia shows that the federal constitution often encounters obstacles in the regions. There is a great need for a definite legislative procedure that would enable the resolution of conflicts between federal and local legislation. Many misunderstandings that have arisen in the past decade undermine the fundamental principle of co-ordinacy between levels of government and weaken the unity of the federal state.

The new "Concept for National Security of Russia" pays much attention to the "federal constitutional security" of the country. The Concept defines it as "protection of the constitutional order, sovereignty and integrity of the state, economic, political and social stability, unity of the legislative order, equality and variety of the constituent parts of the federa-

tion.” A balanced policy of the federal government toward the regions with diverse geographical, social, economic, ethnic and political backgrounds, is also an important factor for the constitutional security of Russia. The multi- and bilateral agreements between the constituent parts of the Russian Federation and the federal government were an important step toward further development of federalism in Russia.

The numerous problems that come up in the process of creating a federal state should not be dealt with hurriedly.

In June 1996 the first President of Russia ratified the Concept for the National Politics of the Russian Federation. Unfortunately the current federal government has disregarded it. The main goal was the promotion of concord among the nations of the Russian Federation. The Concept calls for differentiation in the regional policy of the state recognizing the local ethnic, demographical, social and political differences of the regions.

Statements by some of the federal leaders as well as the famous warning about the “dictatorship of law” raise many worries in the regions. People are particularly concerned about the more rigid and strict policy of the federal center in the regions and the dangers it may bring. Local legislation often does not agree with federal constitution. This is today’s reality, which Russia has to face. In a modern federal state, constitutions and the legislation of the constituent parts of the federation cannot be changed overnight by the unilateral order of the superior authority. The only way for the country to overcome current conflicts is for both sides to move toward each other and toward compromise. This may also require some time. And it is going to take much political will and patience both in the center and in the regions to reach political stability in federal relations.

Russia and self-determination according to V.I. Lenin

We do not advocate preserving small nations at all costs; other conditions being equal, we are decidedly for centralization and are opposed to the petty-bourgeois ideal of federal relationships.

Vladimir Lenin

The above quotation reveals the hypocritical essence of Lenin’s perception of federalism. The leader of the proletarian revolution was a strong opponent of the Federation; moreover, it is evident that he favored the Unitarian state. Nevertheless, he repeatedly advocated for ethnic rights and the self-determination of nations, as well as for federalism. This aspect of Lenin’s political legacy requires a more detailed examination. It is especially important because Lenin’s approach resembles that of many present-day politicians. Often they are saying that they support federalism, yet their actions show that they are strong centrists and unitarians. In one

of his last works, a letter to L.B. Kamenev, one of the members of the Politburo of the Central Committee of the Russian Communist Party (Bolsheviks), Lenin wrote: "It is important for us not to give ground to 'the independents,' and not to destroy their independence, we should rather build an additional new floor – the federation of republics with equal rights." This "Lenin's formula" stating the equal rights of the asymmetric parts of the Russian Federation was included in Article 5 of the Constitution of the Russian Federation. And today it has created a conflict that has no practical solution within the framework of federal relations.

In his argument with Rosa Luxemburg, Lenin claimed,

the tendency of every national movement is toward the formation of *national states* . . . Consequently, if we want to grasp the meaning of self-determination of nations, not by juggling with legal definitions, or "inventing" abstract definitions, but by examining the historic–economic conditions of the national movements, we must inevitably reach the conclusion that the self-determination of nations means the political separation of these nations from alien national bodies, and the formation of an independent national state.

Lenin was convinced that it would be wrong to interpret the right to self-determination as meaning anything but the right to existence as a separate state.⁵²

According to Lenin, Rosa Luxemburg was wrong in her attempts to "dismiss" the inescapable conclusion that profound economic factors underlie the urge toward a national state.

Lenin's argument with Rosa Luxemburg facilitates a grasp of the true meaning of the supposition that "the best conditions for the development of capitalism are undoubtedly provided by the national state."

If we project this view of Lenin onto the provision for the "right of nations to self-determination" in the modern Constitution of the Russian Federation and also apply his "superiority of the capital" argument to today's market (capitalist) economy, the conclusion would be that self-determined national states create the best conditions for the development of a market (capitalist) economy.

Furthermore, Lenin writes:

From the standpoint of national relations, the best conditions for the development of capitalism are undoubtedly provided by the national state . . . "Self-determination of nations" in the Marxists' Program *cannot*, from a historic–economic point of view, have any other meaning than political self-determination, state independence, and the formation of a national state.⁵³

One may wonder what type of state the Russian Federation is if the Constitutional Court denies national republics the right to sovereignty. Will it serve the benefit of the country's economy when the republics – parts of the Russian Federation – are not allowed to have even limited statehood and partial rights to be subjects of international law?

Lenin preaches his class theory, misleading those who trusted him in the national question: “While recognizing equality and equal rights to a national state, it [the proletariat] values above all and places foremost the alliance of the proletarians of all nations, and assesses any national demand, any national separation, *from the angle* of the workers' class struggle.”⁵⁴

It may be possible that the authors of the Soviet Constitution of 1977 were influenced by this approach of Lenin when they included Article 72, which provided the Union Republics with the right for unilateral secession from the USSR.⁵⁵ In 1907–8 Kautski wrote a paper entitled “Nationality and Internationality” in which he discussed the problem of a national state. Rosa Luxemburg, disagreeing with Kautski, notes that “The national state is the form *most suited* to present-day conditions, it is the form in which the state can best fulfil its tasks.”⁵⁶ To this we must add Kautski's still more precise concluding remark that “states of mixed national composition (known as multinational states, as distinct from national states) are ‘always those whose internal constitution has for some reason or other remained abnormal or underdeveloped’ (backward).”⁵⁷ In his works Lenin repeatedly emphasized that Marxists disregard the mighty economic factors that help to create national states. “The self-determination of nations” in the Marxist program, according to Lenin, from a historic–economic point of view, may not have any other meaning than that of political self-determination, state sovereignty, and the creation of a national state.

Lenin's “political self-determination” was reflected in the Soviet Constitution of 1977. The Soviet government of the “developed socialism” was not afraid to use “self-determination” ideas. Why then does the democratic government of the federal state, which has been elected by the people, oppose the national statehood of republics – the constituent parts of the Federation? Lenin's thesis about the fact that “it is precisely the special concrete, historical features of the national question in Russia that make the recognition of the right of nations to self-determination in the present period a matter of special urgency in our country”⁵⁸ is being ignored.

In today's Russia they are not speaking of “self-determination” as secession of the republics from the Federation. Lenin writes on this matter: “The demand for a ‘yes’ or ‘no’ reply to the question of secession in the case of every nation may seem a very ‘practical’ one. In reality it is absurd...”⁵⁹ Truly, it is absurd to believe that the republics, the constituent parts of the Federation, will simultaneously or in succession

use their right to self-determination and will initiate the “divorce” procedure (another term used by Lenin).

Lenin’s nation theory, which explains the existence of national relations solely in terms of social development, names several factors that define its character: historical situation, economy, language and territory. Lenin was very much against the idealistic definition of nation as a cultural identity. Often nations and peoples are called “nationalities,” meaning the national identity of the people. However, the term “nation” should not be mistaken for “nationality,” which is a legal term. Often people of a particular nationality are at the same time part of a larger national–cultural community. For some peoples, however, this community is of foreign nationality, and they do not necessarily perceive themselves as a part of that nation. Thus the term “nation” (a social identity) is sometimes deliberately mixed with the term “nationality” (national identity). Already in 1913 Lenin wrote that the national composition of the population is an important economic factor, but not the only and the most important one. Therefore, Marxists should not entirely base their views on a “national–territorial” principle.

Summing up his argument with Rosa Luxemburg on the self-determination of nations, Lenin comes to the conclusion that

the *principal* practical task both of the Great-Russian proletariat and of the proletariat of other nationalities is that of day-to-day agitation and propaganda against all State and national privileges, and for the right, the equal right of all nations, to their national state. This [at present] is our principal task in the national question, for only in this way can we defend the interests of democracy and the alliance of all proletarians of all nations on an equal footing . . . This is the only propaganda to ensure the greatest chances of national peace in Russia, should she remain a multi-national state, and the most peaceful . . . division into separate national states, should the question of such a division arise.⁶⁰

It is important in reading and analyzing Lenin’s works to try to set aside his socialist and proletarian–revolutionary terminology from his actual views on self-determination. Let us sum up some of Lenin’s important thoughts.

- 1 He is opposed to the idealistic theory of nation, which defined it as a cultural identity.
- 2 Marxists should not base their views entirely on a “national–territorial” principle.
- 3 “The *principal* practical task both of the Great-Russian proletariat and of the proletariat of other nationalities is that of day-to-day agitation

and propaganda against all state and national privileges, and for the right, the equal right of all nations, to their national state.”⁶¹

- 4 “The only propaganda desired is the one that ensures the greatest chances of national peace in Russia, should she remain a multinational state, and the most peaceful (and for the proletarian class struggle, harmless) division into separate national states, should the question of such a division arise.”
- 5 “The long, centuries-old history of the suppression of the movements of the oppressed nations and the systematic propaganda in favor of such suppression coming from the ‘upper’ classes have created enormous obstacles to the cause of freedom of the Great-Russian people itself, in the form of prejudices, etc.”
- 6 “In Russia, the creation of an independent national state remains, for the time being, the privilege of the Great-Russian nation alone. We, the Great-Russian proletarians, who defend no privileges whatever, do not defend this privilege either.”

These eclectic statements, which often contradict each other and are well seasoned with proletarian ideology clichés, appear in the same work of the proletarian leader.⁶²

Seeing such chaos in Lenin’s views on the national question, one may wonder where is he being sincere and where is he just paying a tribute to the proletarian ideology. Evaluating the position of Kautski, Lenin wrote: “looking for ‘the union’ with the national-chauvinists he [Kautski] was saying that to demand ‘the state sovereignty’ (*staatliche Selbstständigkeit*) for every nation is to demand too much (*zu viel*)” (*Neue Zeit* 33, II, 77, 16, IV, 1915).

Further in the same work Lenin condemns Kautski: “Kautski’s theory is the most dangerous for the working class. Formally recognizing the right of nations, the self-determination, in practice it treats it as a meaningless formula, significantly reducing this right.”⁶³

But what are Lenin’s real views on self-determination? Has he been sincere in his evaluation of Kautski?

Article 72 of the Constitution of the USSR (1977) provided for the right of the Union Republics for unilateral secession from the Union. The Soviet power thus gave the peoples of Russia the right to self-determination without fear that all the republics would initiate the secession process simultaneously. The actual withdrawal process, as world experience shows, is not only complicated, but it is practically impossible and “absurd.” Quebec’s attempts to secede from Canada and the time (several decades) it took to create a new canton, Uta, in Switzerland clearly illustrate this.

Lenin wrote:

It is not difficult to understand that the recognition by the Marxists of the *whole of Russia*, and first and foremost by the Great

Russians, of the *right* of nations to secede in no way precludes *agitation* against secession by Marxists of a particular oppressed nation, just as the recognition of the right to divorce does not preclude agitation against divorce in a particular case . . . To accuse those who support freedom of self-determination, i.e., freedom to secede, of encouraging separatism, is as foolish and hypocritical as accusing those who advocate freedom of divorce of encouraging the destruction of family ties. Just as in bourgeois society the defenders of privilege and corruption, on which bourgeois marriage rests, oppose freedom of divorce, so, in the capitalist state, repudiation of the right to self-determination, i.e., the right of nations to secede, means nothing more than defense of the privileges of the dominant nation and police methods of administration, to the detriment of democratic methods . . . Complete equality of rights for all nations; the right of nations to self-determination; the unity of the workers of all nations – such is the national program that Marxism, the experience of the whole world, and the experience of Russia, teach the workers.⁶⁴

At the time when the Soviet Union was being created, some thought that the existence of many national People's Commissariats would be an obstacle for the development of the economy, culture and foreign affairs. Lenin, however, had quite an opposite opinion. He thought that the specific national features (i.e. particular economic and cultural situations) could not be a valid reason for the isolation of these peoples.

Lenin repeatedly emphasized the equal status of all languages. In the Soviet Union the languages of more than fifty nations became written languages.

Lenin's last letters are full of self-regret. Sincere and honest to himself and to his party comrades, Lenin regrets his many mistakes. In one such letter, dictated 31 December 1922, entitled "The Question of Nationalities or 'Autonomization,'" he discusses the national language problem:

The strictest rules must be introduced on the use of the national language in the non-Russian republics of our union, and these rules must be checked with special care. There is no doubt that our apparatus being what it is, there is bound to be, on the pretext of unity in the railway service, unity in the fiscal service and so on, a mass of truly Russian abuses. Special ingenuity is necessary for the struggle against these abuses, not to mention special sincerity on the part of those who undertake this struggle. A detailed code will be required, and only the nationals living in the republic in question can draw it up at all successfully. And then we cannot be sure in advance that as a result of this work we

shall not take a step backward at our next Congress of Soviets. We retain the union of Soviet socialist republics only for military and diplomatic affairs, and in all other respects restore full independence to the individual People's Commissariats.⁶⁵

He further warns that "it must be borne in mind that the decentralization of the People's Commissariats and the lack of co-ordination in their work as far as Moscow and other centers are concerned can be compensated sufficiently by Party authority, if it is exercised with sufficient prudence and impartiality."

Already in Lenin's times, it was evident that part of the state administrative authority should be transferred to the regions. This is now, for instance, a common practice in Belgium and Spain. But why is the present federal center so afraid of the power delimitation treaties with the constituent parts of the Federation? Many officials who speak loudly about unity and integrity of the state do not realize that by doing so they actually promote separatism in the regions. Has the federal center lost its means for administering the regions? Or does it not have the ability to pacify any "separatist" tendency in the regions? Or does the seventy-year long Soviet experience not show the possibility for the control of the regions (republics) (even with Article 72 in the Constitution assuring the right to unilateral secession from the USSR)?

Of course, the federal state does have a guarantee for its power. Furthermore, President Putin's statements about the "powerful state" give it serious backing. Some officials in the central government, however, pursue a policy that might lead the country into a constitutional crisis in national relations. The Central Electoral Commission of the Russian Federation could not agree with the local legislation requirement for the president of the national republic to be bilingual, while almost half of the republic's population speaks the national language and two languages are recognized as official by law. There are many difficulties with the content of the new Russian internal passport, a major one being that there is no mention of "nationality" in it. However, many nationalities of Russia would like to see their national identity reflected in the new document (nationality was indicated in the old Soviet passport). Only careful and thorough consideration of these matters, taking into account historical circumstances, can eliminate a possible constitutional (and not only constitutional) crisis in the country.

In the moments of crucial trials, even if these trials are sent from above, humans can overcome their destiny. His consciousness remains his final refuge. Louis XVI of the Bourbon Dynasty, who appealed to foreign states for military intervention, was guillotined in 1792. Seconds before the execution he asked the executioner: "What is the news about the Laperouse expedition?" And there is no doubt that Louis was sincere in his question,

while the crowd below could not understand the meaning of what he was saying.

Lenin on his deathbed had no reason to be hypocritical in his last letters “on nationalities or ‘autonomization.’” He wrote:

I suppose I have been very remiss with respect to the workers of Russia for not having intervened energetically and decisively enough in the notorious question of autonomization, which, it appears, is officially called the question of the union of Soviet socialist republics . . . In such circumstances the “freedom to secede from the union” by which we justify ourselves will be a mere scrap of paper, unable to defend the non-Russians from the onslaught of that really Russian man, the Great-Russian chauvinist, in substance a rascal and a tyrant, such as the typical Russian bureaucrat is . . . It is said in defense of this measure that the People’s Commissariats directly concerned with national psychology and national education were set up as separate bodies. But there the question arises: can these People’s Commissariats be made quite independent? and secondly: were we careful enough to take measures to provide the non-Russians with a real safeguard against the truly Russian bully?⁶⁶

In his evaluation of the central bureaucracy, Lenin was not only sarcastic but also cruel. Speaking of the need for attention to the non-Russians, Lenin notes “it is necessary to compensate the non-Russians for the lack of trust, for the suspicion and the insults to which the government of the ‘dominant’ nation subjected them in the past.”⁶⁷

There may be different opinions about Lenin. Some may condemn him for the October Revolution, for his cruelty to the “class enemies,” for tragic mistakes that led to the deaths of millions. We may not agree with the class struggle theory, and we might demand that his body be buried according to the Russian Orthodox customs. Regardless of that, however, we must acknowledge his exceptional intelligence and ability to foresee future events.

In the Soviet state the declared federal system interpreted the national question and the right of nations to self-determination according to “the classics,” Marx and Lenin. Soviet federalism was not preceded by separate independent states that formed a unified country; rather, it was based on recognition of national territories within one country. The constituent parts of the state were in fact set up by the central government, on its own initiative.⁶⁸ Then, again on the initiative of the central authorities, some of them formed the unified state. The Russian Soviet Federal Socialist Republic (RSFSR) became the largest federation ever, inhabited by about 170 different peoples and nationalities. In 1990, while the Soviet Union

still existed, all autonomous republics of the RSFSR declared their sovereignty within a six-month period. On 12 June 1990, Russia, in turn, declared its sovereignty within the USSR. In 1991 the autonomous republics of the Russian Federation started preparing the new federal treaty. Some of the constituent parts of the RSFSR changed their status to a higher one: four Autonomous Oblasts (Regions) (Adygeia, Gornyi Altai, Karachaevo-Cherkessk and Khakasiia) were transformed into republics; the Jewish Autonomous Okrug (Area) separated from the Krai (Territory), of which it was a part, and formed a separate entity. In the same way Chukotka Autonomous Okrug separated from the oblast'.

"It is evident that in the USSR a new historical entity of mankind has been formed – the Soviet people," said Leonid Brezhnev, introducing the new Soviet Constitution at the plenary meeting of the Central Committee of the Communist Party of the USSR in 1977.⁶⁹

This statement emphasized the unity and integrity of one state – the Union of Soviet Socialist Republics. However, the USSR dissolvent treaty signed in Belaita Vezha in December 1991 proved this idea to be a failure. The discussion about the reasons for the break-up of the USSR still continues. It is evident that besides the Marxist–Leninist class ideology, the national relations policy was among the principal causes for the fall of such a powerful state as the USSR.

The Constitution of the USSR was not taken into account by the new government of Russia in the early 1990s. It was considered to be "incompliant with the purposes of further federal state making." However, the federal relations in the Soviet Constitution were described in a more meaningful and thorough way than in the present Constitution of the Russian Federation.

The USSR Constitution of 1977, according to Leonid Brezhnev, encompassed the constitutional experience of Soviet history, enriched with new ideas and compliant with the modern situation. It is especially important that contemporary constitutions and legislation of the Union (Federal) Republics were used while preparing the Soviet Constitution.

The Constitution of 1977 emphasized that creating a modern unified state and "the new entity of mankind – the Soviet people" would not contradict the multinational character of the state. The Secretary General of the Central Committee of the Communist Party rejected proposals "to include in the Constitution a provision for a single Soviet nation, and to abolish all the Union and Autonomous republics or to limit their sovereignty and abolish the right for unilateral secession from the union and the right for foreign relations." Brezhnev also declined another proposal to abolish the Nationalities Council (chamber of the Parliament) and to create a single-chamber Supreme Soviet (Council), "because the social and political unity of the Soviet people does not renounce the national differences."⁷⁰ Article 70 of the USSR Constitution states: "The Union of

Soviet Socialist Republics is an integral, federal, multinational state formed on the principle of socialist federalism as a result of the free self-determination of nations and the voluntary association of equal Soviet Socialist Republics.”

If we take the word “socialist” out of the above statement (it was the socialist idea that made this federation and its constitution an empty statement), we are able to see the expression of federalism in its classical form. The next question here is the right for unilateral secession from the Federation. Not a single federation in the world has a provision for such a right. For the unity of the state is that “sacred cow” in the constitution of any country that nobody will ever sacrifice. Article 72 of the Soviet Constitution declares, “each Union Republic shall retain the right freely to secede from the USSR.”

Obviously under the conditions of the Soviet Union the republics would never have had an opportunity to use this right. But “the right” itself was in the Constitution!⁷¹

Article 76 of the Constitution of the USSR provided for the distribution of sovereignty: “A Union Republic is a *sovereign* Soviet socialist state that has united with other Soviet Republics in the Union of Soviet Socialist Republics [italics by the author].” Article 81 also stated: “The sovereign rights of Union Republics shall be safeguarded by the USSR.” The 1993 Constitution of the Russian Federation mentions the statehood of the republics only in Article 5 in parentheses: “republics (states),” whereas the Soviet “Brezhnev” Constitution defines this in a more definite and clear way. A separate article in the Constitution (Article 81) guarantees their sovereignty; the republics are not just labeled as sovereign. Article 76 further states: “Outside the spheres listed in Article 73 of the Constitution of the USSR, a Union Republic exercises independent authority over its territory. A Union Republic shall have its own Constitution conforming to the Constitution of the USSR with the specific features of the Republic being taken into account.” The word “constitution” in the expression “Constitution of the republic” is capitalized, thus emphasizing its importance.

Regretfully, the Constitution of the Russian Federation, which is “a democratic federal state,” does not contain any of the above provisions.

There is no intent here to promote “propaganda” in favor of the Soviet Constitution. The above examples may well be used within the context of our study. Fully realizing the ideological purposes of the Soviet Constitution, as well as some other of its negative aspects, we may nevertheless suppose that the lawyers who prepared the Constitution of 1977 were no less competent than their colleagues in the early 1990s. The Soviet lawmakers found it possible to mention “sovereignty” and “statehood” of the Union Republics in the Constitution of the USSR. Article 80 provided for the right of the Republics “to enter into relations with other states, con-

clude treaties with them, exchange diplomatic and consular representatives, and take part in the work of international organizations.”

The close relationship between the new Russian federalism and the Soviet legacy was further emphasized by the question posed at the March 1991 referendum: “Do you consider necessary the preservation of the Union of Soviet Socialist Republics, in which the rights and liberties of man of any nationality will be fully guaranteed?” The answer to this question could be either “yes” or “no.” The referendum was one of the last attempts by President Mikhail Gorbachev to promote the signing of the new Union treaty. The events, however, had a different outcome.

The draft of the treaty gives us some idea of what the new Soviet state was to be. It envisaged the sovereignty of the union republics, the constituent parts of the Federation, providing for the right of any nation to self-determination and self-government. The republics would delegate some of their powers to the union government. Many saw the new union treaty as a way to preserve their country with its multinational population and the largest territory in the world that was formed in the last centuries. It was difficult not to believe Mikhail Gorbachev, who then said on television, “The renewed union state, the federation of sovereign republics will ensure security, a large common market, and will provide favorable conditions for the development of science and culture.”⁷² Due to the August coup attempt by some of the leaders of the USSR, the signing of the new treaty, known under the projected signing place, Novoe Ogarevo, never happened. For the new generations of Russians there is still no definite answer to the question of why the Soviet Union broke up and whether Russia will have a similar fate.

Sharov writes on this matter:

Even a superficial analysis of these countries shows that federations with territorial division according to national factor are the least stable ones. The Soviet Union was the largest and closest federation of a mixed type, created in 1922 as a realization of “the right of nations to self-determination.” Today we may conclude that territorial division according to ethnic composition was one of the main causes of the events of 1991 and the break-up of the Soviet Union.⁷³

This point of view has many supporters. However, this is not the ultimate cause; as was previously noted, there are many reasons for the fall of the USSR, and the federal structure of the state is not the principal one. Moreover, mechanisms used to solve national problems in the USSR will for a long time serve as a model for development of national cultures and peoples elsewhere. The Soviet ethnic policy experience remains an object of study by numerous historians and politologists with a special emphasis on its adaptation for the modern federation context.

Federation Council expert Milena Zolotareva has expressed her particular point of view: "The Soviet Union was an example of the restructuring of a single state into a confederation. The results speak for themselves! This is not a pattern to follow for Russia or any other federal state."⁷⁴

It is evident that the break-up of the Soviet Union was not caused by the federal structure of the state or ethnic conflicts within the union. It was, rather, a result of an attempt to convert the country to a confederation via Gorbachev's new union treaty.

Looking back once again at Russian history we see that the evolution of the state government structure in the Russian Empire was characterized by both centripetal and centrifugal tendencies, and those often have been intermixed. The experience of local city self-government in the late nineteenth and early twentieth centuries, the *zemstvo*, and the Bolshevik interpretation of this structure, are especially noteworthy.

The legacy of the 1864 local government reform, *zemstvos*, was rejected by the Bolsheviks. *Zemstvos* were composed of local intelligentsia (government officials, doctors, teachers and other specialists) who were authorized to decide financial and economy matters of local importance. The scope of their authority, in turn, was limited by the central government legislation. *Zemstvos* made up a liberal opposition to the government in their demand to extend the practices of self-government to the entire government of the country. After the 1905 revolution *zemstvos* lost much of their influence and in 1917–18 they were abolished by the new government. Lenin then wrote: "The destiny of the *zemstvo* from the very beginning of its existence was to be the 'fifth wheel' in the cart of Russian state administration."⁷⁵

Today the idea of *zemstvo* has found a strong advocate in Alexander Solzhenitsyn. In his travels throughout Russia he meets many people in the regions, including local leaders and government officials. In some regions the *zemstvo* ideas are finding many supporters and people are very much in favor of them. However, it is evident that *zemstvo* in the modern context cannot be an alternative to a federal state. It does not reflect the ethnic interests of the groups of population. And this matter is too important now to be neglected in a multi-ethnic society.

Lenin's political views on the national question should be an object of further study, especially now when Russian society is free of the ideological pressures. Modern federalism may find Soviet constitutional experience very useful in many instances, provided class ideology is filtered out.

"The society designed by Lenin," writes Dmitrii Volkogonov in his book about Lenin, "was a complete failure. This fact doesn't bring us joy, since we have been not only the witnesses of but also the participants in this great social experiment. Lenin's false prophecies were not accidental. For

there is no class truth, there is only class lie. The truth encompasses the entire humankind.”⁷⁶

Russian philosopher Nikolai Berdiaev, in his book entitled *The Origins and Essence of Russian Communism*, written in the 1930s, described Lenin as:

a typical Russian man. In his expressive face there was something of Russian and Mongol. Lenin had typical Russian traits, not those of the intelligentsia, but of Russian folk: simplicity, wholeness, some rudeness. He didn't like eloquence and rhetorics, was practical in his thinking, and tended to be a nihilist cynic in his moral judgements. In some traits he resembles the Russian character, portrayed by Leo Tolstoi, even though his inner life was not as complex as Tolstoi's . . . He encompassed the traits of Chernyshevsky, Nechaev, Tkachev, Zheliabov, along with the traits of the Moscow Grand Dukes, Peter the Great and other Russian despotic statesmen . . .⁷⁷

The making of a federal state is a very complex undertaking, and consideration of the previous historical experience becomes especially important in this context. It is necessary for the leaders of the country, as well as for the officials who are involved in social, political and economic reforms, to be aware of the ways national problems have been dealt with in Russia and the Soviet Union. Today there should be a critical approach to the legacy of the great reformers.

Another of the great reformers was “the worthy successor of V. Lenin, the leader and teacher,” Joseph Stalin, whose deeds had a tremendous impact on the national relations and the federal structure of the state.

Stalin's ethnic policy

In Russia there should be a federal State based on a free union of peoples.

Joseph Stalin

Joseph Stalin headed the party at the time when socialism was proclaimed the primary task of the socialist federation. Already, in the 1920s, Stalin favored the strong state and never hid his views on ethnic relations. This ensured victory over his political opponents.

In the report on the “national question” prepared for the 10th Party Congress, Stalin stated that the Federation had become “the general form of the state union.” The Communist leader tried to persuade the delegates that it was necessary to employ different forms of federation, using its flexibility.⁷⁸

In the same report he also mentioned the idea that the federation of Soviet republics “that was realized in the R.S.F.S.R. [i.e. federation of the republics that joined the R.S.F.S.R. as autonomous republics] is the desired form of state union.”⁷⁹ According to Stalin, in the Soviet Federation “there are here neither dominant nor subject nations, neither metropolises nor colonies, neither imperialism nor national oppression.”⁸⁰

The Congress, however, was very careful about choosing the form of a federation. It agreed with Stalin that there should be different flexible forms of federation. At the same time, party comrades did not adopt the final form for the new state. The congressional resolution “On the Immediate Tasks of the Party in the National Question” stated that

a federation of Soviet republics based on common military and economic interests is the general form of the state union that will make it possible: a) to ensure the integrity and economic development of each individual republic and of the federation as a whole; b) to embrace all the diversity as regards manner of life, culture and economic condition of the various nations and nationalities, which are at present at different stages of development, and to apply corresponding forms of federation; and c) to arrange the peaceful co-existence and fraternal co-operation of the nations and nationalities which, in one way or another, have linked their fate with that of the federation.⁸¹

The above statements reflect Stalin’s perception of federation from the point of view of autonomization. In 1922, at the time of the creation of the USSR, there were major debates on the relations between the regions. The party leaders, and especially Stalin, had many different opinions on this matter. At the time Stalin was the People’s Commissar of Nationalities, and the regional and ethnic policy of the state was his primary responsibility. His “autonomization” project wasn’t out of place; it was, in fact, based on the contemporary party doctrine. The project was considered by the party and state authorities and was accepted for further implementation. Stalin’s ideas were based on economic and social factors. He suggested a strictly centralized form of state. Lenin, however, opposed precisely the “excessive centralization of the economic life”; in his opinion the level of centralization achieved was already too bureaucratic.

Stalin, on the contrary, thought that the current level of centralization was not enough. The leaders of the autonomous republics joined their colleagues from the independent republics in the discussion on autonomization. They supported the idea that the establishment of all national autonomies would be based “on common military and economic interests”:

Various forms of the autonomies, the independent union republics and the autonomous regions, have been caused by particular evolvement of the revolution in each region. Local elites thought that it was the military and revolutionary situation and not the problems of the ethnic minorities that determined the form of state.

In his interview in *Pravda*, People's Commissar for Affairs of Nationalities Joseph Stalin commented on the future structure of the Russian Federation and the rights of its constituent parts:

not every area or unit, and not every geographical territory can or should become a member of the federation, but only definite regions which naturally combine a specific manner of life, a specific national composition, and a certain minimum integrality of economic territory. Such are Poland, the Ukraine, Finland, the Crimea, Transcaucasia [incidentally, the possibility is not excluded that Transcaucasia may break up into a number of definite national-territorial units, e.g., Georgia, Armenia, Azerbaijan-Tatar, etc.], Turkestan, the Kirghiz territory, the Tatar-Bashkir territory, Siberia and so on.⁸²

This reminds us of the eighty-nine constituent parts in today's Russian Federation that perhaps should be transformed into fewer larger units and thus enable a more effective administration of the country.

In the same interview, Stalin also discusses the delimitation of powers between the central government and the parts of the Federation. He asserts that "the rights of these federating regions will be definitely delimited in the process of constituting the Soviet Federation as a whole, but the general outline of these rights can be indicated already. Military and naval affairs, foreign affairs, railways, post and telegraph, currency, trade agreements and general economic, financial and banking policy will probably all come within the province of the Central Council of People's Commissars. All other affairs, and primarily the methods of implementation of general decrees, education, judicature, administration, etc., will come within the province of the regional Councils of People's Commissars."

Stalin also expressed his special view on the national languages. He thought that, after the final victory of the World Proletarian Revolution, "the principal language of the world, the language of international communication will be the language of Pushkin and Lenin."⁸³ At the same time he states: "No compulsory 'state' language – either in the judicature or in the educational system! Each region will select the language or languages which correspond to the composition of its population, and there

will be complete equality of languages both of the minorities and the majorities in all social and political institutions.”⁸⁴

Lack of a clear definition of nationality allowed Stalin to voluntarily set the number of nationalities in Russia and in the USSR. In 1921, he noted that “the slogans of the October revolution have united more than 20 nationalities of Russia under the banner of the Russian proletariat.” At the end of 1922, Stalin calculated that the republics constituting the USSR were composed of more than thirty nationalities. In 1925 he suddenly discovered that there were at least fifty nationalities in the Russian Empire (it is known that the all-empire census in 1897 recorded 146 different languages and dialects). Finally, in 1936 he determined that “the Soviet Union is made of about 60 nations, national groups and nationalities, even though according to the 1926 census there were at least 185 nationalities in the country.” Soviet scholars did not have a unified opinion on the number of nationalities in the Soviet Union and the RSFSR, again due to the lack of a clear definition of nation and nationality. There were two principal factors that characterized nation – statehood and language. On one hand, nation had to have its own state – the union republic; on the other hand, the existence of a literary language was emphasized, and the number of nationalities corresponded to the number of literary languages. Thus there was a general conventional opinion that there were more than 100 nations and nationalities in the USSR.

According to Stalin, “a nation is a historically constituted, stable community of people, formed on the basis of the common possession of four principal characteristics, namely: a common language, a common territory, a common economic life, and a common psychological make-up manifested in common specific features of national culture.”⁸⁵ It is evident that this definition of nation is not complete.

Lenin never commented on Stalin’s definition of nation. He never mentioned it or cited it in his works. Lenin only noted that there are two major Marxist theories on ethnic matters: the idealistic theory by Bauer, which emphasized the role of the *national character*, and the *historic-economic* theory by Kautski which named the *language* and *territory* as the main attributes of a nation.⁸⁶ Lenin approved of one of the articles by Stalin in favor of the party’s program on national policy. This policy, according to Lenin, helped the Bolsheviks “not to give up one jot in their standing against the Bund rascals.”⁸⁷ The practical value of Stalin’s formula was in the limitations he put to the definition of the national body subject to self-determination. His division of peoples into nations and nationalities also served this purpose. The “nationality” definition was used to limit the number of candidates to union republics. Stalin considered federalism to be only a transitional form of state: “As in America and Switzerland, federalism in Russia is destined to serve as a means of transition – transition to the socialist unitarianism of the future.”

Some scholars argue that Stalin could not have been in favor of a merge of nations into one “socialist nation,” quoting Lenin: “national differences will keep for a very long time after the dictatorship of the proletariat is established on the world scale.”⁸⁸ However, in his work Lenin only stated that there would be time when there would be no nations and yet the national differences would still exist. Stalin went further and treated these two terms (nation and national differences) as identical. At the same time Stalin was positive that the state should pay very close attention to “the national question and nationalism.” Stalin wrote:

To neglect and ignore the national question, as some of our comrades do, will not help to destroy nationalism. Not at all! Nihilism in ethnic affairs only damages the work of the socialism, and helps the bourgeois nationalists. In order to destroy nationalism first of all, we must decide the national question and settle the ethnic affairs.⁸⁹

In practice, Stalin’s “national Bolshevik” policy in the 1930s aimed to transform the multinational society of the country into some new entity. Its main values were high patriotism and passion for the “Motherland.”

V. Volkov, a writer for *Svobodnaia mysl’* magazine, evaluates the Bolshevik national policy in this way:

V. Lenin wanted to use the national movements as allies of the proletariat in its strive for political power. He wrote two articles on this matter just prior to World War I. Stalin followed him with his pamphlet “Marxism and the National Question” in which he attempted to define a nation. Today when there is no censorship of these works we see them as very eclectic. What has been presented as a scholarly theory on the ethnic question is in fact a diverse collection of nationalistic slogans, picked up by the Bolsheviks and successfully used to gain power. From their point of view national movements were to be treated only as allies on the way to the world revolution.⁹⁰

Some of the points of the Bolshevik program on ethnic relations that look democratic at first glance require a more detailed study. One must be aware of the real intentions of the Bolshevik leaders and take into account the actual outcome of this program. Bolsheviks have always been true pragmatists. Furthermore, interethnic relations provided good grounds for political experiment. At the time of the Brest–Litovsk peace treaty with Germany (March 1918), Lenin’s government recognized the territorial divisions made by the German occupant authorities in the western regions of Russia and incorporated these divisions into the federal

structure of the RSFSR. In the same way when friendly relations with Kemal's Turkey were being established, some of the ethnic Armenian territories were handed over to Turkey by Lenin (Kars and Ardagan districts that were previously a part of the Russian Empire). Simultaneously these territories became a part of Azerbaijan. This is how the problem of Nagorny Karabakh came into being. Another example was the transfer of some of the Ukrainian and Belarussian territories to Poland according to the 1921 Riga peace treaty. Not a single referendum was held in Soviet Russia at the times of Lenin and Stalin.

Historians A. Vdovin, V. Zorin, and A. Nikonov, who analyzed ethnic policy that concerned Russian people in the twentieth century, show that Stalin, as well as other Communists, did not have definite answers to many questions in this field:

One could argue and disagree with Stalin, however, that the argument over the making of the USSR was predominately a political one. And the right of nations to self-determination in a radical form was made its cornerstone. Lenin's final decision, that resolved the argument, was a great surprise.⁹¹

On 25 December 1922, thirty officials from autonomous republics and regions passed a letter through Stalin to the Politburo of the Central Committee of the Russian Communist Party. In this letter representatives of the regions, the delegates to the 10th Congress of Soviets, expressed their vision of the Union that was being made: "The self-determined nations of the former Russian Empire have created the forms of state suitable both for the proletarian center of Russia and for the underdeveloped frontier territories with a peasant population." The basis for all national autonomies was "close co-operation in military, political and economic spheres." "The existence of various forms of the autonomies, the independent union republics and the autonomous regions, was caused by a particular evolvement of the revolution in each region." Authors of the letter thought that the forms of the national set-up of the state are not always caused by the internal factors.

The fact that there were different types of autonomies at that time was considered to be something abnormal, a result of chaotic events of the revolution. The autonomies had been created by the center, first of all for purposes of the economy. It was the revolutionary outcome in the creation of the union that the party leaders wanted the least. Moscow officials understood the complexity of this undertaking and realized that they should take into account the interests of the frontier territories with their very diverse levels of economic and cultural development. At the same time, all the regions had to have equal economic and political rights. The striving for dominance of the Great Russians and nationalistic tendencies

of the non-Russians had to be eliminated as well. The Union authorities realized that it was important not to use the authoritarian centralism practices of the Russian Empire in the new state.⁹²

Should the autonomous republics join the Union as “the existing federal units (RSFSR, Transcaucasus Federation) or should they enter the Union as separate independent states (Ukraine, Georgia, Turkestan, Bashkiria)?”⁹³ This was the main issue for Stalin and his companions. It should be noted that here Ukraine, Russia, Bashkiria and Turkestan are mentioned in the same context and are viewed as separate states. At that time it was not clear whether the autonomies would remain parts of the federation and RSFSR would preserve its territorial division structure that included the autonomies.

Stalin’s understanding of this matter was reflected in his letter to Lenin, dated 22 September 1922. He writes: “Current order of relations between the regions and frontiers [based on treaties] present the absence of any order and are a complete chaos.” According to Stalin, this situation halts “the economic activity on all-Russia scale.” He suggested a way out of this: “either actual independence and hence complete noninvolvement of the central authorities in the regional affairs. All matters then would be agreed upon through the negotiations of equal parties or actual unification of Soviet republics into one economic whole.” The latter would be achieved by “extending the authority of the Council of People’s Commissars (CPC) and All-Russia Central Executive Committee to the CPC and Executive Committees of the independent republics.” Thus the “fictitious independence would be replaced by actual internal autonomy of the republics.” According to Stalin, the centralized state has many advantages over the one based on bilateral treaties.

In Stalin’s opinion, federation meant constant quarrels between the different levels of power: “The Central Committee of the Russian Communist Party in such cases interferes only after institutions in the frontier territories have already passed their decrees, that will later be abolished by the central authority in Moscow.” Of course, regions do not appreciate that. During the civil war, writes Stalin, “because of the foreign military intervention we were forced to demonstrate liberalism in the ethnic policy of Moscow” and some of the communists took it seriously and now demand national independence in all its aspects. “The young generation of communists in the regions, in turn, does not think of independence as a necessary ‘game’ and believes it is something real.”

This letter by Stalin, addressed to Lenin, on the making of the Federation reveals the actual intentions of the party leaders. The Central Committee of the Russian Communist Party never meant to create an actual federation. From the very beginning the Soviet State was designed as a strictly centralized one. The constitution was an empty statement for the Soviet policy makers. Since the Communist leaders had real authority in

their hands, they could easily allow themselves to “play the game of independence” and to “demonstrate liberalism in ethnic affairs.” The main goal was to attract devoted followers, the “social-independents” in the regions who would trust the “sincere” intentions of the central power.

The events around federalism in Russia at the end of the twentieth century are not a unique phenomenon. The supreme authority today only replicates what Lenin and Stalin invented after the revolution. Only now the “dictatorship of the party” and “dictatorship of proletariat” are replaced by “dictatorship of law,” and the leaders of the constituent parts of the Russian Federation play the role of the “social-independents.” In the past nine years of Yeltsin’s rule, the so-called era of “democracy and the federalism game,” regional leaders believed that they actually participate in the making of the federal and national policy. But when they were expelled from the Federation Council and were told to manage only their regional matters, the true character of the “federal state” system was revealed. The leaders of the constituent parts of the Federation were stripped of their right to participate in the central government of the country that was given to them by the Constitution.

Let us go back to Stalin’s letter. He further writes that it is necessary to choose a form of relations between the center and the regions that would preserve the actual situation. “The regions must unconditionally submit to the central government. That is, if we do not replace formal (fictitious) independence with formal (and at the same time, real) autonomy, one year later it would be much more difficult to preserve the unity of the Soviet republics.”⁹⁴

In order to prevent the break-up of the party and at the same time not to humiliate the “nationals,” Stalin suggested that some specific steps be taken. First of all, central power institutions had to be set up. On 18 November 1922, he published an article in *Pravda*, commenting on the proposal that the future parliament should have “an upper chamber where all nationalities would be equally represented.” Stalin argued that this project

will not find support in the national republics, because the two-chamber system is incompatible with the Soviet State structure, at least at this stage of its development. Instead, there should be a Central Executive Committee of the Union. Its members should be elected by the Union republics in proportion to the population they are representing.⁹⁵

At that time Stalin did not receive support from his party comrades and soon changed his point of view. Already in 1923 he wrote that the supreme power of the state should include “an institution that would serve the needs of all republics and nationalities without exception”:

In our situation it is not possible to govern the country, not having the representatives of the nationalities in the supreme authority, here in Moscow. They would not only stand for the common interests of the entire proletariat, but also represent the specific needs of their nationalities. It will not be possible to govern the country without having this “barometer” and people who would be able to formulate the specific needs of individual nationalities.⁹⁶

Stalin’s economic program was much more conservative than his ideas on ethnic relations. “We should provide the working masses of the underdeveloped nations and nationalities with favorable conditions for economic, political and cultural development, thus enabling them to catch up with the proletarian regions of central Russia.”⁹⁷

To many contemporary Soviet statesmen it was natural to create a large centralized state from what was left of the Russian Empire. The only argument was over the following specific features of the new state: the political, ethnic and geographical set-up of the multinational country; the ways for separate regions to form “one whole” and cross-regional relations; an economic and social model for the country in general.

The Union of Soviet Socialist Republics, created in 1922, was the result of a compromise between the party leaders in Moscow and in the regions. A. Vdovin, V. Zorin and A. Nikonov write:

The Union in many ways was based on faulty class ideology, that was nevertheless implemented due to extreme centralization of the country. The biggest mistake was to neglect the ethnic factor and to forcefully impose common economic practices on very different regions. These differences were regarded as a legacy of the “imperialism” of the ruling classes. Another serious error was the underestimation of the role ethnic Russians played in economic, political and cultural life of the country before and after 1917. All this later had a significant impact on the economic and regional policy of the Union.⁹⁸

In the 1930s and 1940s Stalin’s doctrine on nationalities evolved on its own, without his direct interference. In 1935–6, N. Bukharin, most likely with Stalin’s support, created a concept that proclaimed the Soviet people a new entity of humankind. However, Bukharin wasn’t recognized as the official author of this theory since the great Stalin was behind him and he was already losing his influence.

2

THE ROLLERCOASTER OF RUSSIAN FEDERALISM

In order to secure democracy in Russia a special environment has to be created. Federalism can and should serve this purpose.

Mintimer Shaimiev

Federal state making in the 1990s in Russia and some East European countries was an important stage of democratic reform. In the 1993 referendum, Russians voted in favor of the new Constitution that provided a basis for the civil society and guaranteed the rights and liberties of the citizens. The Constitution proclaimed equality of the constituent parts of the Federation and determined the unique character of the federal state model for Russia. In the 1999 annual address to the Federal Assembly the First President of Russia, Boris Yeltsin, spoke about the real federalism that evolved in Russia at the end of the century.

State sovereignty, inviolable democratic rights and liberties, stable economy and legislation, together with equality and the right to self-determination of peoples, are at the core of the new Constitution of Russia. All these principles can be realized only through a balanced framework of federal relations and proper co-ordination of all levels of state authority.

The contemporary stage of Russian federalism is only a transitional step toward the federal democratic state declared by the Constitution. This transition is associated primarily with radical economic and political changes that are happening in the country. A free market economy and restructuring of industry and economic life in general will affect the future of the governmental reform both on federal and regional levels.

In this situation federal relations often lack stability and consistency. Uncompleted political and social reforms together with the inability of the political system itself to adapt to the ever-changing circumstances often cause many contradictions and disagreements between different levels of state authority.

On the one hand, there is a tendency toward unity and integrity of the federal state, on the other hand constituent parts of the Federation would like to widen their independence up to the point of declaration of sover-

eignty and proclaiming themselves subjects of international relations. Today's transition is marked by numerous conflicts between regional and federal legislation that require much patience and compromise on both sides. For a federal state it is important to avoid ethnic and political conflicts and to preserve peace and stability in the country.

Understanding the essence of the transitional period and the nature of the events it brings about would help to avoid many obstacles in the process of federal state making. This would allow the political, economic and social life of the country to run a natural way, without artificial acceleration or stagnation stages. Delimitation of power between the federal center and the regions based on the Constitution and bilateral treaties, symmetry and asymmetry of the constituent parts of the Federation, their limited rights to foreign relations and other issues remain on the agenda of the reform initiated in the 1990s that continues in today's new political circumstances.

“We, the multinational people of the Russian Federation . . .”

The state is an institution of power; at the same time it is an institution of liberty. These two requirements as two standpoints determine its tasks and its limits.

Ivan Ilyin, Russian philosopher

Talks about the shortcomings and internal contradictions in the 1993 Constitution have already become commonplace. Despite that, for almost a decade it provides a foundation for state making in Russia. The Constitution includes basic concepts of federalism. And it is federalism that gives grounds for the ongoing discussions and arguments among statesmen, politicians, politologists and in the society in general.

The Constitution of the Russian Federation lists six types of the constituent parts of the Federation inherited from the Soviet past: “The Russian Federation shall consist of republics, territories, regions, federal cities, an autonomous region and autonomous areas, which shall be equal subjects of the Russian Federation.”¹ At the present time the Russian Federation includes eighty-nine constituent parts: twenty-one republics, six krais (territories), forty-nine oblasts (regions), two federal cities, one autonomous oblast’ and ten autonomous okrugs (areas). In the new Russia this asymmetry of the Federation units created many problems that are yet to be resolved.

For instance, the unique Jewish Autonomous Oblast’, a remnant of the Soviet ethnic policy, has lost its special character. According to the 1989 census, the Jewish population made up only 4.15 percent of the entire population. In practice Jewish Autonomous Oblast’ does not differ in any way from any other oblast’ and yet it has preserved its “historical” name.

Autonomous okrugs enjoy equal status with other constituent parts of the Federation. However, according to Article 5, Part 1 of the Constitution, they may be included into krajs and oblasts. But the Constitution does not regulate the relations between the constituent parts in this case. Today, seven subjects of the Federation include nine other “internal” “equal subjects of the Russian Federation.”

This unique situation creates many problems and contradictions in federal relations. For instance, constituent parts of the Federation that are included into other constituent parts have four representatives in the Federation Council, whereas “normal” constituent parts have only two. This contradicts the Constitution of the Russian Federation that provides for equal electoral rights. In Tiumen’ Oblast’ during gubernatorial elections authorities of the constituent parts that are included into the Oblast’ tried to ignore the election campaign on their territory. Furthermore, for some of the “internal” subjects, the “independence” is becoming a burden. They wish to become economically dependent on the Federation subjects that are “better off.” At the same time they would like to preserve their political and administrative autonomy.

The Constitution of the Russian Federation states that all subjects of the Russian Federation shall be equal in relations with the Federal bodies of state power.² However, republics have rights that oblasts and krajs do not have. A republic has a state status and its own constitution instead of a charter³ as well as a second official language in addition to Russian.⁴ Constitutions provide for the republics to have presidents, whereas krajs and oblasts only have heads of administration, also called governors.

Every constituent part of the Federation may set up its own system of administration in accordance with the constitutional order and basic organizational principles of representative and executive bodies of state authority, defined by federal legislation. Any particular features of the constituent part including ethnic and religious factors may be reflected in the administrative system.

Beginning with the first years of existence of the Russian Federation, its integrity has been aggravated by many contradictions in the legislation of all levels. The constitutions, charters and legislation of the constituent parts of the Federation contained provisions that contradicted the Federal Constitution and legislation. Furthermore, power delimitation treaties between the constituent parts of the Federation and the central government assigned “exclusive and shared legislative powers” entirely to the authority of the regions, thus contradicting the Constitution. In the 1990s this situation could not be settled because legislation that would provide basic guidelines for the structure of the bodies of state power in the constituent parts of the Federation and for the power delimitation treaties simply did not exist.⁵ The legal status of the autonomous okrugs was not reflected in the legislation. There was no accountability procedure for the

highest officials in the regions for disregarding the federal Constitution and legislation and advocating for the regional separatism.

Today many politicians and high federal officials who work to preserve the integrity of Russia often forget that diversity of the constitutions and charters of the constituent parts of the Federation only enriches the legislative base for the statehood of the country and reflects the multinational character of Russia. The Constitution of the Russian Federation does not empower federal government to abolish or suspend certain provisions of constitutions, charters or legislation of the constituent parts of the Federation that contradict the federal Constitution. Beginning in the mid-1990s, there were several attempts to set a procedure for harmonizing federal and regional legislation. From time to time advocates of constitutional federation propose legislation that would “ensure the integrity of the country” and limit the independence of the constituent parts of the Federation. By the end of the 1990s the amount of regional legislation contradicting the federal Constitution had increased dramatically. The need for harmonizing legislation of all levels became urgent.

Russian politologist I. Sarycheva, commenting on this situation, wrote in *Federalizm* magazine that a “disintegrating legislative system threatens constitutional security of Russia.” She noted that:

regional law-making is becoming a real and significant factor on the country’s legal landscape. And before most of the regional legislation is formed, urgent measures need to be taken in order to stop the undesirable tendencies in the regional legislature. We must set the limits for subjective interpretation of law and prevent the disintegration of the uniform legal system.⁶

In the Russian Federation, as in any other federation, there are two levels of legislative authority: federal (national) and constituent unit (regional). The scopes of authority assigned to each level of government are described in Articles 15, 71 and 72 of the Constitution of the Russian Federation. The chaotic development of the legislation brought forth many legal controversies. There were many cases when regional legislation would contradict Articles 71 and 72 of the Constitution and federal laws. Most commonly, constituent governments would misinterpret the areas of their legislative authority, duplicate the provisions of federal laws, and pass legislation violating the distribution of powers.⁷

On the other hand, Article 76, Part 6 of the Constitution, following the best tradition of classical federalism, states that:

Outside of the jurisdiction of the Russian Federation and the joint jurisdiction of the Russian Federation and the subjects of the Russian Federation republics, territories, regions, federal cities,

autonomous regions and autonomous areas shall effect their own legal regulation, including the adoption of laws and other regulatory legal acts. . . . In the event of a contradiction between the federal law and a regulatory legal act of a subject of the Russian Federation issued in accordance with part 4 of this Article, the regulatory legal act of the subject of the Russian Federation shall apply.⁸

For the constituent parts of the Federation, the very fact that in certain cases regional law would prevail over the federal law was a good sign.

It wouldn't be right to draw up far-reaching conclusions from the above statement; there are still too many contradictions in the legislation of all levels. However, it is evident that not each and every disagreement of regional legislation should be treated as a violation of the federal Constitution.

From a formal point of view, the problem is resolved by Article 76, Part 5 of the Constitution that clearly states that, in the case of a contradiction between the federal law and a law of a subject of the Russian Federation, the latter shall prevail. But, in reality, everything is much more complicated. Until the year 2000, the legislative arguments went unresolved, since a regional law before it is abolished is treated as contradictory and preserves its legal force.

In most federations such situations are resolved by the Constitutional Court, and Article 125, Part 2 of the Constitution of the Russian Federation has an appropriate provision. Only the Constitutional Court may proclaim a law to be unconstitutional and therefore ensure the effective operation of the Federation. Professor Elinger (University of Vienna, Austria) in his report given at a conference on federalism in Moscow, noted that the Constitution of the Russian Federation contains a provision for the supremacy of the federal legislation in Article 76, Part 5. However, according to Article 125, the Constitutional Court of the Russian Federation interprets the Constitution and decides whether legal acts and their provisions are in compliance with the Constitution and constitutional distribution of powers between the federal government and the constituent parts of the Federation. Therefore, it should be noted that provision of Article 76, Part 5 should be valid only until the Constitutional Court rules on the conflicting legislation.⁹ The Constitution of the Russian Federation clearly defines the matters that concern the integrity of state administration and delimitation of powers: "The scopes of authority and powers of the bodies of state authority of the Russian Federation and the bodies of state authority of the subjects of the Russian Federation shall be delimited under this Constitution, Federal and other Treaties on the delimitation of scopes of authority and powers."¹⁰ Articles 71 and 72 provide the details of the delimitation of powers in the framework of federal relations.

Article 78 ensures co-operation of various levels of government and provides for the common interests of the Federation: "the federal organs of executive power may delegate to them part of their powers provided this does not contravene the Constitution of the Russian Federation or federal laws."¹¹

The Federal treaty became an integral part of the Constitution of the Russian Federation adopted on the national referendum in 1993 and is still valid in the part that does not contradict the Constitution. Despite this fact, federal government tends to neglect the importance of this document. The conditions of the treaty on which the former autonomous republics entered the Russian Federation receive less frequent mention. Some high government officials realize the important historical role of the Federal Treaty, and yet they are inclined to ignore the bilateral treaties between the federal government and the constituent parts of the Federation.

It is evident that the country needs a firm legislative base for federal relations founded in mutual trust, stable economy and political system, that would exclude arbitrary solutions.

There is another strong argument in favor of this statement. There are eighty-nine constituent parts in the Russian Federation, and each one of them is unique. Every region has its history of relations with the federal center. The hardships of the transitional period that Russia is going through have also been reflected in the federal relations. New Russian federalism had a difficult childhood succeeded by unpredictable adolescence in the mid-1990s. The 1993 Constitution, being a result of many "compromises," cannot guarantee a full implementation of federalist principles in Russia. It does not provide a definite model of a federal state.

In comparison with the constitutions of other federations, the Russian Constitution does not contain provisions for federal interference in regional matters. This situation has created many legal and political obstacles during the federal armed forces' operation in Chechnya, and in cases when the regions openly violated the federal laws.

The Constitution of the Russian Federation inherited many features of a centralized state. For instance, a centralized court system and law enforcement agencies have been preserved. At the same time, heads of the federal institutions in the regions were appointed with the consent of the region's high authorities. Moreover, because of constant federal budget funding shortages, federal institutions in the regions became financially dependent on the regional government.

Nevertheless, in the 1990s, federalism in Russia experienced active growth, despite the imperfections in the Constitution. The weak points of the Supreme Law have been compensated by other legislative acts and by the actual work. The Constitution questioned the sovereign status of some

of the national republics and did not single them out as sovereign states within the Russian Federation. As N. Vitruk, a member of the Constitutional Court noted, "The Russian Federation has evolved, evolves now and will evolve in the future. Therefore, we should be ready to amend and revise the Constitution of the Russian Federation."¹²

The government reform initiated by President Vladimir Putin made the amendment procedure an important issue once again. The coming of the State Council of the Russian Federation to the political scene triggered many discussions and arguments over a revision of the Constitution. It wouldn't be possible to redelegate the powers of the Federation Council to the State Council without amending the Constitution. Likewise, some of the laws adopted on the initiative of the President in the year 2000 do not seem to be entirely "constitutional." The general opinion among politicians is that normal intergovernmental relations would not be possible without major constitutional amendments. It should be noted that the 1993 Constitution has been criticized since its conception by all parties. The constitutional crisis that became a reality by June 2000 further complicated the socio-political situation in the country. One of its principle causes was the confrontation of the federal center and the regional authorities, which abstained from harmonizing their legislation with the federal laws. This was required by the rulings of the Constitutional Court of 7 and 27 June 2000. The term allocated by the Court for bringing the regional legislation in accordance with the federal Constitution will expire by the end of the first half of the year 2001. Hence we may suppose that the constitutional reform would soon follow.

According to V. Sheinis, State Duma deputy and one of the authors of the 1993 Constitution, the Supreme Law of Russia has a "powerful built-in self-protection mechanism." There are two ways to revise the Constitution. The first way, so-called "American," is provided by Article 136 of the Constitution. It only allows amendments to the "internal" chapters of the text (III to VIII), leaving out Chapters I, II and IX. The latter provide for the constitutional set-up of the state, rights and liberties of man and citizen and constitutional amendment procedure. Amendments in this case require a vote in the State Duma and the Federation Council by a two-thirds majority and support of two-thirds of the constituent parts of the Federation. This rigid multi-stage procedure would require much time and effort to actually complete the amendment process.

The second way to amend the Constitution is more radical. Article 135 makes it possible to alter even the "external" chapters. First, this would require three-fifths majority passage in the State Duma and in the Federation Council. Then a special Constitutional Assembly would be called. Today the general opinion in the society is that now is the time to call the Constitutional Assembly and to revise the Constitution. However, now we do not fully realize the consequences of this step.

Evolution of the society is always accompanied by constitutional reforms. Usually this takes place during stable, peaceful times in the history of the country. Today in Russia we have a different situation. The constitutional reform is viewed as a way out of crisis. Therefore it would be wrong to assume that the Russian Constitution would ever be in the *Guinness Book of Records* for its long life!

Nevertheless, it should be remembered that a stable constitution is one of the principal sources for the general stability of the whole society. And it means not only stability in legislation, but also in the economy and social matters.

There is no doubt that the Constitution of the Russian Federation needs improvement and perfection. Yet there is no guarantee that, after the changes are made, the Fundamental Law would become any better. In the political setting we have at the beginning of the new century in Russia, with confrontation in society and colliding interest groups, it would be too early to speak of a better constitution. Proposed constitutional amendments often contradict one another and are viewed differently by the different orders of government. The situation where one group would dominate in the constitutional amendment institution would be very dangerous. For instance, a Constitutional Assembly directed by the central government may overturn the federal foundations of the state that evolved over the last decade.

So far all proposed amendments were concerned with the “internal” chapters of the Constitution, predominantly with the state administration structure and federal relations. However, if an amendment procedure was initiated according to Article 135, the process would go further. For the Constitutional Assembly to be called, there has to be at least a formal proposal to revise the “external” chapters of the Constitution. This, in turn, may affect civil rights or separation of church and state, and, most important, allow altering Chapter IX and simplifying the Constitution amendment procedure. Current authoritarian trends in the central government and its recent attempts to limit the constitutional rights of the constituent parts of the Federation may predetermine the composition of the Constitutional Assembly. There is a real danger that the conservative–liberal assembly supported by the State Duma would dismantle the federal structure of the multinational country.

In the past the second State Duma had drawn up proposals to amend the Constitution of the Russian Federation. The third Duma prepared an amendment package supported by the Communists, the Union of Right Forces, “Yabloko” and “Homeland – All Russia” deputies.

If a calling of the Constitutional Assembly will actually be made, the representatives of public organizations and regional politicians should be invited to participate in the formation of this legislative body. The proposed law on the formation of the Constitutional Assembly states that it

would include Duma deputies, senators of the Federation Council, as well as the President and high court judges. The Assembly would also have 100 experts proposed by government and public institutions and appointed by the President. In essence, this Assembly formation procedure contradicts the Constitution. It is limited entirely to the state administration system and gives way for the abuse of power by the state authorities. Citizens of the Russian Federation who have voted for the new Constitution have not delegated the power to revise the Fundamental Law to the Federal Assembly, to judges, or to the President of Russia. The proposed law would mean that the State Duma deputies and members of the Federation Council have to set their main occupation aside and work on the constitutional reform for half a year. The law also envisages that deputies would have to leave the Assembly if they lose their deputy status. V. Sheinis suggested that the members of the Constitutional Assembly would leave their work and concentrate entirely on the primary task, being free of the influence of their legal status.

Revision of the Constitution is a vital matter for the country and therefore it should be decided only by popular election of participants to the Constitutional Assembly. In this case, the representatives of the multinational people of Russia would have the authority to amend and revise the Constitution.

The decisions of the Constitutional Assembly should reflect the mutual consent of different parts of Russian society. Minorities must be given appropriate voting tools that would require the majority to seek compromise in principal issues.

All proposals about the Constitutional Assembly do not mean that it is time to revise the Constitution. According to numerous politicians, political experts, federal and regional statesmen, as well as public organizations, the Russian Constitution does not need any fundamental changes at this stage in history. There are other important tasks that need attention. In one of his statements, President Vladimir Putin mentioned that the revision of the Constitution is not an immediate and urgent task, and that the country has a very good Constitution. Nevertheless, some constitutional amendments are necessary today.

The President of Russia launched a campaign to end the constitutional chaos and to equalize all the constituent parts of the Federation according to the norms of the federal Constitution. However, in a typical Russian way, the details of the campaign were not certain, and often not entirely constitutional methods were used.

In 2000 several research and public organizations created a common project called "Constitutional order of Russia: public expertise." The authors of this project believe that the Constitution of the country should encompass its national idea and answer the needs of social development. They suggested a revised federal Constitution and new constitutions of the

constituent parts of the Federation would be accepted simultaneously. This would eliminate all discrepancies between federal and regional legislation. The project has several stages – analytical and legislative, when a model constitution for the constituent part of the Federation would be prepared. Many distinguished experts took part in this project – lawyers Mikhail Fedotov and Mikhail Krasnov, politologist Geogrii Satarov, regional economy expert Mikhail Smirniagin, mathematicians and sociologists Iurii Blagoveshchenskii and Vladimir Rimskii, and head of the Journalist Union Igor Iakovenko.

It is important to use the existing amendment procedures and avoid a radical revision of the Constitution. Amendment procedures provided by the Constitution itself, constitutional laws, federal laws, rulings of the Constitutional and Supreme Courts can all be successfully utilized. This way, the constitutional processes in the country would reflect the socio-political trends in the country.

Regretfully, signs of possible arbitrary revision of the Constitution are becoming more evident at the end of the century. The supreme authority may use its “vertical power” to carry out a constitutional revolution. During Soviet times and in the last decade, Russia has experienced four revolutions – three in politics and one in the economy. The 1991 August coup and Belaia Vezha Soviet Union dissolution treaty, along with the bombardment of the Parliament in October 1993, gradually liberated Russia of the Soviet legacy – the Communist regime, the USSR and the Soviets. All these events occurred with complete disregard for the norms of law and justice. The privatization, which made a revolution in the economy and liberated the country of the state monopoly, too, wasn’t entirely legal. In essence it has been “a criminal revolution” as Stanislav Govorukhin, a famous film director and Duma deputy, put it. The last element of the Soviet legacy still present in today’s Russia is its federal state structure. The next “logical” step would be a new revolution, this time in the form of a constitutional reform that would “implement order and stately power.” As M. Khairullin, a scholar from Kazan, noted, “it [constitutional reform] already takes place and the way the Constitutional Court treats the laws is good evidence to that.”¹³

We can only hope that democratic federal Russia will no longer allow unconstitutional social experiments, regardless of their proclaimed high ideals. If this happens, the country would lose all that was accomplished during the years of democratic reform in the 1990s. It wouldn’t be hard to imagine what any power would do for the noble cause of “supreme interests of the state” and patriotism. This could be anything from a pogrom to the dismissal of the parliament and the President. At the same time, it is important not to provoke those in power with liberal statements about the social and political situation in the country, like the ones by Mr. Khairullin:

Revolution always means violence, and radical transformations of political systems are always accompanied by conflicts between various interest groups. In the case of the revolt of the regions against constitutional reform, the supreme power has various tools to pacify it – from the federal districts and federal interference procedure to the legislation on martial law proposed by the State Duma. At the same time institutions of political administration, the military and police are increasing their influence.¹⁴

The Constitution not only sets the limits for various levels of power but also provides for accountability. In Russia the latter is especially important because of high level of corruption and abuse of power.

In any country the actual implementation of provisions of the Constitution is an important issue. And it is the discrepancy between the legal norms and their actual implementation that undermines the reputation of constitution and government. In Russia this happens at all levels of state administration from the President to local self-administration. Vast violations of the constitutional rights and liberties are especially evident in the socio-economic life of the country. The situation can only be described as unbearable.

In the last decade Western European countries experienced constitutional revisions and amendments due to many transformations in the region. The main factors were integration into the European Union; geopolitical changes in Eastern Europe; international and national economic integration; changing demographical setting and revision of the traditional gender structure of the society; reforms of the political structure of certain states that aimed to balance the intergovernmental relations.

For instance, in Germany the revision of the constitution and even adoption of the new Fundamental Law was actively discussed during the unification process. This resulted in the nationwide referendum that modified the constitution for inclusion of the new *Laender*.

In France there is a special Constitutional Committee in charge of constitutional revisions. It was set up in 1993.¹⁵ The issue that brought forth most discussions was the length of the presidential term – five or seven years. Finally, in 2000 this matter was settled in the national referendum – people voted for a five-year term. This amendment to the constitution was proposed personally by President Chirac. It was assumed that institutions of state power are defined not entirely by constitution and laws but also by actual political practice, and the legislation logically follows out of this practice. The French know well that laws may be interpreted differently and, therefore, have much respect for “constitutional agreements.”

The French model for implementation of the constitution is of interest to Russian lawmakers. If we transform it to the Russian political setting,

the Constitution of the Russian Federation could be amended by “constitutional agreements,” that interpret and clarify certain general provisions of the Constitution. “Constitutional agreements” in Russia, in essence, are the power delimitation treaties between different levels of government.

Switzerland in 1995 initiated constitutional revision procedures that hadn’t been effectively used since the creation of the federal state in 1848. The reform aimed to adapt the text of the constitution to the present-day setting by: eliminating outdated provisions; changing the number of cantons and modifying their borders; harmonizing the legal norms of the constitution with that of the European Union; allowing easier access to laws and administrative acts to general society; referring of the people’s initiative practice to the international law norms; increasing the authority of the Federal Court over the Federal Assembly; introducing a new type of people’s initiative that allows a more active participation of the Federal Assembly in constitutional revision procedures.¹⁶

Spanish experience in establishing a constitutional order is also very useful for Russia. After the transitional period (1975–8) Spain went through a process of ratifying provincial legislation and constitutions and adaptation to the new constitution.

Let us return to Russia and see how constitutions and legislation of the republics of the Russian Federation refer to the federal Constitution. The answer to this question was provided by the rulings of the Constitutional Court of 7 and 27 June 2000.¹⁷ We will go over several typical discrepancies noted by the high judges of the Constitutional Court of the Russian Federation, who have the authority to interpret the Constitution of the Russian Federation.

The subject of natural resources and land use had been discussed by the Constitutional Court as early as 1998. The ruling of 9 January 1998 that concerned the constitutionality of the Forest Code of the Russian Federation stated that forest resources are the public property of the multinational people of Russia. It emphasized the vital importance of forest resources and the multifunctional role they have in Russian society. The forest resources were therefore declared a federal property of a special type and have special legal norms that regulate their use. The delimitation of this shared power between the federal government and the regions is provided by the Forest Code of the Russian Federation based on Articles 72 (points “c,” “d,” “j” of Part 1) and 76 (Parts 2 and 5) of the Constitution of the Russian Federation. This ruling of the Constitution Court is still valid today. To our regret, the Court did not recognize property rights of the constituent parts of the Federation to the natural resources.

The Constitutional Court concluded that the constituent part of the Federation might not proclaim that natural resources situated on its territory were its property. And it may not issue property regulations over these natural resources that limit their use for the benefit of all peoples of the

Russian Federation, as this violates the sovereignty of the Russian Federation.

According to Article 4 of the Constitution of the Republic of Altai, all natural resources (land, mineral resources, forest, flora and fauna, water and others) on the territory of the Republic of Altai are declared the property of that Republic. The Republic of Altai, having declared itself a sovereign state, supposes that it has a right to specify the type of ownership of the natural resources – private, state, municipal or other type. The Constitutional Court stated that the basis and limits for such rights according to Article 72, Part 1 of the Constitution of the Republic of Altai are provided by federal and republican laws.

There is a power delimitation treaty signed between the government of the Russian Federation and the government of the Republic of Altai. However, after the new Constitution of the Russian Federation has been ratified, provisions of the federal treaty and other treaties based on it, as well as bilateral agreements, are valid only as far as they do not contradict the federal Constitution.

The Constitution of the Russian Federation proclaims Russia “a social State, whose policies shall be aimed at creating conditions which ensure a dignified life and free development of man,” including support for childhood by establishing social security guarantees. According to Article 28 of the UN Convention on the rights of children and Article 38 of the Constitution of the Russian Federation, childhood and the family are under the protection of the state. The state is held responsible to guarantee the accessibility of various forms of education, its gratuity in public and municipal educational institutions and enterprises. Basic general education is mandatory and parents or legal guardians have the responsibility of making provisions for their children to receive it (Article 43, Parts 2 and 4 of the Constitution).

The Constitution of the Republic of Altai states that parents or legal guardians are responsible for making provisions for their children to receive a full general education (i.e. to graduate from high school). This provision does not correspond to that in the Constitution of the Russian Federation. The Constitutional Court ruled that the Republic of Altai should abolish this provision.

This step may be logical, and the need to harmonize local and federal legislation is understandable, but it is hard to justify the actions of the Constitutional Court which does not want to recognize a republic’s efforts to give its young people a better education. Federation thus denies the right of its constituent part to progress in its legislation, even in education. In the USA, some states have provisions for capital punishment in their legislation which does not violate federal laws. For some reason, the ability of certain parts of the Federation to improve social benefits is not recognized by Russian lawmakers. Classical federalism treats independence of its constituent units in a different way, not limiting the right to improve

the well-being of their citizens. Recognition of constitutional supremacy over all legislation passed by other orders of government is one of the fundamental principles in the system of federal relations in democratic Western Europe. Constitutions of all federations therefore declare the supremacy of the federal constitution.

Intergovernmental conflicts don't just take place in Russia. In practically all federations, and especially in Western Europe, constitutional conflict resolution has become a natural process.

In Switzerland, elections at each level of government, along with legislative referendums, are major instruments of constitutional adjudication in the situations of legislative conflict. In this process any federal legislation that is challenged by 50,000 citizens or eight cantons must be submitted to a referendum. The courts also have an important role; they interpret the laws, adapt them to the changing federal relations and adjudicate in intergovernmental conflicts. Some conflicts in federal relations are also considered by the special court assembly.

In the USA, Canada and Austria, the Supreme Courts serve as the final adjudicator in all legislative conflicts. Another model is found in Belgium, Germany and Spain, where ultimate constitutional jurisdiction is executed by the Constitutional Court. In most federations of Western Europe and North America, regardless of the approaches to the problems in federal relations, the supremacy of the constitution and federal laws is unconditionally recognized.¹⁸

The discrepancies between the federal constitution and the constitutions of the constituent parts of the federation, the ambiguity of the legislative base, undermine the integrity of the federation. Constitutions of most federal states declare that such discrepancies are unacceptable. In the USA, the federal Constitution is regarded as the supreme law of the country. The German Constitution states that the constitutional set-up of the *Laender* should correspond to the principles of a republican, democratic and social state in the spirit of the Supreme Law of the Federal Republic of Germany (Article 28).

The system of federal relations in most democracies is designed to avoid interference of the central government into matters of regional importance and to give local governments an opportunity to decide on them independently and promptly.

Recognizing certain powers assigned exclusively to the regional governments, constitutions of foreign federations establish a strict hierarchy of power between federal and regional governments. This ensures unity and integrity of the federal state, and works for the common national interest of the country.

In appropriate situations federal authorities may enforce direct control on a constituent part. The possible restraint measures can be applied to the head of the constituent part or to the elected body of representatives.

The Constitution of Austria makes it possible to initiate prosecution at the Federal Constitutional Court. The Governor of the *Land*, his deputies or members of the assemblies of the *Laender* may be prosecuted not only if they violate the laws but also if they do not carry out the decisions of the federal government. If convicted, the official is simultaneously dismissed from his duties, and in the case of a major offence, he is also temporarily deprived of his political rights (Article 142, Part 4).

In Germany, if the *Land* ignores federal legislation, the Constitution provides for restraint measures to be taken with the consent of the *Bundesrat*. The federal government, or its authorized agents, have a right to give the *Laender* necessary instructions on the measures of federal restraint. Constitutions of foreign federations provide both for legislative and power restraint of the constituent units that do not implement federal legislation.

Experience of foreign federations in securing the unity and integrity of the state is very useful for the Russian Federation, provided the unique relations of eighty-nine constituent parts of the Federation and socio-economic context of the transitional period are taken into account.

Let us review the discrepancies between the constitutions of Russian republics and the Constitution of the Russian Federation in detail. They are listed in the reference of the Constitutional Court of the Russian Federation to the inquiry of a group of State Duma deputies on the compliance of the constitutions of the Republic of Adygeia, Republic of Bashkortostan, Ingush Republic, Komi Republic, Republic of North Asetia–Alania and Republic of Tatarstan to the Constitution of the Russian Federation.

In their inquiry, the Duma deputies pointed out the following colliding provisions:

- provisions in the Constitution of the Republic of Adygeia stating that the sovereignty of the Republic of Adygeia is defined by the Constitution of the Russian Federation, Constitution of the Republic of Adygeia and the Federal treaty (Article 1, Part 2); all power in the Republic of Adygeia belongs to its multinational people; the people shall be the object of sovereignty and the source of state power (Article 2, Part 1);
- provisions in the Constitution of the Republic of Bashkortostan (RB) stating that the Constitution of the Republic of Bashkortostan is based on the Declaration of the State Sovereignty of RB (Preamble); Republic of Bashkortostan is a sovereign democratic; the Republic of Bashkortostan shall have the ultimate authority over its territory, shall independently define and implement domestic and foreign policy, ratify the Constitution of the RB and pass legislation that shall have supremacy over the entire territory of the republic (Article 1); the

- multinational people shall be the object of sovereignty and the source of state power in the RB (Article 3, Part 1); the state status of RB shall be its unalienable quality and shall extend over the entire territory of the republic in the limits of the current borders (Article 69, Part 2); relations of the RB and the Russian Federation are subject to bilateral treaty; being an equal part of the Russian Federation, based on the bilateral treaty, the Republic of Bashkortostan shall preserve the full scope of state power over the entire territory of the republic, excluding the powers freely delegated to the Russian Federation (Article 70);
- provisions in the Constitution of the Ingush Republic (IR) stating that the relations between the Ingush Republic and the Russian Federation are subject to treaties between the Russian Federation and the sovereign Ingush Republic (Article 1, Part 2); the multinational people shall be the object of sovereignty and the only source of state power in the Ingush Republic (Article 4, Part 1); the laws and other legislation passed by the federal bodies of power and administration shall have legal force on the territory of the Ingush Republic as far as they do not contradict the sovereign rights of the Ingush Republic (Article 7, Part 2);
 - provisions in the Constitution of the Republic of North Asetia–Alania stating that the multinational people shall be the object of sovereignty and the only source of power in the Republic of North Asetia–Alania (Article 3, Part 1); the Republic of North Asetia–Alania is a sovereign state that has voluntarily entered the Russian Federation (Article 61, Part 2);
 - provisions in the Constitution of the Republic of Tatarstan (RT) stating that the Republic of Tatarstan shall be a sovereign democratic state that expresses the will and interests of the whole multinational people of the republic; the sovereignty and authority of the state proceed from the people; the state sovereignty shall be an inalienable quality of the Republic of Tatarstan (Article 1); the republic of Tatarstan shall determine independently its legal statehood and decide the matters of political, economic, social and cultural development (Article 59); The Republic of Tatarstan shall be a sovereign state, a subject of international law, associated with the Russian Federation according to the power delimitation treaty (Article 61).

The Constitutional Court declared all the above provisions in the constitutions of the republics as unconstitutional and therefore invalid. These contradictions in the regional constitutions had existed for ten years. In some republics, constitutions ratified before 1993 simply could not contradict the federal constitution since the latter was adopted only in December 1993. The constitutions of the republics served as a base for other legislation. In Tatarstan alone more than 300 republican laws have been

passed. Today, due to the Constitutional Court decision, all these laws at once have become unconstitutional. The legislative foundations of Tatarstan have been put in danger.

The constituent parts of the Russian Federation are expected to complete the harmonization procedure by June 2001. The term allocated by the Constitutional Court is less than unrealistic. Nevertheless, all the constituent parts of the Federation began this work under close supervision of the federal districts' authorities.

Already, by January 2001, as Vladimir Putin noted in his report given at the prosecutor officers' conference, sixty constitutions and charters of the constituent parts of the Federation have been harmonized with the Constitution of the Russian Federation. Moreover, as a result of pressure from the federal districts and close supervision of the prosecutors' office, 2,312 laws and legislative acts have been modified to meet the requirements of the federal Constitution. The army of prosecutors at that conference looked united and very determined. Only victors can behave in this way. The president thanked them greatly for their prompt efforts. The most complex and ground-laying issues of the constitutional co-ordinacy remain unresolved. The tendency toward a unitarian state is taking over, whereas federalism guaranteed by the Constitution of the Russian Federation is being neglected.

State making in Russia: the modern history

I have been and always will be strongly in favor of a federal state in Russia.

Egor Stroev, Chairman, Federation Council of the Federal Assembly of the Russian Federation

What will Russians in future generations tell their children about this century? Which federal and regional politicians will have their portraits exhibited in the museums of the future? The fact is clear that a leader is needed today, but who will be heralded as a reformer like Peter the Great? Which leader will be chosen by history to carry out the great reform mission? It is clear now that only the statesman who believes that a multi-cultural Russia will flourish thanks to the regions may become the great unifier of the Russian state.

Opponents of federalism persistently talk about the disintegration of Russia, trying to frighten common people, those who are accustomed to living by the order of the central power. However, by the mid-1990s, more Russians were realizing that federalism, within the framework of civilized development, cannot lead to the country's collapse. On the contrary, it is the way to keep the country united and integrated. It is the way that allows the bringing together of all the great resources of the Russian regions,

giving them a chance to develop independently. Federal relationships, as a form of democratic organization of a society through decentralization of the management system, not only provides for a beginning to the solution of the nationality problem in Russia but also the distribution of economic power between the center and the regions, keeping the interest of the center and the members of the Russian Federation in balance.

It would not be right to view Russian federalism entirely as a legacy of the Soviet past. On the contrary, it is deeply rooted in the country's long history. In its early stage of development, the Russian model of federalism inherited the territorial division of the Russian Soviet Federal Socialist Republic. However, it should be kept in mind that the makers of the Soviet Federation never had intentions for it to become a true federal state.

The type of social and political organization of society that evolved in Russia at the end of the century, after the adoption of the new Constitution in 1993 and the free market reforms, has yet to be defined. Politologists, sociologists and historians argue about the principal values of the existing state. Speaking about the "transitional type" of society in Russia, they do not mention the destination point of this "transition."

Elena Bashkirova, the president of an independent research center, writes:

The mass consciousness of a transitional society reflects and intensifies the controversies of the reality. People do not wish to live the old way and at the same time they are disappointed with new ideals that turned out to be either unattainable or false. Citizens' xenophobia and isolationism of all kinds accompany nostalgia for a large country that once was a great power. The desire to protect the freedom of private life from the unwanted intruders, including the watchful eye of the state, is combined with the longing for "a firm hand."¹⁹

Bashkirova portrays a true picture of Russian social reality, which provides a background for what is going on in politics. *Derzhavnost'* found a fertile ground in Russia not only due to past events but also because of the current trends in a society that is inclined to yield to "a firm hand" and "is nostalgic for a powerful state." Xenophobia, so untypical of Russia in the past, today has become a reality. It was caused by the endless migration flows. These flaws are typical not only of Russia, and federalism is called to resist them.

The formation of new federal relations in Russia was a complex problem from the very beginning, and there was no consensus about it. Neither a unitary nor federal state exists in a pure form and the diverse experience of foreign states demonstrates that. Russian state authorities

wanted to create a modern federation that would reflect the historical experience of the multinational country and provide for territorial integrity and the equal status of all constituent units. Naturally, the Federal Treaty that gave origin to the new Russian Federation in the 1990s was prepared under political and time pressures and could not resolve the entire range of problems. The creation of the federal state in the early 1990s was an intense and, at the same time, chaotic process. Russia has gone through a condensed version of this multi-stage process, making many mistakes at great cost. The Declaration of the Sovereignty of Russia adopted in 1990 did not secure the rights of Russians living beyond the borders of Russia. These weak points were abused in Crimea and the Moldavian Dniester area, and caused widespread violations of the rights of the Russian-speaking population in many former Soviet Republics.

When Russia was facing the same fate after the break-up of the Soviet Union, the central power structure was prepared to deal with it. Three draft versions for the power delimitation treaties were immediately prepared. The different types of treaties between the federal government and the regions were intended for three categories of the constituent parts of the Federation:

- a republics;
- b krais and oblasts, cities of Moscow and Saint Petersburg;
- c autonomous oblasts and okrugs.

These treaties were united by the Federal Treaty, signed by eighty-seven constituent parts of the Federation on 31 March 1992. The Republic of Tatarstan, as well as Chechen and Ingush Republic,²⁰ did not participate. After all sides had ratified the treaty on 10 April 1992, a new state – the Russian Federation – came into being. Analyst M. Piskotin writes:

The Federal Treaty played a truly historical role by providing a way to preserve the integrity of Russia as a state in the situation of growing separatism in several regions of the country. This was possible first of all because the treaty was signed promptly and at the right time. The limited time allocated for its preparation did not allow properly co-ordinated solutions for all arising problems. The time given by history to the last Secretary General of the Communist Party of the USSR, Mikhail Gorbachev, was already lost, leaving many problems unresolved. . .²¹

The Federal Treaty established the different legal statuses of various parts of the Federation: national state status (sovereign republics of the Russian Federation), administrative territorial status (krais, oblasts, cities of Moscow and Saint Petersburg), and national territorial status

(autonomous oblasts and autonomous okrugs). All constituent parts of the Federation have equal rights and powers, as well as equal responsibilities in social, economic, and cultural spheres. At the same time, republics of the Russian Federation traditionally have preserved their "statehood," i.e. they have their own constitutions, legislation, elected legislative bodies (parliaments), supreme courts, and presidents. The republics also have their own national state symbols. This practice has solved a very important issue in that a proper balance among the interests of various parts of the Federation was found. Their equality was not violated and the regional differences were taken into account.

In the period from May 1990 to the beginning of 1996, more than 700 laws were passed in the Russian Federation. About 150 of them related to the powers shared between the federal government and the regions.

Free market reforms and radical transformations in Russian society required legislative support. The Civil Code of the Russian Federation is a very important part of modern law making, and it is currently being prepared. Many laws that regulate the country's economy have been adopted as well: "On Co-operation in Agriculture," "On Privatization of State Property and on Bases for Privatization of Municipal Property," "On Joint-stock Companies," "On Banks and Banking Activities," "On Mortgage," "On Finance-industrial Groups," etc. These laws provide for the independence of private business and its further development. Federal laws now regulate natural monopolies, railways, and air traffic. One could name a few additional important laws: "On Information and Information Technologies," "On State Registration of Real Estate Property Rights and Transactions Thereof," "On State Regulation of Foreign Trade," "On State Support for the Small Business." The laws on pensions and on veterans supported the social policy of the government. A new Family Code of the Russian Federation has also been adopted. Labor laws are also being improved.

The reform of the court system also required new legislation. The following laws have been passed: "On Court Reform," "On Courts of Arbitration," "On the Constitutional Court of the Russian Federation," "On Court Ushers" and "On the Prosecutors' Office." The New Criminal Code and Arbitrary Code have also been passed.

Russia has new laws regulating education, charitable activities, culture, protection of public health, and science. The legislative base for environmental protection and ecology includes the laws: "On Preservation of Fauna," Forest and River Codes of the Russian Federation, and laws on land melioration and ecological expertise.

New legislation now gives the regulation of referendums and elections to the State Duma. The following federal laws organize the political life of the country: "On General Organizational Principles of Local Self-government in the Russian Federation," "On Public Organizations," "On Trade Unions," "On the Mass Media," "On Transfer of Human Rights,"

“On Principles of the Civil Service.” New legislation provides for matters of defense and security, state borders, and army reform. The federal law “On the International Treaties” and the new Customs Code of the Russian Federation regulate the appropriate issues in relations with foreign countries.

Law makers in the regions have also been active. In recent years most constituent parts of the Federation passed from fifty to 300 laws. Constituent parts of the Russian Federation established their own laws on executive and legislative bodies of state power, as well as regional governments or governors (heads of administration). There is legislation regulating the elections of the deputies and executive persons and their legal status. Regional laws also regulate local self-government, registration of the statutes of local and municipal organizations, referendums, municipal civil service, etc.

Regional laws in economics provide for budget regulation, taxation and tax exemptions, and regulate state and municipal property matters. There is new legislation on land and land ownership, on forests and roads. Legislation in the social sphere, on the other hand, is not that well developed. Nevertheless, several constituent parts of the Federation have passed laws on education, culture, libraries, etc. However, housing and communal services are still being regulated by federal laws.

This distribution in the legislation between the federal government and the regions is quite imprecise; many matters of “shared jurisdiction” either do not have legislative support or have very general guidelines. There are no provisions for procedures that would co-ordinate federal and regional laws, no laws that would govern distribution of state property or co-ordinate foreign relations and foreign trade. It takes too much time for Tax and Land Codes to be finalized.

The need to set a firm legislative foundation for federalism in Russia is evident. An effective federation is based on mutual concord, a stable economy, and a political system that excludes arbitrary solutions. This is not yet the case in Russia.

In order “to strengthen the statehood of the Russian Federation, to improve federalism, to create necessary conditions for effective and balanced development of the regions and to increase the well-being of the population in accordance with Article 80 of the Constitution,” President Boris Yeltsin in June 1996 passed “The Basic Guidelines for the Regional Policy of the Russian Federation.”²²

“The guidelines” formulated the main goals of the regional policy:

- to provide economic, social, legislative, and organizational bases of federalism in the Russian Federation, to create a common economic space;
- to provide uniform minimal social standards and social security, to guarantee the social rights of the citizens, set by the Constitution of

the Russian Federation regardless of the economic resources of the regions;

- to equalize the level of socio-economic development of the regions;
- to eliminate environmental pollution and to ensure thorough ecological protection of the regions;
- to develop regions of a special strategic importance;
- to make use of nature and climate resources of the regions;
- to establish and maintain local self-government.

One of the key points in the regional policy of the Russian Federation was the decentralization of power. It was to be implemented through delegating more powers of shared jurisdiction to the regions and by increasing popular control over the decisions of the state authorities. The regions were also to be given more control over finances, which first of all meant the taxes. The political federalism declared by the Constitution thus acquires social and economic dimensions. The need to take into consideration the opinion of the regions while preparing federal legislation was also emphasized in “the Guidelines.” Co-ordination of regional and federal laws and constitutions is still needed.

Regretfully, by the beginning of 1999 the conflict between *centrist* and *regionalist* tendencies rose to a point at which the very existence of the Federation appeared to be in question. It is going to take much political strength for the state authorities to preserve Russian federalism. Only patience and mutual compromise in a mediation dialogue will provide answers to questions that are vital for Russia. What type of federalism does the Russian Federation need? What parameters and indicators of federalism are relevant today? What are the priorities for further development of the Federation? Only honest answers to these questions will enable politicians and statesmen both in the center and in the regions “to revive the sovereign statehood of Russia, . . . to secure its well-being and prosperity, proceeding from a sense of responsibility for our homeland, for the present and future generations.”²³

In June 1996 the President of Russia issued a Decree that ratified the Concept of the State Ethnic Policy of the Russian Federation. The Concept was prepared by a public organization entitled “Co-operation of Peoples in the Name of Life,” which united scholars of ethnic relations, statesmen, and experts from the Ministry of Nationalities and Federal Relations. The authors of the Concept noted:

After the break-up of the Soviet Union, when the ethnic self-conscience of peoples simply exploded, there was no definite idea or policy that would unite society. Unity of the multinational people of Russia and of the federal state is required for self-preservation. For Russia there is no other choice. The Concept

for the ethnic policy of the state is based on this notion and it targets further development of the specific nationalities together with the unity of Russia.²⁴

Forty-six constituent parts of the Federation presented their comments and suggestions for the draft Concept. The experts noted a very unfavorable ethnopolitical situation in the country. They emphasized that “some regional authorities encourage ethnic egotism, nationalism, and even separatism.”²⁵ Sociological polls conducted in several national republics showed that only 4 percent of urban and 3 percent of rural populations fully trust the federal government. At the same time, from 40 to 60 percent trust their local authorities.

The Ministry of Nationalities²⁶ stated that the Concept presents a definite and co-ordinated social and ethnic policy model for federal and regional governments. Ethnic Russians need to respect the national interests and feelings of all peoples of Russia. The latter, in turn, should recognize the role of ethnic Russians in the Federation. The ethnic policy of the state should not be written from scratch; it should ensure the continuity of the traditions that go back to the distant past. The traditions of Russian humanism make it possible to unite different peoples and nationalities of Russia into one state constructed according to the values of democracy and civil society. The Concept also stressed that united efforts of state and society would ensure national accord. State ethnic policy lists a whole range of political instruments that take into consideration regional socio-economic, ethnic, and demographical differences. There cannot and should not be a standardized approach to all regions.

The Concept emphasized the fact that interethnic relations would largely depend on the national self-perception of the ethnic Russians who provide the foundations for the statehood of Russia. Special federal programs are being developed for this purpose by the federal government. For instance, the “Russian language” program is intended to assist the spread of the Russian language and culture and thus enrich interethnic as well as international relations.²⁷

The authors of the Concept were aware that the radical *ethnic* or *territorial* federalism that is popular in some of the regions presents a serious threat to the national interest of the country. Usually it is a reaction to a growing ethnic Russian nationalism. A narrow ethnic idea cannot serve as a unifying factor in a federal state; on the contrary, it can potentially ruin the Federation.

The status of *title ethnic group* (an ethnic group that gives its name to the title of the republic) or the Soviet model of *younger and elder brother* nations does not suit any aspect of interethnic relations in today’s Russia. This problem is further complicated by the fact that, in most national constituent parts of the Russian Federation, the share of *title* ethnic popu-

lation is lower than that of the other nationalities. For instance, in Karelia there are only 10 percent of Karels, in Bashkiria 22 percent of Bashkirs, and in Yakutia 33 percent of Yakuts.

In Russia the extreme approaches – a rapid transition to a strictly territorial division (*gubernias*) or a shift to entirely ethnic division where only national republics (sovereign states) would be constituent units of the Federation – should be avoided. The right of nations to self-determination is the base for sovereignty of the national republics.

Separate regional programs within the framework of federal ethnic policy are already being implemented in Stavropol' Krai, Bashkortostan, Udmurtia, Karelia, Marii El, Orenburg, Samara Kaliningrad, and other oblasts. Experts from the Ministry of Nationalities, the Academy of Civil Service, and the Institute for Ethnology and Anthropology of the Russian Academy of Sciences have already evaluated some of these programs.

The Assembly of the Peoples of Russia that is also mentioned in the Concept should serve as an effective means of dialogue within the Russian society. The Congress of the Peoples of Russia that took place in April 1999 in Moscow demonstrated the importance of such interethnic forums.

In Russia there are many ethnic groups that do not have their own national constituent parts in the Federation, or which are living outside of their national republics. In this case *national and cultural autonomy* would provide a way for these groups to be reflected in the territorial set-up of the country.

In June 1996 the law "On the National and Cultural Autonomy" was adopted. "The national and cultural autonomy" is a form of national and cultural self-determination that allows citizens of Russia of particular ethnic backgrounds to form a community. It enables various ethnic groups to preserve their national way of life, language, and culture. This law was a logical continuation of previous legislative acts: the laws "On Languages of the Peoples of the RSFSR" (1991), "The Basis for Legislation on Culture in the Russian Federation" (1992), and "On Education" (1992). These laws declare the rights of citizens to study their native languages and to preserve their national way of life and culture. However, more than a thousand national and cultural communities formed in Russia have not been very effective in achieving the stated goals. The main reason for this inefficiency was the lack of real support from state authorities at all levels.

For small ethnic groups their national language, culture, and education are the principal ways of self-determination. The experience of foreign multinational states demonstrates the need for legislative support of ethnic minorities both on national and regional scales.

In the Stalinist Soviet Union, fourteen peoples and about forty ethnic groups that made up almost 3.5 million people were forcefully deported from their territories. It is estimated that more than 30 percent of

them perished. Among those peoples there were Chechens, Ingush, Karachaevets, Kalmyks, Balkars, Crimea Tatars, Finns, Germans, Koreans, Polish, Greeks, Kurds, Meskhetin Turks, and many others. The “rehabilitation” that followed Stalin’s death and continued into the late 1980s (with many long breaks in between) left many problems unresolved. Millions of people returned to their homes after long exile only to find that no one expected them there. It was not until the times of democratic Russia that the government started paying real attention to those peoples. The law “On Rehabilitation of the Repressed Peoples” adopted in April 1991 stated that rehabilitation should consist of political, social, ethnic, cultural, and territorial aspects. In the 1990s there were more than 100 legislative acts on rehabilitation passed by the federal government alone. State authorities reviewed more than two million applications from repressed citizens. There are more than 100,000 people who have been rehabilitated. Rehabilitation of peoples is included in the Concept of the State Ethnic Policy of the Russian Federation. In future, laws on separate repressed ethnic groups are projected.

Since 1991 the federal government of Russia has carried out several important projects. In many regions original historic names have been returned to villages, cities and administrative units. There are special quotas for the repressed nationalities in graduate and post-graduate education. For instance, in 1995, the Balkars were allocated 100 places in the universities, and in 1996 they were allotted 150 places. This policy has had a very positive response in society.

In the meantime, territorial rehabilitation is a much more difficult process due to the existing borders that were fixed in the post-war times. Reintegration of the repressed peoples into this arrangement often causes conflicts in interethnic relations. The legislation on rehabilitation must, therefore, be co-ordinated with the federal Constitution. A special law must be passed in order to avoid arbitrary changes of borders between the constituent units of the Federation.

The revival of national culture and traditions is an important part of the ethnic self-identity of the peoples of Russia. The government of the Russian Federation has established a special Fund for National and Cultural Revival of the Peoples of Russia. Its main task is to prevent interethnic conflicts by supporting historical and cultural traditions of the peoples that constitute Russian society. The activities of the Fund were very important for the social and political stability of the country.²⁸ Regretfully, the last decade of the twentieth century did not contribute much to the actual rehabilitation. Perhaps the new century will give a new hope to the repressed peoples.

The making of a federal state should be carefully thought through and be closely tied to the economic reforms. It is evident that federalism is not solely a political and legal term – it affects the entire public life of society,

including the economy. For this reason development of the federal relations should reflect the interests of the regions. Furthermore, the regional policy of the state should include the appropriate instruments for administration of the country's economy and social affairs.

The development of the constitutional and legislative set-up of the republics of the Federation primarily depends on the distribution of authority and responsibility between the federal center and the constituent parts of the Federation.

In the meantime it takes too long to create a proper legislative base for the delimitation of powers. In January 2001 the State Council of the Russian Federation adopted the Concept for the State Policy for Delimitation of Powers between the Different Levels of Government. This groundbreaking decision has not yet been reflected in the legislation. The principal points of federalism are somewhat hidden. This coincides with the general inefficiency of the government: poor economic and social results of privatization, ineffective state and municipal property management, no definite support for small and medium business, growing problems in social welfare, environmental pollution, etc. This uncertainty in the principal matters that affect the federal relations has become the main destabilizing factor in the country, and especially in the separate regions.

Commenting on the hardships of the current economic situation, Russian expert S. Valentei writes:

The only way to prevent such an outcome [a major crisis] is to form a political union of central and regional bureaucrats that would set the basis for the federal relations appropriate for the Russian context. It may be a paradox, but the administrative bureaucratic system is the only way to consolidate the society. This, in turn, will require a new model for social and economic reforms and regional policy in particular. The principles of a real federalism should provide the base for such a model.²⁹

The ethnic policy of the Russian Federation at the turn of the century is defined by laws on federal and interethnic relations and by the national autonomies in the Federation. Its successful implementation, both on federal and regional levels, will shape the face of the new Russia – a multinational federal state with peace and accord among its peoples. The balance of interests of all citizens of democratic Russia should become a prerequisite for the well-being of the country.

The treaties must be observed!

Pacta servanda sunt

Roman Law principle

The bilateral treaties create a framework of federal relations and secure the interests of the constituent parts of the federation

Farid Mukhametshin, Chairman of the State Council of the Republic of Tatarstan

The provision that treaties *servanda sunt* is known from ancient times. The delimitation of authority and jurisdictional subjects that evolved in the Russian Federation in recent years remains probably the most complex and controversial part of federal relations in Russia at the beginning of the twenty-first century.

From February 1994 until June 1998, forty-six bilateral treaties and several hundred supplementary agreements were signed. The treaties concluded at the end of the 1990s contained a provision stating that, until federal laws and legislative acts of the Russian Federation regulating the powers of federal and constituent unit jurisdiction are adopted, the bodies of state authority of the regions of the Federation are authorized to adopt their own legislation on these matters. In 2002, the three-year term set by the central government and federal law for co-ordinating all bilateral treaties and agreements with the federal legislation expires. After this is accomplished the treaty practice would be governed by common legal standards, and there would no longer be a basis for allowing certain constituent parts of the Federation to have exceptional financial and economic privileges.

The bilateral treaties not only provide for the delimitation of powers but also complement the federal Constitution. The subject matter of these treaties often exceeds the limits of the Constitution; however, the limits themselves are not always well defined. Public opinion is that the way out of this labyrinth would be to “weave” these treaties into the legislative fabric of the Federation and not to dismiss the treaty practice as such.

Incomplete and controversial reforms and the absence of legal and administrative mechanisms of coherence between the federal authorities and the constituent parts of the Federation undermine the very essence of the federal structure of the country. Treaty procedure is guaranteed by the Constitution of the Russian Federation. It is based on the sovereign integrity of the country and common administrative system. The provision of Article 11, Part 3 of the federal Constitution states: “the scopes of authority and powers of the bodies of state authority of different levels shall be delimited under this Constitution, Federal and *other Treaties*.” Nevertheless, the treaty rights of the republics as constituent parts of the

Federation are being subjected to sharp criticism by certain federal statesmen and political parties. Instead of taking effective and appropriate moves to implement the treaties signed after 15 February 1994, the federal center is forcing regional leaders to bargain for the social and economic interests of their regions.

However wise the central government could be, the advancement of Russia cannot be achieved only by the order of the federal center, as there is no alternative to the popular initiative of the millions. The progress can only be attained if the multinational character of the Russian Federation and the specific features of its regions are taken into account (ethnic, economic, religious, as well as the national mindset).³⁰

After seven years of the treaty, practice between the state authorities of the Russian Federation and the Republic of Tatarstan, Tatarstan is constantly being reproached for abusing its treaty relations with the center by obtaining more privileges compared to the other constituent parts of the Federation. The treaty practice is criticized both in the press and during international and national conferences on federalism. Yet the treaty practice does not contradict the Constitution of the Russian Federation. It complements it and, in the end, consolidates the country.

It should also be noted that proliferation of treaty relations to krais and oblasts lessens the tension between the national (republics) and territorial (krais, oblasts) constituent units of the Federation. Bilateral treaties, together with the constitutions of the constituent parts of the Federation and the federal Constitution, provide a solid legal foundation for Russian federalism.

Bilateral treaties not only provide for the delimitation of powers but also resolve status and state sovereignty problems within the Russian Federation.

In February 1994, when the first treaty between the Russian Federation and the Republic of Tatarstan was signed, the situation was critical and required exceptional steps, so the first bilateral power delimitation treaty in the history of Russia was signed. Why, then, should other regions, which are dissatisfied with the delimitation of powers within the limits of the Constitution, be blamed for their desire to conclude similar treaties with Russia?

The model of Tatarstan is the center of attention for both advocates of political symmetry and the dedicated followers of asymmetry among regional units of the Federation in relation with the federal government.

Decree No. 154, dated 7 April 1994, from the Cabinet of Ministers of the Republic of Tatarstan, confirmed the Program of Measures for Fulfillment of the Treaty between the Russian Federation and the Republic of Tatarstan and agreements signed together with the Treaty. The Program provided for a whole complex of measures that concerned the delimitation of state property rights, banking activities, monetary and currency

exchange policy, budget relations between Tatarstan and the Russian Federation, foreign economic ties, customs, fuel and energy industry, oil and petrochemistry, defense industry, transport, communications, ecology, social and culture spheres, recognition of human rights and liberties, co-ordination of crime control, etc. A special Committee that co-ordinated the fulfillment of the Treaty has also been established.

Land ownership matters were not specified in the treaty. To fill this gap the following decrees were issued by the President of the Republic in order to elaborate a mechanism that would provide for land ownership: "On the Procedures for Reorganizing of Collective Farms, Soviet Farms, and Privatization of Other Companies and Organizations of the Agricultural Industry of the Republic of Tatarstan" and "On Regulations of Land Relations in the Republic of Tatarstan."

With regard to foreign economic activities the laws on foreign trade, foreign investment, and measures for foreign investment incentives have been adopted, and a National Center for Promotion of Investment has been set up. The State Council of the Republic has adopted the law "On the Status of an Approved Investment Project in the Republic of Tatarstan." To ensure co-ordination and co-operation between the state authorities of the Republic of Tatarstan and the Russian Federation, several agreements have been concluded. An example of this is: "On Co-operation of the Ministry of Transportation of the Russian Federation and the Bodies of Executive Authority of the Constituent Parts of the Russian Federation for Improvement of Transportation Services to the Regions and Steady Operation of the Railway Facilities," an agreement between the Ministry of Natural Resources of the Russian Federation and the Ministry of Natural Resources of the Republic of Tatarstan on management co-ordination of the Volga-Kama state reserve. A special agreement between the Fuel and Energy ministry of the Russian Federation and the government of the Republic of Tatarstan was signed regarding joint operation of the "Tatneftegeofizika" oil exploration company.

The Cabinet of Ministers of Tatarstan and the Federal Migration Service of Russia signed an agreement on joint activities to assist refugees and displaced persons. Similar agreements have been concluded between the Ministry of Health of Russia and the Ministry of Health of Tatarstan, between the federal and republican sanitary control agencies, ministries of education, ministries of culture, between the Press Committee of the Russian Federation and the Ministry of Press and Communication of the Republic of Tatarstan, between the "Tatarstan" state TV and radio company and All-Russia State TV and radio, as well as other important bilateral agreements.

In accordance with the Treaty, the bodies of state authority of the Republic of Tatarstan perform international activities, establish contacts with foreign countries, and participate in international organizations.

Several supplementary agreements have been concluded to co-ordinate joint policy in the social sphere, employment, migration, public health and education.

The Ministry of Culture of the Republic of Tatarstan and the Ministry of Culture of the Russian Federation signed the Treaty on Delimitation of Powers and Jurisdictional Subjects in the Sphere of Protection of Cultural Heritage. A treaty on mass media co-operation has been signed as well.

The law enforcement agencies of the Ministry of Internal Affairs of the Republic of Tatarstan carry out target programs against crime and drug trafficking.

In June 1997, the government of the Russian Federation adopted a special ordinance "On the Kazan State Technology University," which secured the agreements between the federal ministries (Ministry of General and Professional Education of the Russian Federation, Ministry of Economics of the Russian Federation, Ministry of Finance of the Russian Federation, Russian Federation State Committee for Management of the State Property) and the Cabinet of Ministers of the Republic of Tatarstan. This document stated that "in order to create the necessary conditions for training of highly qualified specialists, and to integrate research and education it is expedient to secure the rights to manage and operate federal property of the institutions that are being reorganized in Tatarstan."³¹

A similar decision was made by the government of the Russian Federation to streamline the system of institutions of higher professional education in physical culture. The Kama State Institute of Physical Culture has been established in Naberezhnye Chelny.³²

Summing up all of the above and taking into consideration the opinions of various participants of the federalization process in Russia, one may conclude that the ethnic policy of Russia, as its principal task, should provide all the constituent parts and peoples within the Russian Federation with favorable conditions for free and equal development guaranteed by law. The making of the Federation should be based on a thorough study of all existing ethnopolitical problems and a further development of the legislative foundation of federalism, as well as the advancement of federal relations in Russia. One of the main directions for the development of federalism in Russia today is the quest for a new formula of poly-ethnic co-citizenship and establishment of state and political institutions that would secure a mutually beneficial co-development of various ethnic cultures, the social structure, the state, and the individual. It is necessary to elaborate a mechanism for maintaining a dynamic balance between the regional and national principles of federal state construction, as well as between the individual and group rights of citizens and ethnic communities.

The existing bilateral treaties between the constituent parts of the Russian Federation and the Russian Federation as a whole are the result of

constructive and profound work often done in the dramatic conditions of the “battle of sovereignties.” It is for this reason that these treaties should not only be respected but also observed. It would be appropriate to mention here the evaluation of the Federal Treaty given by V. Lysenko, State Duma deputy and a prominent expert on federalism:

It would be hard to overestimate the importance of the Federal Treaty at that historical period [early 1990s]. Following the break-up [of the USSR] and the “parade of sovereignties of the autonomies of Russia” large multinational Russia was next in the queue. It was the will of the peoples of Russia that did not allow numerous regional leaders to have another “Belaia Vezha.”³³ The disintegration process was interrupted. Russia was saved.³⁴

The bilateral power delimitation treaties that followed the conclusion of the Federal Treaty at the beginning of the 1990s were predominantly not ideal arrangements. These treaties were the result of mutual concessions and compromises as well as the principal agreements of Russia with its parts that no longer wished to submit to the quasi-federal relation schemes dictated from above.

Delimitation of powers and jurisdictional subjects in any federation is predetermined by the interaction of various factors that bind the federation together or, conversely, cause its fragmentation due to specific geographical, historical, demographical, economic, ecological, ethnic, cultural, linguistic, and other differences among the regions. This diversity presumes the asymmetrical development and high level of autonomy of the territories.

The opponents of the treaty practice argue that the treaties and agreements were often concluded without notifying the other constituent parts of the Federation and supposedly without the control of the legislative power. The new federal law, however, resolved this problem.³⁵

In June 1999, after more than four years of conciliatory work at the Federation Council, the new Federal Law No. 119, “On the Procedures and Principles of Delimitation of Powers and Jurisdictional Subjects between the Bodies of State Authority of the Russian Federation and the Bodies of State Authority of the Constituent Parts of the Russian Federation” was passed. The law has expanded and secured the constitutional supremacy principle in the process of delimitation of powers. Federal constitutional laws and federal laws, the constitutions and legislative acts of the constituent parts of the Federation, as well as treaties and agreements, may not alter the distribution of the exclusive powers of the Federation or of shared powers in any form. The federal law in many instances infringes on regional interests. Article 14 of the above-mentioned law permits the Federation not to observe the provisions of the treaty in a unilateral way.

As a result, the legal force of the treaties is reduced to a minimum. The law invades the sphere of the constitutional jurisdiction and claims to have legal force equal to that of the Constitution.

At the same time, further analysis may lead to a conclusion that this law is not in full compliance with the Constitution, in particular with the provisions of Article 11, Part 3. The article states that: "the scopes of authority and powers of the bodies of state authority of the Russian Federation and the bodies of state authority of the subjects of the Russian Federation shall be delimited under this Constitution, Federal and other Treaties." While the Constitution does not provide for any restrictions for the conclusion of such treaties, the new law permits the making of treaties and agreements only with regard to the powers of shared jurisdiction. By doing so it imposes limitations on the delegation of exclusive powers of the regions and of the federal government.

The federal authorities expected that, within twelve months, all regional laws and legislative acts would be co-ordinated with the Federal Constitution (Article 32, Part 3). However, this did not happen. The conciliatory process initiated in the regions by the end of 1999 required the involvement of all parties. So far the federal government has not yet confirmed its readiness to make compromises and improve the federal legislation that often is not perfect. The provision that all bilateral treaties and agreements on the delimitation of powers would have to be co-ordinated with this law in three years (Article 32, Part 2) does not seem to be realistic either, beside the fact that the law would have become outdated by that time. The federal legislators do not take into account the fact that the constitutional delimitation of powers (Articles 71–3) allows a certain degree of ambiguity in some cases and it simply cannot be realized and rendered concrete without the treaties. The current federal legislation provides the basis for the relations between the center and the regions. It includes the above-mentioned federal laws, "On the Procedures and Principles of Delimitation of Powers and Jurisdictional Subjects . . ." or "On the General Organizational Principles of the Legislative (Representative) and Executive Bodies of the State Authority of the Constituent Parts of the Russian Federation." These laws definitely require improvement. The laws unreasonably limit the jurisdiction of the constituent parts of the Federation in comparison with the Constitution of the Russian Federation. This and many other problems require answers. But are the federal authorities prepared for a constructive and patient dialogue on all of these matters?

The lack of systematic and integrated treatment of ethnic and regional problems by the state has kept most of them unresolved. It is necessary to define the federal policy of the state and in particular its ethnic and regional components in detail (not just the concept). This would allow the setting of priorities and defining the interests of the state in each particular region, observing the interests of the regions themselves. At the

same time the specifics of the transitional period that Russia is currently going through should be kept in mind, and federal policy must be adjusted correspondingly.

The Republic of Tatarstan, which is one of the most active participants in the federal state making in the Russian Federation, has supported the Basic Regulations of the Regional Policy and the Concept of the State Ethnic policy, ratified by the Decrees of the President of Russia (No. 803 of 3 June 1996 and No. 909 of 15 June 1996). These documents have helped to resolve many problems in the federal relations, staying within the framework of the Constitution of the Russian Federation and based on the bilateral treaties between the Russian Federation and its constituent parts. Tatarstan does not give reasons for any accusations of exceptional treatment and separatism. On the contrary, the republic contributes its centripetal attitude and active social and economic dynamics, as well as consistent political practice, to the making of a federal state and integration of the whole country. Some irresponsible politicians have been using the mass media to spread the idea that Tatarstan exists at the expense of other regions and does not fully pay taxes to the federal budget. This is not true. The republic, being a donating region, pays all the necessary taxes to the federal budget fully and on time. The letter by V. Khristenko, the Vice Prime Minister of the Russian Federation, of 20 September 1999 (No. 4212, p-P11) entitled "On the Interbudgetary Relations with the Republic of Tatarstan" attests to this fact. In his letter, the Vice Prime Minister emphasized the fact that "in the past years the interbudgetary relations with the Republic of Tatarstan have been verified and no debts have been found." The same was stated by S. Ignat'ev, the First Deputy Minister of Finance of the Russian Federation in his letter to the government (No. 01-02-01/10-349 of 14 September 1999). Therefore, the fact that Tatarstan pays all federal taxes is supported by the most authoritative sources.

The conflict between the constitutions and federal and regional laws is now a reality that Russia has to face. In Kazan, by the end of the year 2000, a conciliatory committee for synchronization of the laws of the republic with the Constitution of the Russian Federation and the federal legislation had begun its work. The committee is supposed to make recommendations on the synchronization procedure. During the negotiations between the leaders of the State Council of the Republic of Tatarstan and the Volga Federal District it was agreed that the committee would take into account not only the constitutions of Russia and Tatarstan but also the bilateral treaty signed in 1994. Previously, Moscow had insisted that the bilateral treaties had become out of date, and the plenipotentiary representatives of the President in the federal districts were advised to observe only the federal Constitution.

Many aspects of the treaty practice could be criticized, but we cannot

ignore the reality. The treaties were intended to be instruments for delimitation of powers. According to M. Zolotareva, "the question is not whether Russia needs the bilateral treaties, for in practice (be it good or bad) they are being concluded, the question is how to make this process a positive development and not a destabilizing factor in the Federation."³⁶

The bilateral treaty provides a way for the delimitation of authority that has numerous advantages. In this case, the delimitation can be better adjusted to suit each particular situation and would reflect the regional differences of the constituent units in a more effective way. The treaty practice has demonstrated that priority is given to the jurisdiction of the constituent parts of the Russian Federation. Most of the powers of shared jurisdiction are assigned to the constituent part of the Federation, and the powers of exclusively federal jurisdiction are transferred to the shared jurisdiction. Such provisions of the bilateral treaties should be amended since they violate the Federal Constitution. By the end of 1999 there was already some legislative basis that would enable the streamlining of the treaty practice.

There is no doubt that today's treaty practice needs improvement. Only federalism allows having treaties as the legal norm for adjustment of federal relations, especially during a transitional period. Recognizing the fact that treaty rights should not interfere with the jurisdiction of the constitutional and legal regulation, it should nevertheless be kept in mind that the distribution of authority between the federal center and the constituent units should be carried out in line with the principle of reasonable sufficiency and subsidiarity.

Formation and strengthening of a federal state in Russia can only be successful if there is a common co-ordinated approach of both federal and regional authorities to the problems of preserving the integrity of the country while recognizing the values of real federalism.

One of the effective instruments contributing to the integrity of the multinational Russia could be the creation of a Chamber of Nationalities in the Russian Parliament. This idea has been repeatedly brought up by M. Shaimiev, the President of the Republic of Tatarstan. So far this proposal has not been heeded by the federal center.

The power measures, as our sorrowful past experience shows, did not bring the expected results. This situation requires new non-standard approaches that would unite all parties interested in preserving the unity and integrity of the Russian Federation.

In 1999 the first sessions of the Commission for Development and Improvement of the Treaty Relations between the Russian Federation and the Republic of Tatarstan took place. The Commission considered all the agreements, which are inalienable parts of the Treaty, and has made the necessary protocol changes. The republic demonstrated its readiness to continue this multilateral dialogue with the federal ministries and other

federal agencies on the major problems in federal relations. Regretfully the sessions of the Commission were not continued.

The political endeavor to strengthen the vertical power in the state should be based on present-day reality and should take into account both the constitutional equality and the asymmetry of the constituent parts of the Federation. The “vertical line of state power” that is now often being recited is not a fully constitutional term. In the regions, people cite the following more comprehensible constitutional provision:

The federated structure of the Russian Federation shall be based on its state integrity, the uniform system of state power, delimitation of scopes of authority and powers between the bodies of state power of the Russian Federation and the bodies of state power of the subjects of the Russian Federation, equality and self-determination of the peoples in the Russian Federation.

(Article 5, Part 3)

It cannot be expressed better! Most of the republics – constituent parts of the Federation – are ready to work in this direction persistently and patiently, based on the bilateral power delimitation treaties, which are fully in compliance with the constitutional order of the Russian Federation.

Strengthening of the statehood of Russia and improvement of the federal relations based on the Constitution of the Russian Federation and on the bilateral treaties is a pivotal task formulated in Russia by history itself.

Russia in August 1998 and afterwards: “the patient is more alive than dead”

If a government dislikes its own population it must dismiss it and choose another one.

Bertold Brecht

In order to evaluate the strategic plans that the government of the Russian Federation has elaborated for the next decade and the extent to which they can be realized we must go back to August 1998, a time recalled by many people in Russia with a shudder. At that time the ordinary people of Russia, who already lived in poverty, became three times poorer within a day. The middle class that was already forming by that time, and had some hope for stability, ceased to exist. People who thought they could become rich by investing in financial pyramids suddenly became *truly* bankrupt. They vainly tried to find out who to blame because they had been cheated once again.

In the first half of 1998, market indicators showed that the situation in the Russian economy was no worse than in 1997. The inflation since the beginning of the year was 4 percent, half as much as in 1997. As was asserted in the government program for economic and financial stabilization,³⁷ the Gross Domestic Product (GDP) and industrial output figures were reaching a stable level.

The concealed contradictions in the Russian economy that heralded the economic crisis were quite substantial. At the same time, problems were caused by errors made in the process of the economic reforms and by a confrontation between legislative and executive branches of power. Furthermore, these problems had been accumulating for quite a long time.

By late 1994–early 1995, the initial stage of the formation of basic market institutions had been completed. The system of business banks, foreign exchange and the stock market had been created. The first stage of privatization had come to an end. At the same time there was a substantial rise in world prices for natural resources (oil and oil products, ferrous and non-ferrous metals, etc.) that make up the basis of Russian exports. This provided the inflow of hard currency and foreign investment to the country. However, a high inflation rate and a consolidated budget deficit that “ate” about 10 percent of GDP remained a serious obstacle to market reforms. A setback in production was taking place in the production sector of the economy. The primary task of the economic growth stabilization program adopted by the government in 1995 was to reduce the inflation rate.

Strict credit and monetary policy was aimed at restraining the growth of the money supply, ensuring a low inflation turnover of cash, stabilization of the ruble exchange rate, and the creation of a favorable investment climate. However, the implementation of these steps was not supported by a rigid structural policy of the state. The speedy privatization did not create a “critical mass” of effective owners who could manage economic entities and modernize production in the conditions of a market economy. Necessary requirements for the formation of capital and labor markets were also not fulfilled.

The legislative base for the advancement of free market reforms was far behind schedule. Soviet-type managers who openly or discreetly resisted the macroeconomic reforms in many cases were simply unable to work in the conditions of a market economy. The state was losing control over government-owned companies and over the companies where stock control belonged to the state. There were no effective means for governmental support of successful companies and reorganization of the poorly managed ones.

As a result, lack of proper synchronization of the macroeconomic policy with the structural reorganization of the microeconomic environment

brought about additional problems that first became apparent in 1995–8. The majority of economic subjects could not adapt themselves to a rather sudden drop in the inflation rate in 1995.

The growth of the National and Federal Credit Bond (NCB and FCB) market predetermined the high cost of state internal loans. This resulted in the redistribution of the monetary flows in favor of the financial sector. The production sector of the economy was running out of money and barter became the main way of payment. Barter in turn resulted in a reduction of the taxable basis, the spread of money substitutes and illegal hard currency cash payments to avoid taxation. As a result, the “shadow” component of the economy grew and new schemes to avoid tax payments came into being.

In the first half of 1997, finances and the economy showed some signs of improvement. However, soon after this, the problems mentioned above began to gradually build up. The imbalance between the budget receipts and spendings increased. The pyramid of NCO and FCB rose swiftly. Outstanding bills of companies and organizations to suppliers, as well as budget and non-budget funds, grew rapidly. The total volume of debts estimated by the government reached 24 percent of the GDP at the end of 1996, against 15 percent in 1995. The growth of internal loans could only be provided at the expense of the inflow of foreign speculative capital, which was attracted by super-high interest rates. The situation was worsened by irregular internal debt payments. Despite government efforts, the debts on wages continued to grow, especially in the remote regions. This became one of the Federation’s most acute social problems. By the end of December 1996, the total debts on wages reached more than 47.1 trillion rubles. The part resulting from the lack of direct financing from the budgets of all levels made up almost 9.3 trillion rubles of the total debt. Tax receipts decreased, although it was forecast that this figure would increase. The ratio of the income of the federal budget to the GDP was about 12.5 percent in 1996 as opposed to 14.2 percent in 1995.

As was previously mentioned, the situation in the financial markets appeared to be dramatic. The prices of Russian state and corporate securities experienced a rapid decline, and the situation with the federal budget was becoming more acute. The state had to spend more money to settle the debts. To increase tax receipts the government of the Russian Federation adopted measures to increase budget revenues and to block means of tax evasion. These were targeted at those who owed the larger debts to the federal budget and non-budget funds. The tax exemption practice was put to an end. By the end of 1997, the situation with the tax receipts was very tense, and it had a negative effect on the financing of the major budget items (pensions, communal utilities, transportation, etc.).

Beginning in April 1998, tax receipts began to fall again and government debts on wages and pensions continued to grow. There was a sharp

increase in the interest rates on loans in the real sector of the economy, accompanied by a decrease in the credit flows. Positive tendencies came to an end. However, the most acute time of the crisis began in the summer of 1998.

The foundation for this crisis was already laid in 1995 when the government failed to stabilize the economy after it stopped financing the budget deficit through money emissions. Instead of improving tax collection and cutting down on state expenditures, the government tolerated the increase in the national debt as well as tax exemptions and other monetary substitutes. Strategic long-term goals were forced out by current problems.

At the end of 1997, non-residents were admitted to the securities market. By the beginning of 1998 their share in the market made up 30 percent. According to Sergei Kirienko, Prime Minister of the Russian Federation at that time, the government succeeded in lowering the profitability of NCB and percentage rates in the economy.³⁸ But the “hot money” that was attracted to Russia became a serious destabilizing factor when the situation in the world financial markets worsened. An increase in interest rate expenditures caused a credibility gap toward state institutions both on the federal and regional levels. The country was facing a debt crisis that was becoming a major crisis of the transitional economy.

Until November 1997 the country's economy had some positive tendencies: easing of inflation (annual rate of not more than 11 percent), cessation of the downswing and a small increase in production. At the same time there was an increase in the money supply and credit flow in the real sector of the economy (positive 32 percent per year). In November 1997, interest rates for the end-use borrowers dropped from about 70 percent to 30 percent. This was evidence of the beginning of an intensive *monetarization* of the economy. In 1997, foreign investments substantially increased. Direct investment figures reached 5.3 billion dollars (double the amount in 1996) and portfolio investments (in state securities and shares of the Russian companies) increased up to 20 billion dollars. These positive tendencies developed against a background of an old chronic ailment – the budget crisis – caused by poor tax collection, high outstanding liabilities of the government, and an ineffective control of public funds, all of which resulted in a considerable deficit in the federal budget. The government had to cover it by increasing borrowing and expenses on debt servicing. In 1997 these expenditures increased substantially and constituted 28 percent of all federal budget expenses as opposed to 16 percent in 1996. The public debt to GDP ratio for Russia was not that high (50 percent). This is less than in many other countries; however, the debt structure (especially internal debt) was very disadvantageous because short-term and high-cost debts on NCB predominated. This resulted in a rapid growth of interest expenses and the Russian economy became very

sensitive to the world financial crisis that came from Asia, and to the worsening situation in the energy market.

In August 1998, the so-called “August collapse” of the financial system struck. Growing national debt in the form of a financial pyramid of the National Credit Bonds, capital outflow, instability, and loss of confidence in the government were the major causes of this collapse. The government of Sergei Kirienko was dismissed because, as was acknowledged, it significantly allowed a sequestration of the federal budget. By doing this, it violated its obligations in the social sphere and national security and moved the financial resources out of the real sector of the economy.

The changing governments of the Russian Federation committed serious errors in carrying out economic reforms in the 1990s. This destroyed the economic potential, halted industrial development, reduced the machinery exports, caused an unfavorable credit balance of imports, and resulted in a collapse of the national currency, decline in production, considerable reduction of investments and innovative activities, decline in living standards, and a degradation of the social sphere. Blundering actions by the government and the Central Bank in the business and budgetary crisis resulted in a virtual bankruptcy of the financial system of the state and brought the country to the brink of social and economic catastrophe.

The crisis also increased social tension. The situation threatened the security of the Russian Federation as a sovereign state and demonstrated the need for economic policy change, as well as decisive measures in order to stop the crisis and to overcome its consequences. It was necessary to consolidate the efforts of all branches of power as well as all political and public organizations both on federal and regional levels to solve this nationwide problem.

In September 1998, while considering the candidacy of Viktor Chernomyrdin for the position of Prime Minister, the Federation Council pointed out: “The detrimental economic policy and the Russian Federation government’s failure to fulfil its constitutional duties were made possible due to the lack of responsibility of the corresponding bodies of the federal executive power and imperfections of the administrative system in the country.”³⁹

High taxes, dominating barter, monetary substitutes, and high refinancing rates hampered the development of commodity–money relations. The efforts of the constituent parts of the Russian Federation to find a way out of the crisis and to secure economic growth were unco-ordinated and were not supported by appropriate economic policy. The most needed steps were not taken: the Russian Federation development budget was not implemented, and the financial independence of local authorities was not secured.

By the end of the 1990s, mixed state and private ownership of the fixed

assets prevailed in the country. In 1994–5 its percentage in the entire ownership increased from 54 percent to 64 percent, whereas the share of private ownership went down from 41 percent to 34 percent and joint ownership (with foreign participation) fell from 3.5 percent to 1 percent.⁴⁰

Privatization in the second half of the 1990s produced structural changes that were completely different from what was initially expected. The country's economy was becoming a burden due to a large primary sector. At the same time, high-technology production was being neglected. Even though, in 1997, the investment into production was not falling as rapidly as in 1996, it became clear that the developing tendencies would not last long without a considerable increase in investment.

Voucher privatization failed just like the policy for the attraction of strategic investors. It was intended to serve the interests of the working people but, in reality, it took the means of production away from them and transformed them into hired workers with no ownership of the company's property.

The monetary stage of privatization transferred the control over the economic potential, both in the center and in the regions, to large capital holders (as it was in the capitalist economies), i.e. the oligarchs, who constituted only a very small fraction of the population. In the second half of the 1990s, the state property in Russia was being very much taken over by bank capital, large private owners and the bureaucrats.

Poor economic results of privatization were in a large part caused by an excessive centralization and the center's unwillingness to share the rights and responsibilities with the constituent parts of the Federation. Experts actively talked about the necessity of renationalization of the privatized property in favor of the federal government and regional administration. This was already happening, for instance, in Moscow.

The methods of hastily carried out privatization had a very negative effect on budgetary relations.

Fiscal relations between the central government and the regions in the management of natural resources were of special importance. Natural resources, conservation and use thereof are among the bases of the constitutional order of the Russian Federation. The economic effect of nature management (its accumulation, distribution, and use) is not very systematic. It often serves the financial interests of the state that needs income at any expense; its distribution is not connected with the responsibility of state authorities of all levels for the protection and preservation of the nature of Russia, with "the responsibility for the Homeland before future generations."⁴¹

The system of payments for the use of resources in the 1990s was based on the laws: "On the bases of the tax system in the Russian Federation," "On the preservation of the Environment," "On the Subsoil," the Land

Code of the Russian Federation, and legislative acts of federal and regional authorities.

Altogether the legislation established ten various payments in the field of nature management. They included excise tax, subsoil use payment, mineral resources reproduction fee, forest profit, land tax, water and environmental protection payments. Overall, in 1996, nature payments made up 13 percent of the tax revenues of the consolidated budget and 21.6 percent of the federal budget. The federal budget received 32 percent of all payments for natural resources, 100 percent of the excise for the mineral resources and 9.2 percent of the environmental taxes.⁴²

The share of natural resource payments in budgets of all levels on average was 5–7 percent, an insignificant figure compared to the size of the mineral reserves and unique land and forest resources of the country. This situation was caused by the imperfect evaluation methods used for natural resources as well as for calculating the damage done by environmental pollution.

Setting basic tax rates on natural resources (except for the excise) is a matter of shared jurisdiction between federal and regional authorities. The constituent parts of the Federation and local self-government bodies had an opportunity to adjust tax rates set by the Federal government based on the land registry estimates and depending on the particular economic situation in the regions.

The rates, tariffs, and taxes for the preservation and reproduction of natural resources are set by the authorities of the constituent parts of the Federation and local self-government bodies only within the limits of their authority. In practice, however, the established delimitation of authority between the center and the regions with regard to natural resources was often violated. Mainly it happened because some regions received a special treatment for budget distribution of resource payments provided by bilateral treaties and local bargaining. This practice often provoked careless and irresponsible attitudes toward environmental protection.

The budgetary federalism provides for the participation of local self-government bodies in the entire system of financial and budget relations. Regretfully, by the middle of 1997, Russia was still missing the law on finances for local self-government that was very much needed for the local administration and leaders of the regions. The problems that can be solved only with the help of municipal authorities include social issues, in particular social privileges, as well as housing and communal services. Economist A. Samokhvalov writes on this matter: "Securing the right of the regional and local administration to manage finances allocated for the social purposes based on the appropriate financial regulations would even out the high level of differentiation of the living standards in the regions and stabilize the entire federal structure of the country."⁴³

It would be profitable for the center, both in the political and

economic sense, to transfer social matters entirely to the jurisdiction of local authorities, even if this would redistribute the budget funds in favor of the regions. As a result, a group of forty to forty-five financially independent regions would be formed. This would improve the system of transfers and initiate the growth of minimum wages first in these regions and then in the entire country.

The existing system of budget relations obviously does not suit the present-day situation. In many ways it resulted from chaotic evolution during one of the most difficult periods of Russian history. The outcomes of this were:

- differentiation between the regions by the level of budget balance;
- absence of real incentives to increase the tax payments, especially to the federal budget;
- ineffective spending of regional budget funds, including transfers from the federal budget.

The budget unity of the Russian Federation means the unity of legal bases, monetary system, budget documentation, budget procedures, and sanctions for violating the budget legislation. In the meantime, the intergovernmental relations in the field of finances are not yet horizontal, as is demanded by these principles.

Vertical relations are still dominant in the tax system, which means that high federal taxes prevail in the budgets at all levels, particularly when the federal legislation sets regional and local tax rates.

This practice is supported by Article 7 of the Budget Code of the Russian Federation of 17 July 1998, which assigns the following powers to the authority of the government of the Russian Federation:

- setting the general organizational principles for the budget system of the Russian Federation;
- distribution of taxes and other levies among the budget levels, and distribution of federal tax receipts and any other revenues of the federal budget among the levels of the budget system of the Russian Federation;
- delimitation of the spending rights among the levels of the budget system of the Russian Federation;
- setting the order for formulation, approval, and implementation of the budgets at all levels, as well as approval of the implementation reports and performance control thereof;
- definition of receipt and outlay principles for the budgets of all levels;
- setting federal regulations for the loans taken out by the Russian Federation, the constituent parts of the Russian Federation, the bodies of local self-government, and management of the debts of the Russian

Federation, the constituent parts of the Russian Federation, and the bodies of local self-government;

- setting the order and conditions for rendering of financial help and budget loans from the federal budget to the budgets of the constituent parts of the Russian Federation and the local budgets;
- setting the main principles and conditions for receiving budget loans;
- setting the bases and regulations for taking legal action against those who violate the budget legislation of the Russian Federation.

Budget legislation also defines the powers ascribed to the constituent parts of the Federation:

- setting the order for formulation, approval, and implementation of the budgets of the constituent parts of the Federation, as well as approval of the implementation reports and performance control thereof;
- formulation and consideration of the budgets of the constituent parts of the Federation, approval and implementation thereof, approval of the implementation reports and performance control over the budgets of the constituent parts of the Russian Federation and the budgets of regional government extrabudgetary funds;
- distribution of regional tax and levy receipts, along with any other revenues, of the constituent part of the Russian Federation between the budget of the constituent part of the Russian Federation and the local budgets;
- setting the order for allocation of the revenues derived from the use of property of the constituent part of the Russian Federation and any other budget revenues thereof into the budget of the constituent part of the Russian Federation;
- distribution of expenditures between the budget of the constituent part of the Russian Federation and the local budgets;
- setting the order and conditions for rendering financial aid to the budgets of the constituent parts of the Russian Federation in cooperation with the bodies of state power of the Russian Federation;
- setting the order and conditions for rendering financial aid and budget loans from the budget of the constituent part of the Russian Federation to the local budgets;
- rendering financial aid and budget loans from the budget of the constituent part of the Russian Federation to the local budgets;
- setting the orders and conditions for budget loans;
- determining a list and regulations for the internal borrowings by the constituent parts of the Russian Federation;
- performance of state internal and external borrowings by the constituent parts of the Russian Federation and management of the national debt of constituent part of the Russian Federation.⁴⁴

The existing system of financial equalization and transfers was not in accord with the above stated principles either. Large financial distribution flows were limited to the federal budget, and the transfer system could not ensure effective development of the economy of a federal state. The budgets of the constituent parts of the Federation were treated as total amounts, and there was no differentiation according to type of receipt source, which often led to concealed redistribution of revenues from one region to another. The correspondence of budget receipts and spendings remained a paper project. A condition as important as the uniformity of taxation was also violated.

On 31 May 1997, the Government of the Russian Federation adopted the “Program for Structural Readjustment and Economic Growth in 1997–2000,” which highlighted the shortcomings of the financial and budgetary relations.⁴⁵ In the Program it was stated:

the poverty scene in the regions is still closely tied with the economic specializations of the territories. Large population groups with the lowest level of income are concentrated in regions with dominant secondary production and low levels of economic development and limited possibilities for a reasonable level of social benefits. As a rule these regions have lower mean employment figures compared to other territories. Regions with dominant primary production are in a better position since their products are very much in demand on both internal and external markets (fuel and energy, non-ferrous and black metal industries). Leading this group are the Northern, West Siberian and East Siberian economic regions.⁴⁶

As the experts who elaborated the Program have calculated, the macro-economic parameters for revival of the economic growth and structural readjustment should include the following:

- reduction of the tax burden for the domestic producers and a simultaneous improvement of tax receipts, cutback of tax privileges, and retargeting them for the attraction of investments and strengthening of the financial discipline, and streamlining of government spendings. It was necessary to improve the budget implementation mechanism so that the state funds would not be misused (including the state non-budgetary funds), and to stop payment delays and incomplete financing;
- limitation of loans in order to cover the budget deficit;
- reduction of interest rates even through the introduction of strict controls over the level of indebtedness and solvency of the borrowers.

The problem was that the raising of tax receipts had to be performed within the situation of a low production level and the taxable basis reduced at the expense of reserves connected with a suppression of tax avoidance.

In order to raise the budget revenues, the government tried to build up the production level and taxable basis at the operating production facilities by improving its price and taxation policy and defusing the non-payment crisis.

Growing budget receipt, and restructuring of expenditures allowed a reduction in the budget deficit and the amount of state borrowings at the financial markets, as well as a reduction in the profits on state securities and the beginning of a gradual reduction of the national debt and its service cost. With this condition and with national currency stabilization it would be possible to reduce interest rates to a level of normally operating companies.

During the new stage of modernization, the federal government intended to form an effective capital market and mechanisms that would employ the investment resources and ensure their most effective placement.

In the second half of the 1990s, all constituent parts of the Russian Federation were experiencing a destruction of the investment mechanisms. Not a single region of the Russian Federation has preserved the capital investment volume of the pre-reform level. The supposition that a company's own funds would have a wider participation in the regional investment proved to be in error. The Federation Council experts are right when they say that the investment recession has reached its limit, and that to go further would be followed by an irreversible destruction of the industrial potential.

The key conditions for the accumulation of savings and growth of the investment activity are the reduction of investment risks and an increase in confidence of the potential investors in their economic partners and in the country. That is why political and economic stability, strengthening of property rights, improvement of company management, and progress in crime control were crucial both in the center and in the regions.

Another precondition for economic growth is liberation of industry from the burden of financing of the social sphere and the "cross subsidy" practice, when low energy tariffs for the population and some other consumer categories are maintained at the expense of higher tariffs for the producers.

When, in the middle of 1998, the Russian government was confronted with the general economic crisis, it started to take extraordinary measures in order to stabilize the situation. The steps taken were intended to overcome the budget crisis, gradually reduce the budget deficit, ensure that revenues covered spending by a clear margin without the interest expenses. It was also intended to reduce the national debt and its service

cost, create conditions for production recovery, overcome the non-payments and barter problems, restore a normal monetary–commodity exchange, raise profits in the economy, and widen the taxable base. According to the government of the Russian Federation, it was necessary to increase state control over the wholesale trade, to set a compulsory place registration for large holdings, and to introduce a unified tax on the imputed income for certain types of small businesses, including the retail trade of petroleum products, gambling, etc. Other proposals were: to introduce a new scale of income tax to be applied to all types of income, including loans, insurance, etc.; to permit the regions to introduce their own sales tax with a rate of up to 5 percent; to introduce a unified value added tax of 20 percent while cancelling the lower rate previously applied to certain products; to annul the taxation privileges in the closed administrative–territorial units, which in reality became offshore zones; liquidation of all privileges on income taxes and value added tax; a stricter control over the alcohol market; earning additional budget receipts through an increase of land tax; cancellation of all privileges for leasing federal property; streamlining of federal property management abroad; imposing control over the foreign trade of fishery products, etc. The government also intended to reduce state spending with an inventory of all government organizations, reduction in the number of federal budget funds recipients, a 20 percent staff reduction in the federal body’s executive authority in the regions; inventory control over the salary payment terms for government employees; and a gradual waiving of the grants and subsidies allocated from the federal budget.

Without strict control over electricity and heating use by the government organizations, as well as over the accounts payable from the federal budget to the population and organizations, many of the above stated tasks would not be accomplished.

The anti-crisis measures taken by the federal government, according to the authors of the Program, had to be supplemented with the corresponding actions of the constituent parts of the Russian Federation, initially to revive their own budgets. A new method for the distribution of financial aid through the Federal Fund for Financial Support of the Regions was elaborated. It eliminated the biased approach, maintained equal financial security for all regions of the Russian Federation and stimulated the tax receipts growth. The measures for production support included the increase of crediting for the economy, reduction of the loan interest rate, decrease of the tax burden, a cutback in prices and tariffs in the natural monopolies, reduction of the cross subsidies, reduction of the debt burden to the amount of that which was not acquired due to the fault of the company, and reduction of the tax burden set by the Tax Code.

Structural reforms were planned in all fields of production. The projected measures also included: salary debt repayment; bringing social

liabilities of the government into accordance with the actual resources in order to provide the minimal social benefits; financial stabilization of the Pension Fund of the Russian Federation; and measures for a more precise distribution of social aid as well as revenues and tax burden. According to the Sergei Kirienko government, implementation of this program and the above measures would have the following effects: by the autumn of 1998, restore balance in the financial markets and lower the interest rates; by the end of 1998, restore the GDP and industrial production growth (though staying within the figures of 1997), increase export volume, raise monetary security level of the economy, reduce the non-payments; in 1999, improve tax receipts, cut down on internal debt service cost, raise crediting of the economy and lower the interest rates. All these measures would provide a basis for economic growth acceleration and improvement of the living standards of the population.

The Sergei Kirienko government was convinced that, in this way, the financial crisis could have been stopped. The Russian Federation would be less sensitive to the fluctuations in the world financial markets and the government would be able to direct its efforts toward modernization of the country's economy. To what extent were the planned programs and measures in line with the main principles of budget federalism?

The fundamental principles of budget federalism that are recognized in most developed countries are:

- combination of interests on all levels of the budget system;
- distribution of taxes on a permanent basis (completely or in a fixed share) between the levels of the budget system that provides a minimal sufficient receipts level for regional budgets, provided the regions have sufficient tax receipts potential;
- maximal reduction of the reciprocal financial flows;
- compensation for a decrease in receipts or a growth in spending to the regional budgets when they are caused by decisions made by the federal government or, with regard to the local budgets, by the authorities of the constituent part of the Federation;
- bringing the development of the territories that are lagging behind to the minimal sufficient level;
- creation of necessary conditions to increase the incentive for the authorities of constituent units of the Federation and local self-government in earning their own budget revenues;
- mutual liability among the levels of the budget system for observing the interbudgetary obligations;
- clarity and openness (transparency) of the interbudgetary relations.

As it followed from the Government Program proposed by Sergei Kirienko, the crucial matter in the country's social and economic develop-

ment was the financial independence and self-sufficiency of the regions consisting of the following components:

- strengthening the role of the territorial budgets;
- provision of funds needed for the realization of their authority at every level of power;
- uniformity of financial, budget, and taxation systems of the Russian Federation when concluding power delimitation treaties between the federal government and the constituent parts of the Russian Federation;
- elaborating a mechanism of control over the territorial budgets, so that the fixed receipts in every territorial budget would be dominant. At the same time, these regulations should be long term (approved every three to five years);
- financial assistance to certain regions via transfers in order to maintain social standards guaranteed by the state. It is necessary to use the federal treasury territorial system more widely in order to accelerate payments, exclude the reverse financial flows, and organize an effective control over the target usage of funds;
- replacement of the practice of investment assistance to “depressive” regions with contests for investment into the regions with economic growth and, also, into innovative technologies;
- provision of equal rights for all regions of the Russian Federation in budget relations. The interbudgetary relations between the regions and the Russian Federation should be based exclusively on the Federal Budget legislation that cannot be altered by any agreements between the Russian Federation and the regions;
- adoption of measures that would eliminate the adoption of any legislation extending or instituting the privileges and advantages for the regions, natural, and legal persons without the appropriate financial support or that would reduce the revenues or increase the deficit of the federal budget and the budgets of the regions.

Sergei Kirienko did not implement this program. He and his government were dismissed.

In the present time the preservation of the social security scheme is the main issue in territorial budgets. Large funds are needed to resolve it. Only expenditures on housing and communal services on average constitute more than 25 percent of all the territorial budget expenditures in Russia. An active economic policy for the regions with different levels of social and economic development is required to end the social and economic crisis, and to save and strengthen the country’s territorial and federal bases. It has to be concrete and must exclude general statements about the need for “equalization of the regions” and one-sided decisions to increase the welfare of one region at the expense of the other.

It would be to the advantage of the entire population to transfer from subsidies on communal services and transportation to the practice of monetary compensation to the low-income population groups. This would decrease the subsidy amount by 8–10 percent.

Experts Samokhvalov and Khursevich comment on this situation:

We need new methods to define the budget needs for consolidated budget regions of the Russian Federation when we talk about healthcare, education, law-enforcement activity, state administration, transportation, culture and social policies. But the most important areas are housing and communal services, health-care and education.⁴⁷

Comparative analysis shows that the above stated proposals (the government presents them as “the principles of budget federalism”) in many ways differ from the norms and principles generally accepted in the world, which were reflected in the European “Declaration on Federalism.”⁴⁸ This Declaration stated that a region has its own financial autonomy and funds for full realization of its authority. In particular, it must follow principles of productivity, effective use, service, and transparency of its budget decisions.

The general principles of state funds usage and distribution of revenues should be provided by the federal Constitution or legislation. One of these documents should provide for orders of the government that concern regional budgets. Regions should actively participate in the making of financial legislation.

Regional financial sources mainly consist of taxes, both fully or partially transferred to the government and their own taxes. Regions receive revenues that are necessary for effective implementation of their functions. In accordance with the legislation, a region has a right to institute its own taxes and determine the sources of tax receipts. With this purpose, a region sets the criteria for determination of its taxes, charges, and levies. Only where the law allows it can a region collect charges that are additional to the state taxes.

When some powers envisage the delimitation of the revenue sources, volumes, and distribution procedures should be defined by legislation. The basic state financial allocations have priority over special allocations that are regulated by the provisions of the legislation.

If a region is not authorized to set taxes, it participates in the formation of the applicable institutions and in the elaboration of taxation mechanisms. It also participates in the formation of the appropriate court structure and procedures.

Within its authorities set by the legislation, a region can look for additional financial investments. The law provides for the limitation of the size

of a loan and its legitimacy maintenance system. A prerequisite for normal operation of the Russian Federation, or its vitality, is a system in which every level of the state power has its own budget and acts in accordance with the legal norms and within the limits of its budget authority.

An important condition for the effective functioning of a federal state financial system is following the already stated principles that are respected in most countries of Europe and North America and, regrettably, are often neglected in Russia. First of all, we would cite equality among all constituent parts of the Federation in their financial relationships with the center and the delimitation of authority and jurisdictional subjects among all participants of the budget system on the basis of the constitutional delimitation of powers. In the first half of the 1990s, the equality principles of all constituent parts of the Russian Federation and the federal center in the interbudgetary relations were not implemented. This problem still remains. Having spoken “about equal rights of all constituent parts of the Russian Federation,” the center seemed to have excluded itself from the equal partnership, possibly thinking it should dominate over the regions of the Russian Federation because it controls the federal budget. However, one of the goals, as stated in the “General Guidelines for the Regional Policy of the Russian Federation,” is “to maintain the equality among the regions of the Russian Federation and in their relations with federal institutions taking into account the specifics of every region . . .”⁴⁹

A presidential address defined the basic orienting points for the economic policy. In the section on social and economic reforms carried out during the past year, the President noted that despite “the impressive economic growth” in 2000, “the conditions, which would secure its stability have not been created” and there is still a danger of sliding into “lasting economic stagnation.” It was emphasized that “we still have a *rental* and not producing type of the economy.” As a result, “modernization of the economic structure is halted and its resource-oriented character is being preserved and reinforced, which make the country dependent on the market situation.” In order to escape this deadlock situation, active steps have to be taken to implement structural reforms, which would not be limited to “writing concepts and programs.”

Special attention should be paid to the growing structural disproportion in the economy, which may lead to social and economic degradation. The gap between the export of the natural resources and all other branches of the economy emerges because of closed-cycle “economies” with various levels of profitability. As a result, the capital is concentrated in the exporting branches. The margin profit caused by a sharp increase of world oil prices should be reinvested into structural reforms of the economy.

Another important issue emphasized in the address is the urgent need

for a major tax reform. “Justified and fair taxation of natural resources, which constitute the national wealth of Russia, real estate, consistent taxation of non-rental profits, final abolishment of turnover tax,” were named a strategic priority.

At the present time the rent is already being extracted through a royalty mechanism within the framework of product-sharing agreements. However, the main instrument for partial withdrawal of super-profits by the state is export duties.

As it follows from the address, the priority task of taxation policy should be reduction of the tax pressure and at the same time widening of the tax base. This can be realized by creating favorable conditions for the private business and cutting back on illegal “shadow” turnover.

In order to implement principles of federalism into the tax system, it would be necessary to delimit tax payment to the Federation or to its constituent parts, and abolish the practice of distribution of the right to one tax article between different levels of authority.

Completely new for the interbudgetary relations was the proposal “to transfer to a two-part budget.” In addition to the first part, which should provide for the current obligations of the state, the second part should be formed. It would provide an additional reserve to ensure stable development at the times of recession as well as for large-scale strategic projects. It was also noted that, despite the fact that various approaches are used in budget making, it (the budget) should be implemented as one uniform budget.

With regard to the natural monopolies, the address particularly notes that “at the beginning of the actual reform of the infrastructure monopolies it is important to estimate its economic and social effect as well as respect the rights of the owners and investors.” The address also discusses the matters of currency regulation. The very principles of currency regulation need revision, which would bring it closer to the generally accepted world practice. The liberal point of view, supported by the President, states that efforts should be concentrated on setting up the barriers for the capital outflow, particularly by creating a favorable business climate and supporting the freedom of entrepreneurship in the framework of the law. Liberalization of the currency market requires a careful and balanced approach.

The address also examines the most problematic issues of social policy: healthcare, social security, labor relations, social services, science, and education. It gives an evaluation of the current situation in each one of these spheres, and formulates administrative and legislative measures for the reform of the social policy in accordance with the liberal development model proposed by the President.

The presidential address also touches upon the problems in the housing and communal services industry and the worsening demographic situation, “deterioration of the institute of family and the moral climate.”

Regretfully, the President only gave a general outline of the above problems, whereas social security of the population can only be maintained through appropriate legislation, which has yet to be elaborated.

Destruction of the spiritual health of the nation is the great price Russia would have to pay for the errors of reforms. Obviously, there is an urgent need for a new approach to social policy, which would be adequate to the current socio-economic and spiritual situation in the country.

Russians who had survived a serious social and economic crisis in August 1998 do not have a choice but to trust the government once again that another crisis would not affect lives of the common people and that a favorable increase in oil prices would not be a cause for a new rise in energy and vital goods prices. Citizens still believe that “everything that is good for the government is also good for them,” sometimes forgetting that they are not living in “the socialist heaven,” but in harsh capitalist reality, where the people in power first think about themselves and only then about those whom they serve. Tired Russian citizens who “were beaten three times” and do not already have illusions about possible “economic prosperity,” understood that their task for today is concrete and simple – to survive. They learned such unheard words as “default” and “sequestering.” They again believed that the authorities would never abandon them and they started to believe, once again, that “Russia is more alive than dead.”

Federalist hopes that did not come true

It should be admitted that federal relations in Russia are underdeveloped and insufficient

Vladimir Putin

In his first address to the Federal Assembly (8 July 2000) President Vladimir Putin formulated a detailed plan for transforming Russia into a country with an efficient market economy and strong state administration. The basic elements of this project consist of the following points:

- improvement of the political system and construction of an effective state, which would guarantee a stable social development and provide for the rights of the individual;
- actual equalization of the opportunities of the constituent parts of the Russian Federation in order to provide the citizens of the country with the entire range of political, social, and economic rights;
- creation of legal guarantees for the advancement of the Russian economy as the economy of free entrepreneurship and business initiative of the citizens, safeguarding the accurate and effective implementation of the economic strategy on the entire territory of Russia.

The basic guidelines for state authorities indicated in the presidential address include the following:

- establishment of a strong state and safeguarding the priority of the interests of the state over the interests of individual citizens;
- setting of clear and uniform rules and observance of the effectual legislation by all groups of society;
- strengthening of the army and special forces, which would not be disregarded by society, conducting of an independent foreign policy, development of basic democratic institutions – parliament, political parties.

The President of the Russian Federation has also formulated the tasks and priorities for the federal state construction:

- safeguarding the uniformity of the federal state administration, supremacy of the Constitution of the Russian Federation and federal laws, strengthening of the legitimacy of the bodies of state authority and local self-government, employing the mechanism of federal interference, developing the government’s reliance on the laws and the single executive vertical line of power formed in accordance with the law;
- overcoming state decentralization tendencies, strengthening of the Federation, advancement of the real constitutional principles of federalism that combine strong powers of the federal government and broad rights of the constituent parts of the Russian Federation to formulate the state policy in strict accordance with the federal laws;
- further advancing and securing of the constitutional rights of local self-government as one of the fundamental bases of the Russian State, while at the same time heightening the responsibility of the heads of the municipal units for adoption of unconstitutional decisions and the violation of the rights and liberties of the citizens.

The presidential address marked a clear tendency toward a radical transformation of the entire system of public authority and the establishment of a centralized unitary state administration and authoritarian political order.

Terms like “strong state” and “priority of the interests of the state over the interests of an individual citizen” are being expressed more often. In his address the President especially emphasized that “Only a strong (or *effective* – if some do not like the word ‘strong,’ we will say ‘effective’) and democratic state would be able to safeguard civil, political, and economic liberties and create conditions for the well-being of people and the prosperity of our Homeland.”⁵⁰

As has been previously mentioned, the federal districts became one of the instruments for the implementation of this program. The essence of this institution, as Vladimir Putin has explained,

is not to merge the regions, as it sometimes is being interpreted, but to merge the institutions of the presidential vertical line [of power] in the territories. [Our goal] is not to restructure the administrative and territorial division but to raise the efficiency of power institutions; nor to weaken regional authorities, but to provide conditions for strengthening of federalism.

This public statement by the President is very inspiring for advocates of federalism. Yet often, while declaring the principle of federalism, the President approves of decisions that are typical of a unitary state. It is evident that federal districts strengthen the federal state, as has already been discussed in historical examples. At the same time they destroy or at least weaken the federal structure of the country. The Concept of Federalism (federal relations) in Russia was submitted for discussion to the State Council of the Russian Federation in January 2001. A Federation cannot operate efficiently if the basic approaches to the delimitation of various levels of power are not clearly stated. The principles of federalism listed in the Concept make it possible to clarify many issues of the federal structure of the state that are provided by the Constitution of the Russian Federation. Otherwise the country would slide into unitarianism. Of course, the term “unitarianism” does not have an entirely negative meaning. A unitary state is as legitimate and stable as states with other forms of government. This form suits many states but it does not suit multinational Russia and does not correspond to the Constitution of the Russian Federation approved by popular vote.

A majority of the population has supported the reformist policy of Vladimir Putin. However, the credit of trust will not be constant. Moreover, the time given to the new President for the administrative reforms is measured only by months. This is why the Kremlin team is eager to strengthen the “vertical line of power” and establish the “dictatorship of law” (regretfully these steps are often not balanced and thought through). Once again Russia is living through a “revolution coming from the top.” Russians support the President, but they do not take an active part in this revolution. The above-mentioned statements by the President did not come into existence from nowhere – they were welcomed en masse by the population, which is tired of the chaos occurring in the country. Yet people do not care much about the type of state they live in: federal or unitary, democratic or authoritarian, as long as they have no problems. The federal government should confirm its readiness to follow the basic principles of federalism provided for by the Constitution and legislation of

the Russian Federation. The President is fully aware of the type of federal state that is being constructed. The broad masses in the country should be aware of it as well.

The federal center calls upon the society to keep peace. And it is peace and stability that the people of Russia need so much and which is now being offered by the government. The future of the program proposed by Vladimir Putin depends on the entire range of political and economic factors. However, so far its implementation has not found support among the political parties or regional elite.

A federation cannot operate without proper delimitation of powers and jurisdictional subjects between the federal government and the constituent parts of the Federation. Furthermore, the existing asymmetry of the federal structure of the Russian Federation should be taken into account. It enables a balancing of the interests of the parties during the transitional period. As has been previously noted, the transition period is not limited, and speeding up the elimination of the asymmetry of the regions would only upset the existing balance and break the fragile social peace. The attempt to establish order (even the constitutional one!) by strict, authoritarian methods, as suggested by the advocates of "dictatorship of law," cannot be in line with the principles of federalism.

The implementation of constitutional federal democratic principles can only be successful when the opposing tendencies are properly balanced. A shift toward uncertain federalism, i.e. confederation, is equally as dangerous as the movement to "the dictatorship of law" and a rigid "vertical line of power." The harmony of interethnic and inter-regional relations, as well as national concord, may be established only when society reaches the "moment of truth"; that is, a relative equilibrium. However, this stability would only be temporal. A constructive competition of all parties constitutes the essence of real federalism.

People in the regions were very cautious about the statement, made by Vladimir Putin at the Collegium of the Ministry of Justice, that "dictatorship of law is the only kind of dictatorship to which we must submit."⁵¹ Agreeing in principle with the necessity to establish order in the "vertical line of power" and to reach harmony in the law making, the statements about *dictatorship* of any kind are unacceptable, even when the "dictatorship of law" is concerned. The clashes between constitutions and laws cannot be eliminated by orders coming from the top. Thorough and consistent conciliatory work is needed in this situation, and such work would be impossible under any kind of dictatorship.

The problem of symmetry/asymmetry is deeply rooted in the economy. Population, natural resources, value of the fixed assets, and industrial production figures among the constituent parts of the Russian Federation differ immensely. The difference in the average per capita income between the constituent parts of the Federation reaches ten times, a much

higher figure than in Europe. As a result, the Federation is split into nine or ten contributing regions and about 80 recipient regions.

One may agree with the point made by a number of experts who say that a common approach to all regions secured by legislation is a prerequisite for establishing an effective federal economy. In 1999, after long parliamentary debates, a federal law "On Coordination of International and Foreign Trade Relations of the Constituent Parts of the Russian Federation" was adopted. The government of the Russian Federation considered this law to be too temperate, and on 1 February 2000 it adopted a resolution on the procedure for acquiring the permit for foreign trade.⁵² This requires a clearance procedure in the federal ministries. It is well known what this might mean in the labyrinth of the corridors of power in Russia. This procedure reduces to zero even the curtailed rights of the regions given to them by the law. Given an understanding of the current situation, additional comments are not necessary.

In the first half of 2000, the essence of the Federation and its future was a dominant theme in the discussions at the State Duma and the Federation Council. The addresses and statements by federal and regional politicians, and unending arguments among the experts and politologists, were widely discussed in the mass media and in specialist publications. These provided ample evidence that there was no definite vision for the future character of the Russian Federation at the time of change of the epochs and transformation of power from Yeltsin to Putin.

Co-ordination between the federal center and the constituent parts of the Russian Federation meant constant fights in politics and finances, and in social and legal issues. Because of the inconsistency in federal relations, the federal government was gradually losing its influence in the regions. There have been many cases in which federal bodies have violated the Constitution, laws, and federal obligations. This was often the case in privatization, financing of the government programs, and subsidizing of salaries and pensions. In addition, children's allowances, target government programs, were often not properly financed by the government.

All this, however, does not mean that regional authorities were simply innocent victims. Just during the second half of the 1990s, the legislative bodies of the constituent parts of the Federation adopted more than 3,000 legislative acts contradicting the Constitution of the Russian Federation and the federal laws. Due to the contradicting laws at different levels, the whole scope of intergovernmental relations in practice was almost entirely reduced to the budget matters. Regions were not satisfied with the distribution of the federal budget. In their opinion (not an unjustifiable one) the regions that were "closer" to the central government received more transfers, subsidies, and investments. No one knows for certain what funds are concentrated in the constituent parts of the Russian Federation – they are hidden behind money substitutes, barter transactions, and mutual offsets.

With regard to the budget issues, the regions posed a number of questions: what are the objective standard norms for the budget funds per capita in Russia in general and in each region in particular? What criteria and calculations determine the distribution of receipts and spending among the federal, regional, and local budgets? How necessary are the federal inspectors and numerous federal bureaucrats representing the federal ministries and agencies in each region (especially after establishing the federal districts)? Don't the heads of the regions, elected by the people, represent the state administration in their regions? Why is the tax system so inconsistent?

The failure to answer these questions demonstrates the need for a reform of budget relations. The main goal of this reform would be to provide for the budget self-sufficiency of the regions. The existing division of the regions into donors and recipients must be re-evaluated. It is a generally-held notion that some regions understate their revenues, while others overstate their needs for federal subsidies. Definite criteria have to be elaborated in order to estimate the level of sufficiency of the regional funds. According to the unofficial estimates by some experts, and based on the Ministry of Finance figures, Russia today has more than fifty donating regions. The number of the subsidized regions, in turn, is no greater than thirty-nine.

In Spring 2000, the German Gref and his team (the well-known Russian economist chosen by Putin to speed up economic reforms; he was later appointed as Vice Premier of the government) were considering various projects for reforming the state structure of the Russian Federation. The advocates of the federal state model were supporting the continuation of the existing policy line of the Federation, while others were defending the interpretation of federalism as a system of political relations between the territories and their inhabitants, the citizens of a particular state, and between the territories and the central government. In today's Russia this would not mean the *unitarization* of the state but rather a transition to a more democratic national and territorial federation. The problem of the status of the constituent part of the Federation is also being widely discussed. However, any attempts to *alter the status* or number of the constituent parts of the Federation would be a political risk even if the status were to be changed indirectly *by upgrading the status* of certain constituent units of the Federation. On this matter we cannot disagree with S. Valentei, who wrote in the journal *Federalizm*: "right are those who suppose that the choice of a unitary model as well as the attempt to merge the regions would be closely tied with the growth of social tension."⁵³ The interference of the federal government in the formation of executive authorities in the regions is totally unacceptable. The attempts of the center to amend the election procedure and term in the office for the heads of the regions were not supported by the members of the Federation Council. The

Federation Council of the Federal Assembly of the Russian Federation, during the session on 28 March 2000, approved the legislative initiative on the general organizational principles of the legislative (representative) and executive bodies of state authority of the constituent parts of the Russian Federation. The draft of the law contained a provision that the highest official of the constituent part of the Federation is elected for not more than five years. The limitations on the number of service terms for the highest official of the constituent part of the Federation may be determined by the constitution (statutes) of the constituent part of the Russian Federation. Thus, all attempts by the federal officials to interfere in the formation of the executive bodies of power in the constituent parts of the Federation are absolutely groundless. The Constitution of the Russian Federation in Article 11, Part 2 states: "State power in the subjects of the Russian Federation shall be exercised by the organs of state authority formed by them." In case of a contradiction between the federal and regional legislation, Article 76, Part 6 states that the regulatory legal act of the subject of the Russian Federation shall apply.

The federalization process that is occurring during the times of transition needs constant and at the same time very careful adjustment. It would be highly appropriate to observe certain *safety rules* recommended by some of the experts:

- "not to rock the boat" – federalization is mainly going in the right direction and it has a self-development potential. For instance, the requirement of the recent federal law obliges regional authorities to amend all discrepancies in the regional legislation and synchronize it with the federal laws within months. Obviously this term is not realistic and this situation may lead to additional tension in intergovernmental relations;
- "not to make strict rules that are too strict" – instead of strict rules there should be general guidelines. Then, in accordance with these guidelines, flexible problem-resolution instruments should be elaborated through parliamentary and court procedures;
- "to postpone the solutions" if they can be postponed. That is, to tackle only the most urgent problems while setting aside the other ones. A quick solution for many problems without adequate preparatory work is a serious political risk.⁵⁴

One of the reports submitted to G. Gref's group during the round table discussion was by S. Shakhrai. There, he wrote: "In the present time the discussion over the administrative and territorial division of Russia is balancing between the two extremes – '*republicanization*' and '*gubernization*'." However, today it is more important not to redraw the borders but to put a moratorium on the changes of the status of the administrative borders

of the constituent parts of the Russian Federation. According to S. Shakhrai, more than thirty constituent parts of the Federation have mutual territorial claims. Shakhrai, being a politician and a lawyer, considers the use of the term “separatism” to be inappropriate and even dangerous when talking about the ongoing conflicts between the Federation and its constituent parts. The threats to stop tax payments to the federal budget, bans on export or import of goods through the administrative borders of the regions, the “war” of laws, etc. – all this, according to Shakhrai, is a gross violation of the Constitution of the Russian Federation and federal laws, but not separatism. These actions are often the last opportunity for the regions to draw the attention of the federal government to their vital problems or to protect themselves from arbitrary decisions. Shakhrai is confident that today there is no real threat to the integrity of the country coming from the regions. It is hard to disagree with him, as he was one of the most active authors of the Constitution of the Russian Federation in December 1993.

One of the draft concepts of the federal development was prepared by V. Lysenko, who particularly noted that, in the 1990s, the political order in Russia was transformed into a superpresidential regime with a single power subject and a weak federal state (with some elements of unitary state and confederation). In his report, which has never been published, V. Lysenko proposed an administrative democracy project. He suggested the following:

equalize the status of all constituent parts, . . . introduce the institute of federal interference, . . . go back to the elective formation of the Federation Council, . . . withdraw courts and law enforcement agencies from the “guardianship” of the regions, . . . enforce the harmonization of legal and normative acts of the regions with the Constitution of the Russian Federation, etc.

According to Lysenko, it is necessary first of all to establish a strong state with a presidential form of government and a federal structure that would provide for an effective mechanism of interaction between the center and the regions, and would significantly increase the role of the courts in the intergovernmental conflict resolution process. Under “administrative democracy” the state should implement real budget federalism where financial self-sufficiency of the regions would be combined with full responsibility of regional officials for all subjects of their authority before their voters. This would also mean that the federal government would drop the redistributive functions and there would be consistent policy targeting self-sufficiency of a majority of the regions and a widening of their taxation rights. In the future, if reforms in Russia are to be successful and there are to be necessary conditions for transition to a

“developed democracy,” the country could transfer from a centralized to a decentralized federalism. Possibly the “administrative democracy,” that to many seems to be a radical solution, would be a quite acceptable compromise in the situation of real unitary tendencies.

Other federation development models are also being discussed in the mass media. A. Migranian, a political observer, expressed a contradictory, but nevertheless very interesting, point of view. He wrote:

gradualness and carefulness should be made the cornerstones while implementing the Constitution (naturally, necessary amendments eliminating its internal contradictions should be made prior to that). The second stage would be a revision of individual laws and legal norms from the point of view of their constitutionality. During the third stage the practice of bilateral treaties between the federal government and the regions, which is practically unconstitutional, would be abolished. At the same time, there should be a return to the idea of concluding a new and improved Federal Treaty, which would become an inalienable part of the Constitution.”⁵⁵

A denunciation of forty-six already-signed agreements and signing of the new federal treaty plus amendment and clarification of the internal contradictions of the Constitution of the Russian Federation would take Russia back to 1991 and lead the country to the other extreme of authoritarianism. Does Russia need to go through all this again?

In order to prevent this course of events, the country promptly needs to reach social and political consensus with regard not only to the goals but also to the methods of federal state construction and improvement of its constitutional and legal bases. Broad social and political discussions of this matter that have been going on in the past years can serve as a basis for such agreement. The results of these discussions were summed up in December 1999 at the round table conference at the Federation Council dedicated to the first stage of constitutional reforms in the Russian Federation. Members of the Federation Council, State Duma Deputies, the representatives of the Presidential Administration and the government of the Russian Federation, as well as research and public organizations, took an active part in this discussion. The round table discussion came to the following conclusions:

- 1 strengthening of the federal state is not a task on its own; it is rather an instrument for effective functioning of the entire system of public (national and local) authority. Each step in this direction should be evaluated according to its efficiency as well as its contribution toward the integrity and stability of the administrative system.

- 2 federal state construction at the present stage presumes an entirely evolutionary reform model that avoids radical approaches. Its task is to eliminate the danger of political instability and avoid the high costs of any large-scale transformations.
- 3 constitutional reform should not mean the reform of the Constitution, but rather an improvement of the entire mass of the constitutional legislation of the Russian Federation. The “minimal sufficiency” principle should be put at the core of this reform. It should combine concrete actions with a systematic conceptual approach to the goals of the reforms, the future model of the state, the strategy, priorities, and consistency of the changes.

Preparation of each step should be complemented by well-grounded reasoning as well as the analysis of all possible consequences. Decision making should be based on a broad consensus among the branches of power and a comprehensive monitoring of the actual results.

In the last year of the twentieth century, the new Concept for National Security of the Russian Federation was adopted. It is hard to disagree with the conclusions of security experts that ethnoegotism, ethnocentrism, and chauvinism, which started to appear in the activities of some public organizations, as well as uncontrollable migration, contribute to the growth of nationalism, political and religious extremism, ethnic separatism, and an increase in conflicts.

The idea of strengthening the national state has become rather popular. Millions of Russians who voted for Vladimir Putin dream about it. For these people the restoration of a strong state means the last hope for the restoration of order and justice. They are even ready to accept some restrictions of freedom, which is considered by some people in Russia to be “excessive and burdensome.” The social hardships experienced by much of the population seem, to many, to be the result of “too much freedom.” To everyday people this statement is simply absurd. But, regretfully, the proclaimed “dictatorship of power” is considered by many Russians to be the only way out of a crisis caused by “the outrage of freedom and democracy.”

Nevertheless, citizens of multinational Russia believe that the President of Russia should not only establish a “constitutional order” but also implement the principles mentioned in the Concept of the State Ethnic Policy and the Concept of National Security of Russia. In particular, it is expected that the supreme power would provide for the rapprochement of the interests of the peoples of Russia, establish their mutual all-round cooperation, and implement a responsible and balanced ethnic and regional policy that would secure the internal political stability in Russia. The draft project of “The Basic Lines of State Policy on the Delimitation of Powers and Jurisdictional Subjects between Federal, Regional, and

Municipal Levels of Power” submitted for approval to the State Council of the Russian Federation, will also serve the stated goals. M. Shaimiev, President of the Republic of Tatarstan, headed the work group on this problem. The urgency of the Concept was caused by the reality of Russia at the end of the twentieth century. Major reforms were happening in the economy, politics, and social sphere of the country. The legislative base was being improved and the foundations for the state construction of the Russian Federation were laid. The draft Concept includes the evaluation of federalism in Russia and offers ways and means for its further development. Analysis of the basic principles and procedures for the delimitation of power and its conceptual bases in addition to the problems of the legislative regulation of these matters are also included in the Concept.

A study of world trends in federalism demonstrates that a reduction of the number of unregulated (undelimited) powers in the matters of joint jurisdiction is the most effective way of development of federal relations. The country should try to attain a situation in which the rights and responsibilities of the federal government and the regions would be strictly channeled in the fields of shared jurisdiction. In this case there would be no grounds for conflicts and disagreements. The legal procedure for the solution of this problem should consist of passing federal laws as well as concluding bilateral treaties and agreements.

At the same time, the federal laws concerned with the matters of joint jurisdiction should be based on actual political practice and utilize the achievements of the treaty process. Such federal laws should be adopted only after being approved by the constituent parts of the Federation.

The necessity of reviewing the co-operation procedures between the authorities of the Russian Federation and the authorities of the constituent parts of the Federation on the matters of exclusive federal and regional jurisdiction is becoming very urgent. The adoption of laws on the matters of exclusively federal jurisdiction by the constituent parts of the Federation should be recognized as unacceptable. In the same way, the federal government should not be authorized to issue legislation or interfere in any other way into the matters of exclusively regional jurisdiction. The Constitution of the Russian Federation, however, provides for a partial transfer of the exclusive rights from the center to the regions, and vice versa. In this case the particular power remains the “property” of the federal center or the region; only the right to execute the power for certain periods of time is being transferred.

With regard to matters of shared jurisdiction, the constituent parts of the Russian Federation are authorized to adopt their own legislation in cases where the jurisdictional subject is not being regulated by federal law. This is referred to as “anticipating legal regulation.” After the adoption of the corresponding federal law, the normative legal acts of the constituent parts of the Federation should be brought into accordance with the

federal law. At the same time the possibility of extending the most successful regional laws to the federal scale should also be kept in mind. Here, various solutions are possible.

The principle of subsidiarity can be successfully used in the process of the delimitation of powers between the Russian Federation and its constituent parts. According to this principle, all powers that can be exercised in a more effective way at the lower level of authority should be transferred there. This practice demonstrates that problems of local importance are resolved much more effectively at the level where they arise without transferring them to the higher level of authority. Moreover, subsidiarity can also be used in the delimitation of powers at the top levels of government.

Restructuring of the system of state administration in the Russian Federation should be carried out in accordance with basic principles of delimitation of powers. The changes should be made gradually during a certain period of transition that allows for preliminary testing. It is impermissible to break the existing system only because some high-ranking officials think that it does not suit the new political trends. In this situation it is important to take into account the opinion of the constituent parts of the Federation. It is especially vital when it comes to reforms of the executive bodies of double jurisdiction that exercise the powers of shared competence.

The treaties and agreements can be used while resolving such vital matters as prevention and regulation of regional conflicts, reconciliation of the disputes within the composite constituent parts of the Federation (oblasts and kraia that include autonomous districts), regulation of the intergovernmental relations within the federal districts, etc.

Development of federal relations, harmonization of the intergovernmental relations, and the treaty practice itself are very important resources, which are being used by the President of the Russian Federation.

How did Putin use his administrative resource?

In June 2001 a special “Committee for Preparation of Proposals on Delimitation of Powers and Jurisdictional Subjects between the Federal State Bodies and the State Bodies of the Constituent Parts of the Federation and the Bodies of Local Self-Government” was created under the President of Russia. Dmitry Kozak, the deputy head of the presidential administration, was appointed as its chairman. After Kozak had succeeded in the implementation of the Kremlin’s concept of the court reform, he was given a new task – streamlining federal relations.

Vladimir Putin allocated one year for the work of the Committee. In June 2002, a report on the reform of federal relations must be submitted to the President. The Committee was twenty-two persons, among them Vice Premier Viktor Khristenko, President of Tatarstan Mintimer

Shaimiev, representatives of the State Council, State Duma, and some ministries and agencies.

According to *Gazeta.ru*, an on-line newspaper,

Shaimiev's participation is not accidental. He was the first to propose the idea to set up such a committee. While being the member of Presidium of the State Council he headed the work group on the new concept for relations between the center and the regions. President of Tatarstan prepared his own concept for delimitation of powers but the Kremlin was shocked with it. It was so unacceptable that Putin even refused to submit it for consideration by the State Council. Despite this "crash" Shaimiev is still considered the key person responsible for the delimitation of powers.

Dmitry Kozak said that the Committee started to "take an inventory" of the functions of the state in order to distribute these functions among various bodies of power. The plans are to set up subsidiary branches of the Committee in the seven federal districts so that proposals could be made in the regions. Now federal districts will have something to do. Harmonization of the regional constitutions and legislation is almost complete and districts are now trying to get access to the economic instruments of power. For one year they will be busy with more familiar work.

According to *Gazeta.ru*, Kozak is trying to abolish the bilateral treaties and replace the diverse documents with a law package, which would regulate federal relations. Dmitry Kozak believes that the treaty practice is faulty. He is ready to implement his plans with the help of governors themselves. So, in June 2001 Leonid Polezhaev, the head of Omsk Oblast, came forward with an initiative to abolish the bilateral treaty of his region.

At the same time Dmitry Kozak, as one of the leaders of the Kremlin administration, admits that full abolishment of the treaties would not be possible – they are built-in to the Constitution. He notes that there is very little space left in the legal domain of Russia for the delimitation of powers between the state bodies. The treaties and agreements regulate the matters which are not provided for by the Constitution of the Russian Federation, laws, presidential decrees, and resolutions of the government. In other words, since all federal normative acts have supremacy over the treaties, the latter simply do not have a scope of application. An important part of Kozak's strategy ties delimitation of powers to the new concept of inter-budgetary relations. This would mean that only financially well-off regions would be able to be independent within the limits allowed by the Kremlin.

Gazeta.ru notes that the regional elites should not expect anything good from the new reform. In a few years even relative independence would become a great luxury for the regions.

An integrated approach to the construction of a federation should be the basis for internal policy of the state, and the Russian Federation should be developed as a multinational federal democratic state.⁵⁶

The Russian Federation is now at a new stage in its development. In what direction will it advance? How will the conflicts between the different status of the regions and their constitutional equal rights be resolved? What laws should be adopted first? How quickly will the “vertical line of power” be established? How will the “dictatorship of law” be implemented? Will the historical compromise between the Federation and its constituent parts ever be reached? Answers to these and many other questions need to be given by those in power.

QUO VADIS, RUSSIA?

Quo vadis, Domine?

John 13:36

Russia entered the third millennium as a democratic federal state with a republican form of government. A new blank history page lies before the country. Will the history of the Russian state be re-written once again or will the country be made wise by its sorrowful historical experience and start living according to the constitutional canons? The multinational people of Russia have preserved their historical unity, are a part of the world community, and have one common destiny. They have a memory of harm and violence, which was done, in the name of the protection of the state and Empire . . .

The history of the Roman Empire provides ample information. It tells us about the sources of absolute power and authoritarianism. Two thousand years ago, in the middle of the first century BC, the Roman Empire went through a civil war, which ended in the dictatorship of Caesar. The republican form of government could not secure social stability and order for this tremendous world power. The assassination of Caesar in 44 BC by republican conspirators did not help the situation. A new form of government, the Principate, was finally established under Augustus (27 BC–AD 14). The sorrowful example of Caesar demonstrated that open transition to the absolute monarchy is not desired. Even though Augustus was officially called “Princeps” (the first of the senators), his power was not much different from that of a monarch. The Supreme Republican Magistrature, the Consulate, continued to function, gradually turning into an honorable Sinecure. The Senate, which was the supreme body of power in the state, simply carried out the orders of the Princeps. At the same time, a bureaucratic apparatus was set up, where key positions were occupied by people dependent on the Emperor (including liberated slaves). Starting with Augustus, Emperors surrounded themselves with a personal guard (praetorians), and their commander obeyed only the orders of the Emperor. Strengthening of personal power could not happen with any obstacles in its way. Emperors had to be very cautious of the opposition and their own subordinates. For instance, Tiberius, who ruled the Empire in AD 14–37 and built a special camp for the praetorians in the outskirts of Rome,

almost fell a victim to intrigues of his own Prefect, Praetorian Elius Siapus. Tiberius's nephew, Caius Caligula (AD 37–41) was even more strict and suspicious than his predecessors and allowed slaves to report on their masters. This determined his fate. Senate aristocracy and commanders of the praetorian guard formed a conspiracy and, in January AD 41, Caligula was assassinated by praetorian tribune Cassius Cherius. Caligula's uncle Claudius (AD 41–54) returned to the policy of repression. Palace intrigues were having more influence on state matters. Seventeen-year-old Nero was pronounced Emperor by praetorians...

From Yeltsin to Putin: transit into a new millennium

Immediately after his inauguration, the new President of Russia, Vladimir Putin, initiated a radical reform of the political system he inherited from Boris Yeltsin. After one year of Putin's presidency, political analysts pointed out several key features of this reform: strengthening the vertical power and centralization of power; creating the necessary conditions for economic growth; harmonizing the legislative basis of the federation; setting uniform regulations for political and economic practices.

At first Putin was a puzzle to many Russians. He was neither a party bureaucrat nor a new wave democrat, neither industry manager nor economist. He was a person from the military, and like many people there he was very quiet and timid. Yet Putin was very different from those with that background, radical politicians of army origin who entered the political scene of Russia in the early 1990s. Vladimir Putin was of a new generation. His strong, serious-minded, reflective, determined personality, as well as his ability to negotiate, are the qualities that are very much needed in today's Russia. This is especially true in times of conflict between various political, industrial, and financial groups, as well as for the general chaos in the state administration that halts the economic and socio-political development of the country.

At the time when former Prime Minister Yevgeny Primakov was still considered a candidate for the presidency, Andrei Piontkovskii, a renowned journalist, wrote:

If Russia would elect the good old grandfather Primakov as president, its fate may resemble that of a tired traveler who falls asleep in the snow during a storm. With popular Primakov in the Kremlin Russia would be turned into a hospice. But suddenly a new character comes to the scene and appeals to the national mindset. A young secret service officer, who is full of energy, gives clear and definite commands. He sends Russian troops to rebellious Caucasus, destroying the terrorists and enemies of Russia. Very soon the feminine soul of Russia that is longing for a domin-

ant ruler forgets the respectable Primakov and turns to her new young passion.¹

Not even a year has passed from the start of the new presidency, but an opulent similarity in style between Yeltsin's successor and predecessor is striking. Those who have noticed this phenomenon interpret this likeness as a fact of psychology and not history. In reality the link between Gorbachev and Putin is something more profound than just an irony of history, which sent Yeltsin a successor whose character traits very much resemble that of the first President of the USSR.

This analogy is drawn by V. Pastukhov in a political essay published in *POLIS* magazine.

Truly, three historical conditions are similar for both Gorbachev and Putin: coming to power during the height of a political crisis; the accidental character of a fast political career; an absence of any plan for further activity.

In 2000, the post-Communist power structure reached a critical point called "system crisis." Lenin described such a situation as revolutionary: "the masses do not want and the rulers are not able to live the old way." The crisis in Russia at the dawn of Yeltsin's rule became especially acute when political power had lost its ability to adapt to changes.

According to Pastukhov, Gorbachev came to power as a result of a confrontation between the two powerful clans in the Central Committee of the Communist Party. A young secretary general was "baked in a few years. . . Both Putin and Gorbachev are heirs of the dead power, which was not able to protect itself. Instead of fighting for power they participated in the 'Socialist competition' of the ruling groups for survival."²

Yeltsin's status as well as his health was very unstable. There was a danger that everything could be lost at once. Besides, the "revolutionary situation," as defined by Lenin, was obvious. In order to withstand this threat, Yeltsin's entourage had to consolidate. In the struggle for survival it acquired strength. The Kremlin went for a change of political scenario. Instead of "political immortality" it took over a new, more real task – to secure for the departing President an "afterlife."

Putin, like Gorbachev, is a politician with no record of his own struggle for power. In this way he is an antipode of Yeltsin or Chernomyrdin, who came to power by withstanding the resistance of the powerful apparatus.

Putin does not have political connections and this was evident from the first days of his election campaign. But he had, and still has, his companions. Putin is aware that he was "born" by the crisis situation and that he, first of all, has to find a way out of this crisis. This was possibly the reason for many decisive liberal steps, which, however, were not always well

thought through. Putin has been created by the current historical situation and he has to learn the science of political survival along the way.

Associating Putin's past with activities of various law enforcement agencies is not fully justified. He is considered a person from the secret service. However, Vladimir Putin had a position too insignificant to influence the policy of this body or make a name there. Putin's coming to the FSB in the times of Yeltsin did not contribute to his prestige among the secret service career officers. Only his companions from Saint Petersburg received an opportunity for unprecedented career growth. This, however, does not mean that Putin's Saint Petersburg colleagues would stay loyal to him in harder times.

As for the army, it should be noted that Putin became "their man" only after the intensification of the military campaign in Chechnya. The outcome of the events in the North Caucasus is still unpredictable and the army reform, initiated by the President, can only change the attitude of the military elite in the negative. Any reform of such a huge dimension would bring about not only the supporters but also the opponents of the Chief Commander. At this point no one can predict the results of this burgeoning confrontation.

With regard to the governors' corps, it would not be right to speak about its full loyalty. The governors are being oppressed by the new administrative measures taken by the President. Governors are losing their immediate representation in the Federation Council and are seriously concerned as to whether they would be able to influence government's decisions on a federal scale.

The potential of the industrial assets left from the Soviet Union is almost used up. Most of the technological equipment used in Russia was deployed back in Soviet times and is already twenty to thirty years old. The 1990s, in turn, did not bring any serious investments from abroad. The worn-out assets are becoming a more frequent cause of accidents: buildings fall apart, airplanes crash. The fire at the Moscow TV tower and the Kursk submarine tragedy are just the most vivid examples. Even optimistic analysts doubt the quick recovery of the country under the present government, which is much more dynamic and effective than the previous one. In the 1990s, Russians, having totally lost their hope for "the bright future" that was promised to them by the Party, still retained some hope for the future of their country. The government, thus, was given at least some credit of trust. Russian society entered the new millennium with no illusions. Now it is no secret that the officials at the highest level do not necessarily tell the truth (this was especially evident after the Kursk nuclear submarine accident), and that new accidents and tragedies will likely follow. The analysts say that 2003 is going to be the crucial year (largest payments on foreign debts, aging industry assets and the upcom-

ing presidential election). In this situation Russians will have to rely primarily on themselves, with maybe some foreign help.

The sociological research done by the Center for Political Technology³ immediately after the recent catastrophes demonstrated a sharp decline in the social optimism of Russian society. The series of disasters has been a cold shower for the triumphant President Putin and marked the end of his 100-day honeymoon. Even the devoted supporters of Vladimir Putin realized that his power is limited and miracles are not likely to happen. As at the end of Gorbachev's *perestroika*, people viewed their country as a most unfortunate place. At the beginning of the Gorbachev era there already was some social discontent, a result of Chernobyl and the *Admiral Nakhimov* cruise ship tragedies.

The current government fully realizes that there is no way back to the great past. Yet, at the same time, it tries to show the potential voters quite the opposite. Strengthening of the state administration and revival of the idea of a great power and a strong state is becoming the official policy. For some reason the President of Russia believes that the only way to a revival of Great Russia is through the centralization of the state administration. Many Unitarian politicians today view even the modest democratic reforms of the 1990s as a serious threat to the well-being of the country.

Vladimir Putin explains that administrative reform is needed to strengthen the vertical power and to establish the dictatorship of law in order to fight the corruption and abuse of power by the regional bureaucrats. This stated purpose will definitely find support in society. The question is *how* power will be strengthened and what Russia will become in the next century. Already in his first Address to the Federal Assembly, President Putin stated that bringing the state administration into order "is not the final task, but only a first stage in the process of state modernization." The recent events, however, demonstrate that by "modernization" he means something other than a strengthening of federal and democratic institutions. The central government does everything in its power to limit the sovereignty of the regions and the political power of the leaders of the constituent parts of the Federation. The power is being concentrated in the center. High state officials in the Presidential Administration, the Security Council of the Russian Federation, the plenipotentiary representatives of the President in the Federal districts, and the Prosecutor General's office work day and night to increase the role of the state in all aspects of life in Russia, hoping that this will make it a Great Power again.

Marat Khairulin, a political analyst from Kazan, comments on the current situation in Russia:

the ultimate goal of Putin's reform is the constructing of a federation with a strictly territorial division secured in the Constitution

and transforming Russia into an ethnic state. Today the President does not state this goal openly, however, it is clearly visible behind his actions. In this situation to stop halfway will mean to lose and to start over again. Regardless of what President Putin wants and what goals he sets for himself, he will have to obey the very logic of politics and reform the structure of the Russian state step by step. The outcome of this reform, however, is not at all clear. All of the above-mentioned state models have equal chances to be actually implemented. Furthermore, it would be to Russia's benefit if one of them would be chosen in the nearest future. To a significant extent this will depend on the role of regional elites in the constitutional reform.⁴

Many politicians, perplexed by the recent actions of the government, wonder whether the initiated reform would be a step forward, toward a federal democratic state. For many analysts the answer is simple: The Kremlin is establishing control over all key political processes in the country and is preparing the ground for a major constitutional reform. Beginning with the second half of the year 2000, all measures taken by those in power recreate a strict centralized control system. Strengthening of the State Council of the Russian Federation, reformation of the Federation Council, setting up Federal Districts, an institution that allows direct interference into regional affairs – all of this creates the necessary conditions for full implementation of the stated goal. Today the central power cannot afford the practices of the Soviet Union, since Russians well remember the recent totalitarian past. The authoritarianism of the supreme power is therefore being hidden behind the pretext of the execution of law and order. However, it is the lawfulness and legitimacy of the government reforms that raises doubts among many citizens.

What Russia needs today are social and economic reforms and not a strong police-like government. There is a great need for major structural reforms that would replace the current practice of reshuffling of politicians. One may also notice that today's elites do not favor this kind of reform since these reforms would end their all-permissive life. Today a powerful state system still serves their narrow group interests.

The fire at the Moscow TV tower demonstrated that the federal authorities are unable to manage major crisis situations. The government is not used to taking the responsibility for what is happening in the country. Only a leader with a strong sense of personal responsibility can lead the country out of the crisis. It is important to withstand the "peer pressure" of the surrounding officials, both from the "dynasty" inherited from the previous sovereign ruler and the bureaucrats who served the interests of the "court" instead of the country.

As soon as the new President entered office he initiated the federal

relations reform, while everyone expected he would introduce further economic reforms. It should be noted that so far he has not defined the economic development program for the country. Apparently Kremlin officials have little interest for the socio-economic well-being of Russia. A team of political experts⁵ who analyzed Vladimir Putin's strategy and tactics noted the following key features of his policy style:

- there are no revolutionary steps that would damage the current political order. Everything must happen within the framework of the Constitution, according to the current legislation.
- “surprise” strategy: the ideas that are the hardest to “push through” will be prepared discreetly behind closed doors. When the right moment comes they would be presented instantly; thus the potential opponents would have limited time to react.
- the proposals to the State Duma that are likely to find majority support are to be presented first. On the other hand, proposals that would split the Duma votes are to be withheld until a more convenient time.
- ability to retreat if the first “attack” attempt was unsuccessful (the gubernatorial election in Saint Petersburg is a vivid example).
- increasing the role of the military, e.g. the “recruiting” of officials with army backgrounds into power institutions.
- direct addresses to the nation, especially at the times of the most crucial decisions that affect the future of Russia.

All this produces an image of a desired regime with a reduced component of public politics. Boris Yeltsin's rule that initiated many positive democratic changes and secured the federal set-up of the state nevertheless had its negative sides. There was almost no vertical power in the state administration. A framework of informal relationships replaced the power institutions both in government and in the economy. This enhanced corruption among the state officials. Many professionals have left public service. The society was tired of Yeltsin's “family regime” and expected changes. These expectations, however, did not extend beyond a strong Great Power state. The federal relations were left aside.

Yeltsin's style of politics was truly a Byzantine one. His friends, relatives, and the oligarchs had very special roles. The system of checks and balances was limited to this closed circle. The opinion of this “family council” on many state matters was much more important and decisive than all other federal institutions combined. The “almighty family” often used the limited access to the President (who often was ill) to increase its power. On the contrary, Vladimir Putin, from the very beginning, demonstrated that he relies on state institutions instead of people and acts in accordance with the Constitution of the Russian Federation.

The advent of Putin can be considered a natural event. A person like him is needed for the “new modernization” of the country. Even if the President and his team are not aware of it, the need for major structural changes is once again evident. The country needs economic growth to retain its position in the world economy. Law enforcement institutions – the army, police and courts, as well as the power structure in general, have to be strengthened and brought into order. The President’s attempts to return to Russians the true meaning of patriotism that, in the previous decade, was abused by the Communists and nationalists are reasonable and understandable.

President Putin initiated a major clean-up on all levels of power. A tendency toward limitation of sovereignty and independence of certain power institutions was visible already in Yeltsin’s time. The Constitution Court, the Supreme Court, and the Prosecutor General have been made loyal to the President. Later this tendency evolved into an attempt for a structural and legislative reform that would change the balance of power in favor of the federal center. President Putin is trying to create a uniform state administration system by implementing in it his vertical power. Here one may see the danger of a shift toward authoritarianism, and this process cannot be controlled. Consolidation and authoritarianism are not the same. Regretfully both supporters of the strong state and federalists often do not distinguish these two ideas.

After one year in power, Putin is viewed by supporters as an outsider who has come to change the system but didn’t yet have enough time for that. Such reaction is traditional for Russia – the inert Russians always relied on the good Tsar who would stop the trouble and help everyone.

The new State Duma is no longer in opposition to the President, as it was in Yeltsin’s time. The mysterious *Edinstvo* (Unity) party that won the 1999 Duma election is worth putting in the *Guinness Book of Records* as a unique political movement – a movement that nobody had heard of several months before the elections wins the national vote and becomes a major political force in the country. Today *Edinstvo* is already known for its political unpredictability; its actions lack consistency. At the same time this movement has become the key instrument for political support of the President. Public politics are no longer popular, possibly because politicians and leaders of political parties are disappointed by the unexpected choice Russian voters made in the last Presidential and Duma elections. The leading parties instantly lost their popular support – voters simply ignored them. The famous “NDR” (Our Home is Russia) party completely lost the elections and now “rests in peace.” The outcome of the elections was a surprise for the governors, too. They felt cheated. Many strong leaders in the regions, whose voices were heard throughout the whole country, for some obscure reason kept quiet when President Putin cut down on their rights in the summer of 2000.

The last step in pacifying the governors was establishing the State Council of the Russian Federation, a strictly consultative body, loyal to the President. The governors have been left out of the federal affairs. Already, by December 2000, their representatives had replaced some of them in the Federation Council. Full replacement took place by January 2002, after gubernatorial elections in all constituent parts of the Federation. The new senators, no doubt, are distinguished people and, usually, experienced politicians. It will be enough to mention R. Abdulatipov, the most experienced statesman and politician, or Kondratenko, the former governor of Krasnodar Krai. However, according to the current statute, the senators cannot make decisions without the consent of the superior authorities on the matters defined by Article 102 of the Constitution. Regretfully the opinions of the presidents of the national republics of the Russian Federation on federalism and ethnic policy are not heard in Moscow. The President, in turn, does not show much interest in what the governors say in their regions. So far he has established good relations with many governors and has promised something to every one of them. The only “true federalist” who openly criticized the President in the fall of 2000 was Boris Berезovskii. At that time the oligarchs and the new Russian businessmen were terrified by the recent actions of the government. The persecution and arrest of Gusinskii, Tax Police raids of the offices of Abramovich, the court case against Bykov, and other cases, were setting new standards for economic activity in the country. The political influence of large companies with significant shares of state capital (Gazprom, Lukoil, United Energy Systems) was put under control. Rem Viakhirev and Vagit Alekperov, just like Moscow mayor Iurii Lizhkov, had to withdraw from the political scene. During Yeltsin’s time, large industry and finance groups had become major centers of political influence. Vladimir Putin is now trying to limit this influence.

The President’s attack on the mass media owners had to demonstrate to them who the real boss in Russia is. Yeltsin “family” oligarchs did not contribute to the popular image of Vladimir Putin. Independent mass media (often assisted by their public media colleagues) openly criticized President Putin, who was not used to such severe criticism. This was the cause of the President’s emotional statements at the meeting with the family members of the Kursk crew. The poor state of the Armed Forces of Russia, Putin said, is a result of activities of the oligarchs who “stripped the country, its army and navy, and now use this tragedy for their own purposes.” This was a safe move for the President – very few politicians enjoy such a low popularity as the oligarchs do. Vladimir Putin mentioned the media oligarchs three times during his visit to the submarine base in Vidi-aevo, and later in the interview to the RTR (Russian state TV). By stating that all oligarchs are equally distant from power, President Putin set himself apart from their influence.

In Putin's foreign policy many have recognized the traits of the "Great Russia" of the past. In this context *derzhavnost'* has many positive connotations. Political elites, parties, and society in general equally support the patriotism of the new President. The advance in foreign affairs meant that Russia would no longer accept the counterparts' conditions and go for compromises in vital matters.

Many analysts consider post-Yeltsin Russia a "manageable democracy" type of state. Possibly this term does not fully reflect the character of the President's power. So far we cannot say that Russia is giving up democracy.

From the federalist point of view, however, the conclusions drawn by the Russian mass media do not seem to be very promising. A major shift toward a unitarian state is evident, and the idea of a multinational federation is being ignored. According to L. Shvetsova, the making of the federal districts and the introduction of legislation that changed the balance in delimitation of powers attacks on the mass media, show that Putin carried out an administrative revolution.⁶ We cannot disagree with this opinion from the renowned politologist. The ruling of the Constitutional Court of 27 June 2000, which declared certain provisions in the regional constitutions not compliant with the federal Constitution, further complicated the situation. Shvetsova further notes that, in this way, Putin made an attempt to reorganize the old power system inherited from Yeltsin.

It took some courage for Putin to set himself apart from Yeltsin. From the outside it looks like all the elements of Yeltsin's power structure have been preserved. The first President of Russia has created a unique administrative model – very unstable and contradictory at first glance, and yet extremely flexible and adaptable to various political settings. Yeltsin did not allow any single group to dominate. The very confrontation between various interest groups guaranteed his comfort and security. Many politicians and high-ranking officials supported Putin since they thought he would preserve the status quo. Many were displeased with Yeltsin's regime, but did not object, since everybody had their own niche in the system.

The situation changed after the crucial 1998 financial crisis. It became apparent that Yeltsin's autocratic administration could not keep control over the current state of affairs and lead the country out of crisis. A new strategy was chosen. The Kremlin named the official successor – Prime Minister Vladimir Putin. Shvetsova notes that Yeltsin could not only continue as the ruling monarch suppressing all opposition, he could easily run for the next Presidential election. However, corruption and the dishonesty of Yeltsin's regime was already too evident. In December 1999, Yeltsin presented the Russian people with a "Christmas gift." He gave way to his successor, and that was done in the best autocratic traditions of Russia. Finally the royal regalia portrayed on the Russian national emblem – crown, scepter and orb – manifested themselves.

Today in Russia there are many discussions on the future of the country. Politicians, journalists and scholars all agree that, at the moment, we have a very active, energetic President who is able to serve for the benefit of the country and its people. The royal regalia should not mislead the citizens of democratic Russia. There are many lessons that we have learned from history.

It is enough to remember the times of Ivan the Terrible and all the hardships that Russians had to suffer during his despotic rule. In 1547, at the time of the great fire in Moscow, the Tsar, together with his young wife, was in the Vorob'evo residence outside Moscow. More than 1,700 people perished in the fire. Yet the Tsar had little concern for his subjects and remained in Vorob'evo. He then ordered the repair of his palace and churches in the Kremlin. Historian Kostomarov writes: "marriage did not change Ivan. He continued his violent lifestyle and did not interfere with administrative affairs. However, he frequently stated that he is the sovereign monarch and he can do whatever he wishes. The country meanwhile was ruled by his relatives."⁷ This incident brings to mind the most recent history of Russia. At the time of social hardships in the 1990s, when pensions were not paid for several months and salary debts to state employees reached tremendous figures, the chief of the Presidential Administration was busy restoring the Presidential Palace and covering the domes of the Kremlin churches with gold. As became evident later, the level of corruption of high government officials at that time was at its apex.⁸

After the 1547 fire in Moscow, most of the city's residents did not have shelter or food. People were desperate and a revolt broke out. Ivan, who before the fire was confident in his power, was now confused and didn't know what to do. Unexpectedly a man named Sylvester dressed in priestly robes came to Ivan. No one had heard of him before. Sylvester prophetically told the Tsar that all misfortunes in Moscow were rooted in his sins. To verify his words Sylvester showed some miracles to the Tsar. Ivan repented and cried. From that moment Sylvester became his tutor and assumed control over the Tsar. Sylvester used his weight to manipulate the monarch and put forward the boyars who would be loyal to him. Kostomarov comments on this: "The state was now ruled by a close circle of favorites, the 'Council of the chosen.' Without the consent of this council Ivan could not even think of doing anything. At the same time Ivan's tutors did everything so that Ivan wouldn't feel the burden of their 'care' and would continue to consider himself a sovereign ruler."

While criticizing Yeltsin for all possible sins, we nevertheless have to keep in mind that, thanks to him, Russia has become a sovereign Russian Federation. However, by the end of 1999, Yeltsin was in very poor physical shape. This allowed his "family" and corrupt officials to encircle the President with all kinds of counselors and image-makers. They ensured that Boris Yeltsin wouldn't feel the burden of their "care" and would

continue to consider himself a sovereign ruler. Vladimir Putin apparently realized that, if he would preserve that setting, he would soon end up being a “decorative monarch” and “the family” would actually govern the country. Putin wanted the real power and initiated a major power reform. Governors were the first victims of this transformation. Other interest groups that do not fit into Putin’s model are likely to follow their example. The vertical power enforcement mechanism that is running at full speed might be hard to control, even for the President. Putin’s treatment of federal relations provides a “good” example: the constitutional status of the constituent parts of the Federation, as well as bilateral treaties between the central government and the regions, are being neglected by the central authorities.

It is as yet too early to say that Yeltsin’s era is over. Its key people are still active today and hold on to their old practices. The executive branch of power, too, did not experience any significant changes.

Putin, according to Viacheslav Nikonov, a renowned politologist, avoids extremes. Therefore he would not utilize extreme ideologies. We can call him neither a Communist nor a Liberal. Putin severely criticizes the Communist Party, calling them “ideological cockroaches,” and only partly agrees with Liberals (for instance, in the economic program). Vladimir Putin maintains a dialogue with all political parties. This was especially visible at the time when he was acting Prime Minister and during the election campaign.

At first Vladimir Putin could not overcome Yeltsin’s power system. He was unable to place the right people in key positions in the government. It didn’t take long for him to appoint M. Kasianov as Prime Minister. Kasianov was already acting Prime Minister and “was as distant from politics as his predecessors were distant from the economy.”⁹

Analyst E. Fedorov notes that today’s Prime Minister only can work efficiently if the necessary working conditions exist. By “necessary working conditions” Fedorov means “maximum independence in financial affairs, the President’s support, and the absence of opposition in the government.” Drawing a historical parallel to Alexander’s rule in the nineteenth century, he notes that the Tsar had two key people close to him: liberal Speransky, who prepared economic reforms, and authoritarian Arakcheev, a symbol of pre-Soviet Russian totalitarianism. According to Fedorov, the country needs Arakcheev for prompt implementation of the reforms. He further advises President Putin to ignore people who accuse him of authoritarianism and totalitarianism. Apparently, Fedorov thinks that the word “totalitarianism” has many meanings. Regretfully such “advice” does not remain unnoticed and is welcomed by the Presidential administration.

The first year of Putin’s presidency was marked by numerous organizational and political mistakes. During his election campaign Putin did

not give any definite promises to the regional leaders. Being guided perhaps by his young advisers, many of whom are not aware of complexity of federal relations, President Putin initiated a shift toward a unitarian state, not realizing the dangers of this step. The social and economic instability in Russia today, as well as the break-up of federal Soviet Union and Yugoslavia, calls for a careful and balanced federal policy on the part of the President.

Some analysts consider the defeat of Putin's Prosecutor General candidate the most humiliating event for the new President. Similar situations occurred during the gubernatorial elections of the Moscow region and Saint Petersburg. Political pressure applied to the Federation Council is, in turn, regarded as Putin's victory. This actually shows that authoritarianism rules, while democracy and federalism are defeated! Will this be for the benefit of Russia?

The Russian Federation entered the new century with the old 1993 Constitution. Many people from Yeltsin's team are still in the Kremlin, playing the role Sylvester had under Ivan the Terrible. Among those who opposed Putin's new policy were the early 1990s democrats, leaders of some of the regions, and federalist politicians, as well as some "family" oligarchs who are now in opposition to the Kremlin.

Strengthening of the vertical power requires harmonization of legislation at various levels. It also aims to suppress the rebellious governors, by expelling them from the Federation Council. In spite of *Edinstvo's* triumph in the Duma election, Putin still does not have his own party in the traditional sense, but at the same time, most of the Duma deputies support him. Truly, this is the mystery of the Russian soul! Today Russians are witnessing the formation of a new political system: different interest groups are being formed again and there is a major repartition of the mass media.

It is clearly visible that all the steps in this process are carefully and fully considered. Putin openly criticizes the mass media and supports Press Minister M. Lesin in his censorship policy toward the independent media. The supreme power now takes the mass media very seriously. The state budget project for 2001 includes Supplement 6, marked as "confidential." Only the supplement on the arms purchases is marked in the same way. The government, therefore, seems to regard the mass media as a weapon!

In his open letter to President Putin, Boris Berezovskii wrote that, despite all the problems that Russia is experiencing today, there are several unquestionable achievements, the most important being that millions of people are no longer afraid of government, and the government, at least in some way, has to be accountable to the people. This has been made possible first of all thanks to the independent mass media. For the first time in many decades people obtained a way to control a policeman, a bureaucrat, or a boss. Guilty officials hide from the journalists.

Berezovskii emphasizes that, together with administrative control over the mass media, fear will enter people's lives. As before, they would be frightened by the lowest ranking official and there would be no one to complain to. In essence the President is asking the important question of whether independent media should at all exist in Russia. The only way for Russian society to limit power is to have independent media.¹⁰

In January 2001, President Putin met in the Kremlin with the representatives of the largest mass media organization. He mentioned that independent mass media are definitely needed. It seems they have believed him.

Restraints for the abuse of power, like the independent mass media, are very much needed, especially because today in Russia there are political groups that favor authoritarian rule. This tendency is partly explained by the humiliation people feel after the break-up of their great country and by the lack of civil initiative. Sergei Karaganov, chairman of the Foreign and Defense Policy Council, argues that authoritarian policy is necessary for the growth of the state. It could be more or less active, but it should exist. At the same time Russia does not have any instruments to protect itself against totalitarianism. Key reasons for this are: the weak civil society; the high corruption level of the elite; monopolies and corruption in the mass media; a "manageable" parliament; and corruption of the regional authorities. The rest of the world is so frightened of the corrupt Russian state that it would not object to some authoritarian practices in the country.

In the process of building his vertical power base, Vladimir Putin often refers to the experience of General De Gaulle and his Fifth Republic in France. However, it should be noted that Charles de Gaulle never suppressed the opposition and never favored totalitarianism. He was not afraid of criticism. Satirical cartoons, critical of him, appeared in all daily papers. The General realized that a free press would ensure democracy and therefore the legitimacy of power, for power corrupts. And, as the great Montesquieu put it, absolute power corrupts absolutely.

Recent events demonstrate that the new power elite feels its strength but does not feel its limits. There is no strategic vision for the future. All the President's men are not aware that today's Russians want democracy and reasonable order for their country and do not wish to march like soldiers. The sense of supremacy and might dominates the current power elite, a typical trait of all totalitarian regimes. At the same time, the power elite does not have enough resources to realize these aspirations (except to intimidate society with separatism and the disintegration of the country).

After the advent of Putin, the political style of institutional reforms acquired several new features. Yeltsin's resignation marked the end of revolutionary modernization; it gave way to technocratic modernization. In

the annual address to the Federal Assembly, the new President of Russia named the administrative reform an ideology for state construction. It is obvious that the plan's radical reforms, which the President would like to see implemented, cannot be realized during the current presidency term. Experts and analysts are convinced that the most radical changes would occur after Putin's victory in his second election. In the meantime, the 2001 annual address outlines a plan for institutional reforms and concerns all spheres of public life: politics, economy, civil society structure, etc.

The large scale of the plans speaks of the President's determination and readiness to accomplish the stated goals. The new reform can be compared to Gorbachev's *perestroika* or Yeltsin's reforms in the early 1990s. The entire state system is undergoing major changes. Federal relations are being rearranged according to the new model, the reform of courts and administrative system is underway, army reform is being gradually implemented, restructuring of the political parties is approaching its end (although this does not make the civil society any stronger). Labor legislation is being revised and the housing and communal service monopoly is being restructured.

The authors of the reform plans tend to have certain monocentrist attitudes. Putin's team, although it may not be any more professional, is consolidating.

Despite all the criticism of Vladimir Putin by various experts and analysts, it is clear that Russia entered the new century with a strong President, who is a reformer and a bright and talented personality. It may well be that Russia is lucky.

Elite and power: heroes or hostages?

The elite cannot be renewed or replaced at once. Even Bolsheviks in 1917 understood this. I do not like our elite, either. I think that in many ways it is cynical, selfish, mercenary, with no moral values or religious feelings...

V. Ryzhkov, State Duma Deputy

By the end of the 1990s, the prestige of the supreme authority had gone down to the level corresponding to the actual state of affairs in the country. According to the polls conducted by *Nezavisimaia gazeta* Public Opinion Poll Service,¹¹ the popularity of the President and Prime Minister of the Russian Federation, which previously was determined by great expectations in society, had decreased substantially.

The advent of Vladimir Putin brought many "political infant prodigies" into the country's ruling circles. These people did not have much experience in social and political work, and were not familiar with the problems and the traditions of political life. Moreover, they lacked

professionalism in state construction, which is such a delicate matter. Determined and energetic, passionate and ambitious, so typical of young people (most of the members of Putin's team are under forty), they undertook the reform of the Russian State, directing it into a new channel. The leading politicians, who ensured the continuity of power, were in turn somewhat puzzled and confused. The onset of the new wave of politicians and PR specialists was very powerful and multiplex. The traditional political figures, whose faces were constantly on the TV screens, had to withdraw from the political Olympus and retreat into the shadows until better times. It is enough to mention that the political shift from Yeltsin's to Putin's team was so rapid that even the frequent reshuffles of the previous regime now looked very clear and understandable.

There was some confusion among the political elite, who were disappointed with the fact that the traditional mechanism of personnel selection no longer functioned. This enabled many "strangers" to come to power. If one compares the lists of 100 leading politicians of 1998 and 2000 it will be apparent that they differ by 80 percent. The first attempts of the "new wave" politicians to enter the power structures were quite successful, thanks to the "Blitzkrieg" breakthrough of modern electoral technologies onto the Russian political scene. The monopoly of the Central Electoral Commission was challenged by new PR professionals,¹² consultants, managers, image makers, political technology specialists and other "soldiers of the electoral front."¹³

Presidential Candidate Vladimir Putin did not have an election campaign in the normal sense of this term. The majority of people who wanted to earn good money on the campaign were out of work, and state officials at all levels had to work in the headquarters of the main candidate on a voluntary basis.

The essence of any election campaign is, first of all, to make voters familiar with the candidate and his electoral program. At the same time even the most perfect electoral laws would not secure equal opportunity for all candidates. In the West, a distinction is always drawn between the candidates who run for the first time and candidates who already hold the office. Apparently, the latter have greater advantage over the first-time candidates.

Practically every election campaign in Russia was accompanied by scandals and involved "dirty electoral technologies." With regard to this, the role of the Central Electoral Commission as a tertiary judge in adjudicating complaints and conflicts has substantially increased.

Until recently the "administrative resource"¹⁴ was used by the candidates in a very careful and reserved manner. But in the last elections at federal, regional, and local levels, its partial use made up the "new winning electoral strategy." The main goal of the "administrative resource campaign" is to keep the candidate at the level of the position that he or she has won once before.

Both political parties that are traditional for Russia and parliamentary groups have elaborated their own “corporate” culture. In the situation where the views of a particular deputy disagree with the party or group principles, the deputy is expelled. This was the way in which Vladimir Simago, Vasilii Kobylkin, and Aleksei Podberiozkin left the Communist Party of the Russian Federation, and Sergei Beliaev and Aleksandr Shokhin left “Our Home Is Russia.” In the current Duma, Vladimir Ryzhkov was expelled from the *Edinstvo* party for his views. During the vote for the draft budget for 2001 Boris Reznik (Khabarovsk electoral district No. 57) and Oksana Dmitrieva (Southern electoral district No. 213, Saint Petersburg) “violated the rules” by voting against the budget and were also expelled.

Other changes were also happening on the chessboard of the new President of Russia. During the election campaign Putin once again invited Chubais into “big politics.” It was the same Chubais who was able to raise Yeltsin’s popularity during the 1996 presidential campaign from 6 percent to victory. Expert Aleksandr Privalov writes about Chubais:

He became probably the first notable person on the country’s scale of whom one could say, and has said – [he is] a new leader . . . By the acts and manner of his work alone Chubais was making a way for the leaders of a type even newer than himself. As any opponent of the existing system, he was in many ways closely tied to it. His successors could allow themselves not to interact with the old system even through antipathy.¹⁵

Patriarch Alexy II of the Russian Orthodox Church at the end of the century is a very positive figure in the eyes of the public. This is very natural, since at the time of crisis the state was seeking additional support among prominent spiritual leaders. Several factors contributed to the high popularity of the Patriarch: first of all the decision of the Local Council of the Russian Orthodox Church to canonize the new martyrs and further, that the family of the last Russian Tsar was to be the first. Not only canonization, but the very expectations in Russian society demonstrate that *derzhavnost’* and autocracy are very much in demand. The Social Doctrine of the Church adopted at the Council also contributed to the authority and popularity of the Patriarch.

The federal political bureaucracy retained its power by pressing the regional elite out of the political scene of the country. Public opinion expressed by experts, politologists, and editors-in-chief of the leading publications testified to the growing authority of the Presidential Administration. The increasing influence of A. Veshniakov, the Head of the All-Russia Central Electoral Commission, was very much in line with it. A group of statesmen–oligarchs also preserved their influence (Anatolii

Chubais, head of the United Energy Systems, Rem Viakhirev, head of Gazprom, and Nikolai Aksenenko, Minister of Communications).

The negative attitude of some people toward a strengthening of authoritarian trends that opposed federalism and democracy in Russia was reflected in the low popularity of high-ranking officials associated with the Great Power of the federal government. This mainly concerned the heads of the Ministry of Defense, Ministry of Internal Affairs, Ministry of Foreign Affairs, and the representatives of the President in the federal districts.

The choice of the plenipotentiary representatives in the federal districts seems, at least to journalists, to be the most unpredictable personnel decision made by the President. The representatives have to re-establish the “vertical line of power” in the extremely complicated situation when natural monopolies are not correlated in any way to the new federal districts. Gazprom, United Energy Systems, Sviazinvest (communications), Transneft (pipelines), the Ministry of Communications, and other giants are not subdivided according to the federal districts. The reforms of the economy, however, should be co-ordinated with the interests and priorities of these “market monsters.” Another task for the representatives, which is no less complicated, is the restructuring of the regional anti-organized crime divisions of the Ministry of Internal Affairs, local administrations of the Ministry of Press, and the head offices of the Central Bank, which already had their own structure. The problem is further complicated by the fact that their administrative centers and the centers of the federal districts do not correspond. Saint Petersburg is the only exception.

The experience of the plenipotentiary representatives “drafted” by Putin does not correspond to the weight of such political figures in the regions as Luzhkov, Iakovlev, Stroev, Aiatskov, Rakhimov, Shaimiev, Rossel, Lebed’, Nozdratenko, and others. This disparity promises many unpleasant problems for the plenipotentiary representatives of the President in the federal districts.

E. Smirnova of *Nezavisimaia gazeta* suggested a figurative yet very precise definition of the attitude which the governors have toward Putin’s appointees:

A squad of Russian governors armed with rifles was sitting in their dear dugouts with a sufficient government supply of *salo* [pork fat] and vodka. After long inaction they suddenly saw on the horizon a whole bunch of tanks with “dictators of law,” who were slowly but surely approaching them and the firing was about to begin. The governors reacted in different ways. Some quickly grabbed white bed sheets and rushed forward. Others jumped on the “tanks” and attacked their colleagues with whom they had drunk vodka only a day ago. Still others retreated and were sitting on the fence in a waiting position. Some laid out their grenades

and cartridges at the side of the trenches in preparation for the attack. Those who stayed at their positions have their reasons for such heroism: some are ready to protect their native dugouts while others are ready to stand for the beloved *saló*.¹⁶

The initiated fight was not a joke. In November 2000, the president of Chuvash Republic appealed to the Constitutional Court of the Russian Federation, questioning the legitimacy of the laws proposed by President Vladimir Putin in the summer of 1999. Murtaza Rakhimov, President of Bashkortostan, also criticized the reforms and “the vertical line of power.” Rossel’, governor of Sverdlovsk Oblast’, resorted to a direct conflict with Latshev, the plenipotentiary representative of the President in the Urals district. When Latshev turned his attention to the economy of the region, the business circles understood it as an attempt to take part in the re-division of the regional property. A “governor’s economy” is often viewed as a part of the regional leader’s authority. Most likely, the new district represented by Latshev will become a part of the oligarchy in the Urals.

Appointments of Poltavchenko to the Central district and Cherkesov to the Northwestern district demonstrate that the President is inclined to rely on honesty and personal loyalty of his companions rather than on the political weight of a particular person.

Modast Kolerov writes in *Izvestia*:

[the appointment of Pulikovskii and Drachevskii to Far East and Siberia districts is not simply an appointment of the plenipotentiary representatives; it is an ostentatious refusal to search for adequate figures and an accidental choice of *throne-keepers*, which may discredit the effective administration. Combat general Pulikovskii, an unwarranted victim of Khasaviurt [the peace treaty signed with the Chechens in 1996], was appointed a plenipotentiary representative to the Far East. He is so distant from the energy crises in Kamchka and Primorie and the problems of creeping Chinese and Korean migration that comparison of his personal abilities to the tasks he has to handle is an almost impossible task. The advent of Siberian representative Drachevskii surprised even the loyal press . . . It would be a pity if appointees, the new elite of Putin, were to remain a club of government professionals in paper writing and money spending.¹⁷

The popularity of M. Shaimiev, the President of Tatarstan, has been and is constantly rising. The adherents of the Great Power at all levels reproach him for separatism and even accuse him in the break-up of Russia. They do not realize that the balanced and carefully thought through policy of this regional leader, who came to power more than ten years ago and

headed the sovereignty movement at the dawn of the democratic reforms, played a significant role in avoiding the break-up of Russia. Shaimiev's support was very important for Vladimir Putin. The President of Tatarstan gave a helping hand to the new President of Russia at the crucial time, and efforts of Mintimer Shaimiev made a significant contribution to Putin's victory in the Presidential election. To the question by an *Izvestia* reporter regarding why the wise Shaimiev supported the strengthening of the "vertical line of power," President Shaimiev responded that he has supported and is supporting Vladimir Putin and his policy for strengthening the vertical power. The uncertain situation of society should be changed. According to Shaimiev, people cannot wait indefinitely for improvement of their life. Establishment of a real market economy would not be possible under weak power.

Vladimir Putin wants to build approximately the same power structure as in Tatarstan, so that it would actually be manageable. [Its purpose is] not to limit the rights but to define the strategy for political and economic reforms and to strengthen the power needed for their implementation. Only in this case would it be justified. Today some people say all legislative acts should be in accordance with the federal laws. Yes, I understand that. And is there anybody who doesn't? If this is a federal state then we all should live in a common legal space.¹⁸

Will the expectations that the President of Tatarstan has for the supreme power be justified? Is there agreement between the approaches to the principles of federalism by Shaimiev and Putin? Will there be an "eternal peace" between these two renowned politicians, who are at the opposite ends of federal relations? Only time will answer these questions.

As has been already noted, on 1 September 2000, President Putin issued a Decree on Establishing of the State Council of the Russian Federation in accordance with Articles 80 and 85 of the Constitution of the Russian Federation. The Decree was supported by the State Duma deputies. The State Council, made up of the leaders of all constituent parts of the Russian Federation, is a consultative body that assists the head of state to execute his powers in order to secure the co-ordinated functioning and interaction of the bodies of state authority. The State Council is headed by the President himself.¹⁹

It seemed that the governors all had reasons to be pleased because the President gave them maximum opportunity to influence the policy of the state, while at the same time staying within the framework of the Constitution of the Russian Federation. During sessions, which are called at least once every three months, the Council discusses drafts of the most important federal laws and presidential decrees, as well as the issues in "construc-

tion of the state and strengthening the bases of federalism” and “key matters in the personnel policy.”

But didn't the governors have authority to discuss these matters in the Federation Council, being its members? Of course they did. They continued to participate in the formulation of strategy for further development of the state as well as the policy for economic and social reforms. Furthermore, the powers and jurisdictional subjects of the Federation Council allowed them to take the most active part in formation of the federal policy, federal state construction, and preparation and approval of the draft laws on all matters of the state. This means that members of the Federation Council, despite their ambiguous status in the State Council, remained competent federal politicians and had full power to influence a further course of events in the country up to January 2002. They still had the jurisdiction to alter the borders between the constituent parts of the Russian Federation, approve presidential decrees declaring martial law and a state of emergency, and to adopt the decision to use armed forces outside of the territory of the Russian Federation. They also had a right to set the date of the Presidential elections, dismiss the President, appoint judges to the Constitutional Court, Supreme Court, and Upper Arbitrary Court, appoint and dismiss the Prosecutor General, etc. The powers and jurisdictional subjects of the Federation Council were so significant that no one doubted the need to raise the status of the governors, i.e. the members of the Federation Council. It is difficult to understand why the composition and the status of the Federation Council had to be changed. The adopted legislation made it impossible for this government body to execute the above-mentioned powers due to its lower status.

Will the President be able to explain to the people why the behavior of the government is such a paradox? Officials spend millions of rubles to fight each other instead of resolving problems, a process that is vital for the country. Of course, there is a need for a constitutional reform. But its implementation should be more comprehensive and not serve particular narrow interests.

The tendency of the central government toward a unitary state makes the governors alert and forces them to take retaliatory steps. Here the conflict over the exact name of the Council provides a typical example. The Kremlin, not wishing to aggravate the already tense relations, agreed to the name “State Council of Russia” instead of the proposed “State Council under the President of the Russian Federation.” The difference is evident! As was said in the political circles at that time, the President had additional ploys to pacify the free-thinking governors. Not willing to initiate conflict with the governors, the President had to combine tough rhetoric with compromise steps. He made a very rigid statement at the governors' meeting in the Volga Federal District, saying, “in the regional legislation one could find anything even up to the sovereignty.”²⁰ However, in

response to this the President was confronted with the complete silence of the governors, who obviously did not approve of this conclusion.

While forming the Presidium of the State Council, Vladimir Putin encountered another serious problem. To choose seven out of eighty-nine heads of the regions was not an easy task. Governors are always very sensitive to any attempts to divide them into groups. It is sufficient to recall their protests to forming the State Council from only those considered most “worthy.” The Kremlin settled for a compromise by including all governors into the Council, but the President still had to choose the seven. The choice was based on the principle of “one governor from each of the seven federal districts.” The membership at the “regional Politburo” is limited to six months, after which the new seven will advise the President on what to do with the country.

The first Presidium was composed of “stars.” Constituent parts of the Russian Federation were represented by the following federal cities and their representatives: Iurii Luzhkov (Moscow), Vladimir Iakovlev (Saint Petersburg); republics: Mintimer Shaimiev (Tatarstan), Magomet Magomadov (Dagestan); and the governors: Leonid Raketskii (Tiumen), Viktor Kress (Tomsk), and Viktor Ishaev (Khabarovsk). The Presidium assembles once each month.

The tangled situation with the new consultative body was complicated by the fact that, during the first year of operation, the governors had to combine the job at the State Council with their work in the Federation Council, a constitutional, and thus more legitimate, body of government. This is one of the specific features of Russian-style federalism. Government reform initiated by Vladimir Putin did not stop at the revamping of the Federation Council. The Kremlin was plotting reforms of the State Duma as well. The idea once voiced by the President that a single-chamber parliament is “dearer” to him is likely to be implemented sooner or later. Besides, the Federation Council in the form that it will assume after 2002 will not be needed for either the President or the regional elites. Abolishment of the Federation Council with partial transfer of its powers to the State Council may be a relatively logical scenario. Under those circumstances a place in the State Council would be of completely different value. But what should be done with the Constitution of the Russian Federation?

Bureaucracy is a necessary form of administration in any modern (industrial) or modernizing society. Even the most radical forms of the “uprising of masses” – communism and national socialism – did not abandon the administrative machine. Bolsheviks who denied the state soon after the revolution started a vast reproduction of bureaucracy, one much less cultured than the previous (which, in turn, was not a model of skill and intelligence, either). At the same time this process was not limited to the dictatorship of bureaucracy, though many have warned

about this danger before and after the Bolshevik revolution. The bureaucracy became a new form of organization adopted by the new social formation – communist nomenclature. Bureaucratization of all legal spheres of social administration and self-government was one of the key components of totalitarian counter-modernization. Specifically because bureaucracy was the actual form of organization for the nomenclature, its very name was taboo in the ideology of the society of “victorious” and “developed” socialism (one could speak only about the manifestations of bureaucratism).

Proper administrative apparatus is an important issue in all public institutions of power. The drive against bureaucracy, i.e. for efficiency in bureaucracy, is a modern phenomenon. Social order, which is supported by bureaucracy and in which it operates, determines the character of the social tasks posed before the administrative machine. It also defines the forms of public control over the bureaucracy, the manner of interaction with the citizens and civil organizations and, in many ways, the internal climate of the apparatus. The foundations of the civil service are not limited only to the classic “Weber’s” set: approved qualification, service specialization, hierarchy, firm salary, and impartial rational rules for service and career. The state apparatus cannot be left out of the democratization of public institutions.

Even a short description of the distinctive features of the modern civil service in Russia demonstrates the need for a substantial effort to bring it into accordance with the common world practices.

How can we describe today’s modern bureaucracy in Russia? First of all, it is very heterogeneous; it does not have a common order or regulations. The chaos that is evident in the power structures, diversity of political views, and approaches to reforms, detract from the positive image of state officials in Russia. Lack of co-ordination between the federal law on civil service and appropriate legislation in the regions also makes the status of the “Tsar’s servants” very uncertain. Insufficient social security, low wages, which today are much lower than in financial and business spheres, lack of professionalism as well as dishonesty and selfishness, have created a situation where many state officials embark on a road of corruption and disloyalty to the state. Absence of administrative order and abuse of power exacerbate this. The problem is not limited to corruption of certain individuals or institutions where an official can make arbitrary decisions seeking profit for him or herself.

A political split of bureaucracy in the central bodies of power was surmounted after the end of the “war of the branches of power.” However, because of the above reasons, the ruining of bureaucracy still continues. Vladimir Putin’s attempt to re-establish the “vertical line of power” did not create common legal and administrative conditions. With regard to the high-ranking officials, the possibility of falling out of favor with the

President is not an effective substitute for a system of state control over them. In Soviet times, when Party and state control was really effective, very few officials dared to violate not only administrative or financial regulations but also moral order. In our time of instability, many officials, who realize the temporality of their positions, on the one hand show loyalty to their superiors and, most importantly, to the leaders of the state, while on the other hand they have authority to implement their own policy in the spheres of their jurisdiction and often violate legislation, including presidential decrees. At times of major political changes, the administrative structure is constantly mutating. Bureaucrats are often unable to manage the workload and adapt to the new situations. In 1995, the Russian bureaucracy was presented with the law “On the Bases of the Civil Service of the Russian Federation.” The law contains many references to the federal laws and the legislative acts of the constituent parts of the Russian Federation that have yet to be elaborated and adopted.

According to M. Afanas’ev, a key feature of today’s administrative system in Russia is the *clientary* relations (personal devoutness and patronage). Today these relations have penetrated the entire administrative apparatus and have a major influence on the officials’ careers. They also determine the processes for conflict resolution and are regarded by most officials as normal and natural administrative practices.²¹

All that has been said above leads to the conclusion that administrative reform in Russia is urgent. Its goals can be formulated in the following ways:

- create a system of selection and training of administrative personnel;
- introduce a mechanism of strict control over the discipline of the state officials, including the control of the relationship of their property to their incomes;
- raise wages of the state officials, bringing them into accordance with world practices and the wages in business in Russia;
- safeguard the stability of the official status, social, and legal security;
- bring civil service regulations into line with federal and regional bodies of power.

In order for the civil service to be effective in the process of federal reforms, it has to change from within. This is vital for the strengthening of the legal space and advancement of federalism in the country. It is hard to disagree with M. Afanas’ev, who speaks about the need to guarantee state officials continuity and opportunity to plan their career. There is a need for legislation that would regulate labor contracts in the civil service and define labor conflict resolution procedures involving a mediator or tertiary judge. State officials should also be protected from political interference from federal institutions in charge of the civil service. The head of

such an institution should be a professional leader appointed by the President with the consent of the Federation Council for a prolonged period of time.

The reform of the administrative system is quite feasible. All necessary preconditions for it to be realized are in place, and officials as a rule have a good standard of education. They respect law and order, professionalism, and labor discipline no less than other social groups.

The supreme power is preparing to launch a reform of the civil service. In this context it would be appropriate to mention the key principles of this reform.

The principle of professionalism priority. This is one of the most important principles of the possible reform. It presumes that there will be competition to fill the vacancies in the state administration (excluding political appointments). A definite system of personnel replacement and rotation should accompany this practice. The goal is to attract, encourage, and promote the best employees and remove the poor ones from the office. Another element of this principle is the introduction of labor contracts for government officials. Such contracts should list the rights and responsibilities, salary terms, promotion conditions, special requirements, and limitations (for instance, information on income, limitations for holding more than one job, provisions for professional secrecy) for the government employees.

The principle of distinction between "political" and "career" positions. This principle is widely used in civil service practice throughout the world.

The principle of compensation of restrictions. According to this principle, state officials have certain limitations of their rights compared to "ordinary" citizens. These include restrictions on commercial and political activity, on citizenship, on the use of funds from foreign sources, as well as special procedures for declaration of income. At the same time, these restrictions should be compensated for by giving special privileges to the former state officials.

The principle of priority of direct monetary payments over the "shadow" privileges. These privileges, which are financed by the state budget, should be replaced with a substantial increase in wages, thus making the currently concealed practice much more transparent.

The principle of commercialization of most functions of the civil service. Only basic divisions of the ministries and agencies should keep the status of government institutions.

The principle of orientation toward the client. This would make the constitutional provision of the state protection of rights and legal interests of the people a real priority of the government official, and not just a political declaration.

The principle of loyalty to the service. This presumes loyalty to official duty, active support of the constitutional order, and general policy line.

The principle of ethics. This principle emphasizes the official's moral qualities. This is especially relevant in the context of abuse of authority by the bureaucrats.

The principle of a systematic approach to personnel training. This approach is especially vital at times of reforms since major changes in the state administration would happen only after a new generation of state officials came to office.

The implementation of the above principles would not only educate the new generation of government officials but would also advance the construction of a new, strong Federation.

The role of the "Tsar's servants" in the state administration system is best described by Bismarck: "With poor laws and good officials administration is still possible, but no laws would help the situation with poor officials."

According to Victor Gushchin, "democracy now rests in peace, it is replaced by *pragmacracy*."²² This statement is apparently not groundless and requires certain commentaries. It would not be right to overestimate the fall of democracy in modern Russian society, although a tendency toward autocracy and even dictatorship should not be overlooked as well.

The thought that democracy is not an ideal form of government has been discussed for centuries. Aristotle was one of the first to speak about it. In his typology he put democracy in the last position. The triumph of democracy would be a great surprise for the philosopher. No one valued democracy either in Antiquity or in the Middle Ages. It was only after the bourgeois revolution that democratic relations began forming. Even federalist Tocqueville warned about the danger of the tyranny of the majority. The idea of human rights protection, being recognized in the world as a supreme task, is not in line with the principle of democracy. Yet democracy, counter to Aristotle and Tocqueville, has survived because, with every new step toward an information society, it is harder to conciliate the contradictory interests of the pluralistic world. Viktor Gushchin asserts that the time of standardized pragmatism and consumer-service relations has come, and it is going to replace democracy in the future. Today democracy has entered the stage of deliberate falsification and defamation. For instance, the cost of the Presidential elections and other democratic electoral procedures is too high, and the results usually are not fully justified. *Demos*, i.e. the people in the actual expression of their will turns into *ochlos*, i.e. the crowd. As a result of this natural substitution the *ochlocracy* triumphs.

The achievements of democracy should be carefully preserved. There are many examples in history when politicians condemned the tyrants, and yet monarchies still exist in many countries. There were instances when the crowd was denounced, but even the queen resorted to democratic procedures. The narrow-mindedness of the crowd always evoked

indignation, but everybody understood that only formal democratic procedures that would involve the crowd would make it possible to implement reforms without resorting to violence. The democracy did not perish; it is the world that changed. Therefore, the existing forms of democracy and democratic institutions should be treated with great care. Apparently, President Putin and his team who implement radical reforms of the federal structure of the country and construct “the vertical line of power” are aware of the fact that the federal state should be established not only by a “firm hand” and “dictatorship of law” but also by democratic means.

The principles of federalism, Russian style

For Russia, with its vast territory, multinational population, and substantial differences in the economic potential and social feelings of the population, a federal set-up is not only optimal but also (the history of our country is a good example) the only possible state model which allows for preservation of the country’s unity and territorial integrity.

Ramazan Abdulatipov, modern Russian politician

The enlightened monarchs of Russia did not always make use of the best traditions and methods of administration of the Empire. Atrocities and violence toward their own people always accompanied their reigns. However, violence toward people of other ethnic origins or faiths sometimes was beyond all measure.

On 2 October 1552, after a two-month siege and violent assault, and having blown up the Altalyk gate and part of the wall, the Russian army entered burning Kazan. Brutal fighting filled the narrow streets, squares, and city walls. The flame of the fire reflected in the gilded spheres and tiles of a remarkable mosque. Underneath its walls *shakirds* of the *madras* commanded by *seid* Kul-Sharif were withstanding the violent onslaught. The last defenders of the Volga Muslim capital died in a desperate fight inside the Khan’s palace. Conquered Kazan lay before twenty-year-old Ivan, who was looking at the beautiful palaces and strong city fortifications. Celebrating the victory over the Muslims, which opened for Moscow the way to the Caspian Sea, the young Tsar ordered the building of a church commemorating this first step of the Moscow Principality toward the Great Russian Empire. This is the way in which Saint Basil’s Cathedral came to be in Moscow’s Red Square. The wondrous nine-cupola church was constructed by Russian architects Barma and Postnik.

The reconstruction of the ruined Kul-Sharif Mosque began in 1996, when its cornerstone was laid at the site of the former Cadet School. The President of Tatarstan, Mintimer Shaimiev, issued a decree about the

reconstruction of the Kul-Sharif Mosque in the Kazan Kremlin, and the President of Russia, Boris Yeltsin, who visited the site, decided to allocate nine billion rubles for the construction.

The manner of state administration in Russia in the nineteenth and early twentieth centuries was determined by the autocratic nature of the supreme power. Most of the administrative powers were concentrated in the levels of the central government and *gubernias* (the largest and most stable administrative–territorial unit of the Empire). The governors’ authority was based on supreme accountability to the Emperor. The administrative system had a strictly vertical structure. In the Empire one could not speak about decentralization and delimitation of the jurisdictional subjects. Numerous proposals for setting up autonomous regions encountered a serious obstacle in the form of an autocratic state structure. The interests of various ethnic groups in Russia, therefore, could not be taken into account. The Russian Empire could not be effectively based on a unified model of local self-government, courts, regulation of land ownership, and social matters. The government used different versions of the administrative system for the central regions and frontier *gubernias* in Siberia and Caucasus, Poland, and Finland, depending on the political situation and the interests of the monarch. The imperial idea of the state was based on “a variety of centralism models,” provided the decision about the use of a particular model was made in the center. This approach is still popular among the adherents of the Great Power idea.²³

I. Umnova writes:

The idea that modern Russia has to be a federal state is supported both by its own history as well as world experience in securing stability and effective state administration through federalization of states with inter-territorial conflicts. Carefulness and even a certain degree of nihilism toward federalism that were manifested in the pre-revolutionary school of government were not picked up by the leading Soviet scholars and at the present stage these attitudes are not very typical for the domestic school as well.²⁴

Having entered the twenty-first century, Russia is once again searching for answers to the questions: “what will save Russia?” and “what shall be the historical choice for the country?” Many experts agree that the way out for Russia lies in its unity. But how can this be achieved? Part of society, primarily the political elite, understands unity as a rigid unitary and even totalitarian regime that presumes full submission of all. There is no place for the distinctions of peoples and regions. Yet there is another extreme – formal unity – in which pluralism dominates and, in practice, destroys the unity. Ramazan Abdulatipov, renowned politician and head of the Assem-

bly of the Peoples of Russia, wrote in *Rossiiskaia Gazeta*: “the search for an adequate unity model is the crucial issue for the Russian state. It will in many ways determine the future of Russia, its peoples and regions.”²⁵

Federation, emphasized Abdulatipov, guarantees the preservation of a democratic political system that excludes the extremes: the arbitrary rule of the central authorities and the stupidity of regional and ethnic separatism. The crises in the economy and in society have a determining influence on the modern character of federal relations. It is hard to resolve the problems of Russia without taking prompt and concrete steps to strengthen the Russian state. Being not only a politician but also a specialist in interethnic relations, Ramazan Abdulatipov mentioned that the state should be strengthened not only “in the usual direction – the vertical line of power” – but also through the utilization of the great potential of the federal democracy. This would then, in turn, enable the utilization of the enormous constructive potential of the peoples and regions of Russia, as well as of the entire multinational people.

The principles of federalism that are being discussed in this chapter not only include the principles of state construction, but they also contain many moral categories that should guide politicians while making decisions. The range of these decisions may include strengthening the vertical power, overcoming constitutional and legislative conflicts, defending federal, regional, local or ethnic interests, and deterring unitary and separatist tendencies. The use of extraordinary measures for establishing constitutional order and harmonizing the economic and legal situation, as well as overcoming various disagreements including those concerned with the activity of the representatives of the President in the federal districts, regional election campaigns, and possible removal of the governors from their offices – all this is concerned with the principles of federalism, on which the conflicting sides should agree as well. There is a necessity for agreement between conflicting sides for issues concerning the principles of federalism, such as the use of extraordinary measures for establishing constitutional order and harmonizing the economic and legal situation, as well as overcoming various disagreements, including those concerned with the activity of the representatives of the President in the federal districts, regional election campaigns, and possible removal of the governors from their offices.

So far, the potential of the Constitution of the Russian Federation, which secures the bases of federalism and fundamental human rights and liberties, has not been used even minimally. Not only the interests of the federal center and constituent parts have to be properly co-ordinated under a federal democracy, but the needs of the peoples and regional groups, as well as the rights and liberties of all citizens, have to be taken into account, regardless of place of residence or ethnic origin.

Philosopher Ivan Ilyin wrote about the state:

A citizen who perceives his affiliation with the state as something done *against his will* and without his consent is a politically dangerous and not a spiritually healthy phenomenon: the government and the state should do everything possible to acquire his [citizen's] respect, his consent, and his loyalty in order to win his heart, his will, and his legal conscience. But if there are entire ethnic groups or social and economic classes or entire political parties in the country which are persistent in their unloyal independence or, perhaps, are creating a conspiracy, then political danger becomes a real threat.²⁶

Discussions about the principles of federalism do not have much meaning for society, peoples, and citizens unless they (the principles) affect problems that are vital for the whole country – the integrity of the state, social stability, protection of civil rights, and liberties for all nationalities. Federation does not suppose the centralization or decentralization of power. In relations between central and regional bodies of power there should be a reasonable parity of authority, which should reflect the interests of the state, society, and common citizens. Harmony and a balance of powers among regional and central bodies is a necessary prerequisite for the very existence of the Federation. For instance, it is a well-known fact that within one state the administrative borders between the constituent parts of the Federation should not be given the status of state borders. Even if territorial claims arise, they should be settled in accordance with the current laws, bearing in mind that these borders are strictly administrative and not ethnopolitical. In the same way there should not be any obstacles to the movement of goods and services within the territory of the Russian Federation. Such obstacles prevent the development of relations between the peoples, cultures and regions, infringe on the interests of the producers, and violate the rights of the citizens of Russia.

Federation means union, co-operation, and integration. Federalism can become an instrument for the resolution of interethnic problems. The complexity of this matter, however, is that the Russian Federation is not simply a territorial federation; it is historically a multinational state. Many different peoples comprised the Russian state at various times in history. The Russian nation was formed through the unification of lands and peoples into one Russian state, and stability in each of the regions and in the whole country depends on how tolerant and respectful the peoples of different ethnic origins are to each other in every region. Ethnic origin should not serve as a ground for privilege or, even more important, for any form of discrimination. This is one of the key principles of federalism!

Federal and regional bodies of executive power, as is stated in the Constitution of the Russian Federation, constitute one system of executive authority in the country. However, the executive power, though very

significant, does not constitute the total power in the country. Administrative authorities without a network of civil society institutions are not fully a state. Ramazan Abdulatipov, who has extensive experience in state construction, suggested not only the development of the “vertical line” of the executive authority but also the co-ordination of the interests of all branches of power and the entire civil society in the spirit of equality and co-operation.

The harmony of federal interests should be secured on a legal basis. A detailed commentary of Article 72 of the Constitution should provide basic guidelines for harmonizing regional constitutions, statutes, and laws with the Constitution of the Russian Federation. Democratic procedures need to be elaborated for the delimitation of jurisdictional subjects, rights, and responsibilities along the entire vertical line of relations between the federal government and the regions, and between the regions and local self-governments. At the same time it should be kept in mind that concepts such as “the federal government,” “constituent parts of the Federation,” and “local self-government” stand for the future of the state, its peoples, and local groups, as well as the rights and liberties of the citizens of one country. Common legal and economic space plays the key role for federalism. It is crucial for the existence of the Federation.

The lack of procedures and mechanisms for the delimitation of power brought about the practice of bilateral treaties between the federal government and the constituent parts of the Federation. However, most of the negative evaluations of this treaty practice are based on inaccurate evaluations of the role of bilateral treaties. The treaties do not break up Russia, as some people say; on the contrary, they consolidate the country. Beginning in 1994, the treaties have provided for the restoration of the sovereignty of the Russian Federation, validity of the Constitution, and the laws of the Russian Federation in its constituent parts. The active campaign for equalization of the regions that we see today is not justified. It may harm the painstaking work for harmonization of federal relations.

The reconstruction of the “vertical line of power” would not be successful without the horizontal economic and cultural integration of the regions that includes the implementation of common federal and regional development programs. So far there is no federal strategy for political, legal, economic, and cultural measures, which would target formation of common federative space and common value and service standards. It would be very useful to elaborate and adopt a proper program for the development of federal relations in Russia for the next ten years.

We can only marvel at the concise pinpoint accuracy of Ramazan Abdulatipov’s formulations of federalist concepts for a multinational state. Abdulatipov, who has thoroughly studied the situation in Russia at the time of reforms, suggested concrete recommendations for further

development of Russia, and elaborated theory and methods for ethnic and regional policy of the state.²⁷ The school of Abdulatipov, to which the author proudly attests himself, is still the most consistent in advocating for the federal principles of the state with respect to the interests of the multinational population of the country.

As a form of democratic organization of the society that allows for decentralization of the administrative system, federalism is an important instrument for the resolution of ethnic conflicts. It also makes it possible to distribute economic and political powers and jurisdictional subjects between the center and the regions and to preserve the balance of interests of the federal government and the constituent parts of the Federation.

Establishing social and economic stability and creating the necessary conditions for decent living standards for every citizen of a federal democratic state, regardless of the region of residence, is another main direction in which Russian federalism should progress. The work in this direction should be in line with the legislative process, not lagging behind and not outpacing it. These tasks are similar to the ones that other federal states have to tackle, as follows from our study. However, only some of them are actually successful. The main tasks for the Russian Federation were formulated in the statement by the participants of an all-Russia conference, "On Improvement of Federative Relations and Strengthening of the Russian State."²⁸

In Russia the necessity to secure a decent level of living for the population is obvious. In order for this goal to be achieved, special budget and financial provisions must guarantee a minimal social standard to all citizens, regardless of the region of residence.

Formation of federalism presupposes the adjustment of the territorial administration system. The work should be carried out in three directions: transforming the state bodies of power into a system of institutions corresponding to the principles of federalism; widening the independence of the regions in preparation and implementation of regional social and economic policy, and raising the accountability for actual results; forming the system of local self-government and other forms of administration.

Federalization of all levels of government, proper delimitation of powers and jurisdictional subjects, as well as their legal and financial support, allow the establishment of an effective co-operation and co-ordination mechanism for central, regional, and local authorities. This process allows the tendency toward integration and consolidation of the Russian state to strengthen, while at the same time securing the real independence of the constituent parts of the Federation.

The federal structure of Russia provides many possible schemes for state administration, including the level of local self-government. On the level of national and cultural autonomy, the principle of subsidiarity can

be implemented in a fuller way. This can guarantee the rights of peoples and ethnic groups that do not have their own national and territorial units in the Federation.

The preservation and development of various cultures, languages, traditions, and other spiritual and social values, as well as support of the self-initiative of the population groups, are key tasks for the current period. These tasks are well understood in the regions and they should also be reflected in the federal government programs in all of Russia. For ethnic groups, which do not have their own territorial units within the Russian Federation or are living outside of their constituent parts, national and cultural autonomy provides a way to be reflected in the national and territorial structure of the country.

The co-existing ethnic and territorial approaches to the formation of the Federation include controversial tendencies toward ethnic federalism as well as gubernization. The principles of unity in diversity and subsidiarity, which by balancing each other provide an optimal combination of interests of the federal center and the constituent parts of the Federation, so far have not become a part of the federalization process in Russia.

Formation of a common federal space is a worthy task for all participants in the federal process. "A common federal space," of course, includes "common legal" and "common economic" spaces, a subject for discussion by many experts and politicians.

There are federations composed according to territorial, mixed ethnic and territorial, and strictly ethnic principles in the world. Mixed ethnic and territorial composition is typical for Belgium, India, Spain, Nigeria, Pakistan, the former USSR, and Yugoslavia. Canada, too, is a federation subdivided according to ethnic and territorial factors.

Voices claiming that a mixed ethnic and territorial approach to the formation of a federation is a destabilizing factor and inevitably leads to the break up of the state are much more frequently heard in recent times.

Of course, there are many examples of instability in multinational federations. The break up of prosperous Yugoslavia or the split of bicommunal Czechoslovakia are prime examples. Separatist tendencies in Canadian Quebec peaked in the 1990s when 49 percent of the French-speaking citizens of Canada voted in favor of secession. This event threatened the very existence of the Canadian federation. In Spain, too, there is the problem of preservation of the unity of the country, especially when Basques and Catalonians, whose separatist tendencies are particularly strong, are concerned. Modern Belgium is also in an unsettled situation with opposing relations among the constituent units of the country divided by language boundaries. On the other hand, there are separatist tendencies in unitary states as well. For instance, in the United Kingdom, Scotland and Wales advocate for their special status within the country. Nevertheless, there are still many statements about the dangers of a multinational state, alleging

that it is the unstable arrangement that leads to the break up of the country. This assertion is not only questionable, but it is not true in essence. Empires, even the most prosperous ones that were based on strict centralization and dictatorship, were falling apart at all times. The entire history of world wars and post-war state formation provides ample evidence. Even the cruelest rulers could keep control over the subjugated peoples since this control was based on force and authoritarianism. Nevertheless, a federal set-up for any state is being subjected to criticism by adherents of the rigid “vertical line of power.”

Russia made its choice in 1993; however, the developing tendencies for backward movement toward unitarianism once again bring before society the problem of the choice of state model.

K. Kalinina notes: “Federalism in the ethnic policy of Russia is viewed as a guarantee for the preservation of the historical unity of the Russian state and secures the equality of all constituent parts of the Russian Federation in relations with the federal bodies of power.”²⁹

In their approach to the evaluation of federal processes in Russia, many scholars assert the need for constitutional support of federalism. Other experts advocate constitutional treaty practice. Still others think that the central government should only be given the powers which are provided by bilateral treaties, thus supporting an approach that is strictly treaty-based.

The theory of the formation period (often called the transitional period), that would define the conditions of a transitional period as well as guidelines for reforms and changes, is not a well-developed concept in modern political science. In this regard, G. Koroleva-Konoplianaia notes: “the modern stage of federalism can be defined as transition. It is characterized by the incompleteness of structuring, conflicts and contradictions between the Federation and its constituent parts.”³⁰

S. Samoilov, who co-ordinated the strengthening of the “vertical line of power” in the regions, noted: “Russia is not capable of moving any further in the direction of decentralization. At the same time there is no return to the totalitarian centralized system. Today there is a need for a definite administrative structure that would preserve democratic values. The President named this task as the top priority.”³¹ According to Samoilov, today’s governor is no longer a politician at a federal level sitting in the Federation Council. He is simply a manager who deals with the administrative system within a constituent part of the Federation. Lowering the role of the governor to that of “manager,” Samoilov at the same time speaks with reverence about the State Council of the Russian Federation. He states that the President, as head of State, is authorized to bring up “serious tasks” for its consideration and “demand expert evaluation from its members in order to elaborate the most effective solutions.”³² Naturally, some questions come up: does a governor’s work at the State

Council constitute a level of government, or is it used by the Kremlin only as an expert board on local economic matters? Why did the Kremlin need to lower the status of the governors to that of simple managers? There are active talks about partial transfer of powers and jurisdictional subjects of the Federation Council to the State Council of the Russian Federation (provided for by Article 72 of the Constitution of the Russian Federation). In an interview published in *Vek*, a Russian newspaper, S. Samoilov showed respect for the governors as real political figures in Russia:

Nobody is going to line up the governors. They constitute the executive vertical line and all of them are members of the presidential team. The President heads this vertical line and he will have an opportunity to check its strength aside from his plenipotentiary representatives, and consult the heads of the regions directly.³³

The tendency toward simple decisions led the Kremlin administration to a certain oversimplification of the approach to key problems in federal state construction. The administration of the country and implementation of democratic federal principles, which are secured by the Fundamental Law, are now treated as a matter of reforming the bureaucratic apparatus and establishing the rigid “vertical line of power.” The central government wants to set definite limits of what is possible for each group in Russian politics. The restrictions are set not only for the governors, but also for the leaders of political parties, mass media, public opinion, and representatives of large business and bureaucracy of all levels. Exceeding these limits means big problems. Those who are persistent encounter punitive sanctions.

It is hard to explain where all the persistent opponents of power on the matters of federal state construction have gone. The replacement of the governors’ corps and reforms of federal and regional levels of government are being carried out with no visible objections. For instance, the Ministry of Federation Affairs, Regional and Migration Policy of the Russian Federation is practically unnoticeable, though it remains in the power structure. At the time of the revision of the bases of federalism, which was crucial for the regions, this ministry did not advocate for the national interests of the republics, i.e. the constituent parts of the Russian Federation. After three internal reforms and bureaucratic reshuffles the ministry could not serve its primary duty and implement the ideas formulated on the Concept for Ethnic Policy of the Russian Federation.

Other administrative structures have been transformed as well. Neither Left nor Right parliament opposition is visible (the next Duma elections are still far ahead!). The only active party is *Edinstvo*. The budget for 2001 was adopted with no serious scandals, although it was stated that the budget plan does not suit many regions, since the distribution of taxes was

changed in favor of the federal center. Governors who were invited to participate in the State Council of the Russian Federation are not going to fight for power in Moscow. All attempts of the constituent parts of the Federation to evade the revision of their constitutions and legislation were unsuccessful. The center, which used all kinds of means for political pressure, achieved its goal in minimal time. Even the “unconquered” authorities of Bashkiria adopted a law “On Amending and Supplementing the Constitution of the Republic of Bashkortostan.” It stated that the amendments to the Constitution of the Republic of Bashkortostan would not change its essence and would not contradict the will of the multinational people of Bashkortostan. More than one hundred amendments to the Constitution have been passed. But the conflict around the amendment on the sovereignty of the republic is still unresolved. The idea of sovereignty and its divisibility raises many questions both among supporters of a unitary state and adherents of real federalism.

Often controversies break out not because of the vital importance of a particular matter but because of the opposition to certain individuals such as oligarchs, governors, heads of the mass media, and so on. The advent of Abramovich to the governor’s post in Chukotka was viewed as a normal event (every citizen has a right to vote and be elected!). Political battles unfolded around Rakhimov and Shaimiev, but not around the quiet Abramovich, who supposedly disturbs nobody. The central government could function much more effectively if the alignment of political forces would be defined by the actual content of the approaches and not by the fighting among various interest groups and elites (“the family,” “liberals,” “Petersburg co-workers,” “nationals,” etc.). Well-structured and open opposition is especially needed at times of transformation and reforms. The President needs it as well, since opposition is the only force which can secure real legitimacy of reforms by the government. Regretfully, at the turn of the century, there is still no actual opposition in Russia.

Igor Bartsits, commenting on an important draft law establishing the institute of federal interference in the country wrote: “Emile Durkheim, the founder of the French school of sociology, introduced the term ‘anomy’ into scholarly practice. With this term he defines a situation when the participants in the legal relations are well familiar with the legal or social norm, and yet they refuse to observe it.”³⁴ The term “anomy” precisely describes the situation which has evolved in Russia. Today disrespect for the laws is the norm, both from the side of the Federation and its constituent parts.

Resorting to measures of federal coercion is acceptable, and in some cases even justified, if these measures are listed in the federal constitutional legislation and all the subjects of the federal relations are informed about them. However, this practice was not a part of modern federal rela-

tions in Russia. Today's legal norms in Russia do not define the procedures and mechanisms safeguarding the administrative and legal unity of the country. Between 1998 and 2000, several attempts were made to formulate and propose some of the administrative and legal instruments for overcoming the crises and contradictions in federal relations. Several foreign federations already have such legislative experience. In the Federal Republic of Germany the basic constitutional principle, which allows federal interference with regard to the *Laender*, is provided for by Article 37 of the Constitution. It states that:

In case a *Land* does not fulfill its federal obligations prescribed by the Fundamental Law or any other federal law, the federal government has a right, with consent of the *Bundesrat*, to take necessary measures in order to urge the *Land* to fulfill these obligations under coercion from the side of the Federation. In order to implement such measures of coercion, the federal government or an authorized agent thereof has a right to issue orders to all the *Laender* and institutions thereof.

The use of the federal armed forces in the federal coercion is not allowed. Possible measures include the following:

- financial influence,
- use of police forces from other *Laender*,
- dismissal of the government of the *Land*,
- dissolution of the parliament of the *Land* (*Landtag*),
- appointment of the federal commissar with special or general powers, and
- temporary custody by the federal government over the authorities of the *Land* (except for the courts).

Appeal to the federal constitutional court is permitted. At the same time it should be noted that the extreme measures, such as dismissal of the government of the *Land* or dissolution of the *Landtag* and appointment of the federal commissar, were never used in Germany.

In accordance with Article 105, Part 3, of the Constitution of the Russian Federation, the State Duma during its session on 24 June 1999 examined the federal law "On the Procedures for Overcoming Disagreements and Reconciliation of Disputes between the Bodies of State Authority of the Russian Federation and the Bodies of State Authority of the Constituent Parts of the Russian Federation." The purpose of this law, as it was stated in general provisions, is to assist "the streamlining and harmonization of relations between the bodies of legislative and executive authority of Russia and the bodies of state authority of the constituent parts of the Russian

Federation.” The draft law was meant to establish procedures and principles for the prevention and settling of disagreements, as well as elaboration and implementation of coercion measures in case of a contradiction between the federal law and the legislative act of the constituent part of the Russian Federation, and reconciliation of the disputes and conflicts at all stages of their development.

The draft law, which so far has not been adopted, also provides the state authorities of the Russian Federation with the right to regulate the procedure for the adoption of decisions at times of legal clashes and determine the priority of the federal law or the legislative regulatory act of the constituent part of the Russian Federation. The draft law allows temporary legal regulation of the subjects of shared jurisdiction by the constituent parts of the Russian Federation, determination of authority of the bodies of the state power of the Russian Federation and the constituent parts of the Russian Federation, rights and responsibilities of their leaders in order to overcome disagreements, prevent legal clashes, and reconcile disputes and conflicts. The Federation Council has been very critical of this draft law since it gives the federal center unilateral priority in resolving most of the problems.

According to the advocates of this law, federal interference could be executed through certain measures of coercion. The first is declaring a state of emergency, which is provided for by Articles 56 and 88 of the Constitution of the Russian Federation and the federal law “On Security” of 5 March 1992.

The law on the state of emergency limits its duration to sixty days, with a possibility of prolongation for the same period by the Federation Council. The procedure of the state of emergency stipulates establishing a temporary administration in the territory in which the state of emergency is declared. A state of emergency is substantially different from martial law. The latter cannot be considered an instrument of federal interference and federal responsibility. The Constitution of the Russian Federation allows the President of the Russian Federation to declare martial law only in case of foreign aggression against Russia or an immediate danger thereof.

Current legal norms in Russia do not provide for a mechanism of direct administration by the central power. However, the experience Russia has in relations with Chechnya, as well as the experience of such composite states as India or the USA, demonstrates the need for such a mechanism. In the territory of the constituent parts of the Indian Union, presidential rule was introduced more than seventy times. According to Article 365 of the Constitution of the Indian Union, initiation of the presidential rule in the territory of a state is possible in case the President of the Union is convinced that further administration of the state in accordance with the Constitution is not possible. This happens when a “particular state does not conform to the order or does not implement the orders issued by the

Union in the way of executing its powers according to the provisions of the Constitution.” The legal details of direct presidential rule are determined by a federal law.

The experience of the legal school in the Federal Republic of Germany demonstrates that “the equilibrium between unitary and federal elements, which supports the entire system, is arranged so that the federation retains most of the legislative powers, whereas the *Laender* have the administrative authority.”³⁵

The Constitutions of the Federal Republic of Germany and Austria give each federation the right to temporarily deprive the constituent parts of the power to adopt particular legislation if the constituent parts of the federation do not fulfill their legislative obligations. In this case, a federal normative legal act is adopted. It will become invalid after the constituent part of the federation adopts the required document.

The federal Constitution and the constitutions of the constituent parts of the Russian Federation permit the possibility of dissolution of the representative body of state power both on the federal and constituent unit levels. However, this is not a matter of federal authority but rather the means for overcoming political crisis. Dissolution of the parliament of a constituent part of the federation is also possible in Argentina, Brazil, Germany, Mexico, and Venezuela.

The interests of the Federation and its constituent parts are not always balanced. As international experience and federal state construction in Russia show, a federal state may be subjected to danger from two sides. On the one hand, dominance of the regions may cause a slide into separatism and a break up of the Federation, whereas the unquestionable supremacy of the Federation may lead to a unitary state. In order not to permit these extremes and to reach the desired stability, it is very important to establish an optimal combination of the two origins of federalism – unity and diversity. Federation and its constituent parts should build their relations observing the principle of balance of interests. Controversy that is caused by the discrepancy between the equality of the constituent parts and their different status is based on the provisions of the current Constitution of the Russian Federation. This situation can be changed only through the constitutional amendment procedure. This matter, as well as the Federal Code of the Russian Federation, has been the focus of attention of Russian statesmen and politicians. Preparation of these documents would be a very logical step in the development of federal relations. There is also a need to clarify the definition of a constituent part of the Russian Federation and define the limits of the “status of the constituent part of the Russian Federation.” Perhaps it would be necessary to alter the status of some of the constituent parts by merging them in order to form larger economic formations.

Establishing a firm legislative basis is the main prerequisite for a steady

democratic advancement of the country that combines the interests of the Federation and its constituent parts.

Those constituent parts of the federation with the status of republic have their own citizenship along with the citizenship of the Russian Federation. The citizenship of the republics reflects the diversity of various forms of federal relations and conforms to Article 2, Part 2, of the Constitution of the Russian Federation. The combination of two citizenships indicates the two levels of legal relations of a citizen in a federal state. A citizen of any republic is automatically a citizen of the Russian Federation. He or she should not be deprived of the right to have an additional page in the passport, which would have an inscription in the native language recognized by the constitution of the republic and mention his or her ethnic origin. This practice existed even in Soviet times.

Reform of local self-government remains one of the key tasks at the turn of the century. It is especially important to secure the self-financing of local governments through proper budget regulation. The use of international experience along with the financial aid programs offered by international organizations, including the World Bank, could substantially assist the reforms of federal budgetary relations. A thorough analysis of the existing problems and errors, as well as full mobilization of finances and other resources in the constituent parts of the Federation, would provide a way out for the regions of Russia from financial deadlock.

Evolution of the transitional period in Russia displays some positive dynamics in the development of international and foreign economic relations of the constituent parts of the Russian Federation. Securing such relations is among the main aims of the regional policy of the Russian Federation. Foreign relations are being established by the constituent parts of the Russian Federation, both independently and in the framework of the international treaties of the Russian Federation. This practice should be supported by the co-ordinated actions of federal and regional bodies of state authority with regard to the international treaties and agreements and elaboration of the international policy of the Russian Federation. The federal law adopted in December 1998 established a procedure for the co-ordination of international and foreign economic relations of the constituent parts of the Russian Federation. Regretfully it does not contain any legal guarantees for regional interests in the international affairs of the state. Relying on a firm legislative base, the Russian Federation assists its constituent parts in their foreign relations and international co-operation, and their participation in various projects and programs of international organizations that are connected with the regional development.

The constituent parts of the Russian Federation and the federal government still have much work to do in order to determine their place in the system of federal relations and overcome real and subjective obstacles in

the way of strengthening the sovereignty of individual republics and implementation of their partial right to be subjects of international law. This process is likely to be equal to the formation stage of Russian federalism in its duration and difficulty of compromise.

The principles of federalism can be summed up in a system of most important ideas that are based on comparative analysis and which can contribute to stable development of federal relations in Russia. The ground-laying parameters of federalism can provide a foundation for the Doctrine of Federal Relations in Russia in the twenty-first century. It would assist the strengthening of the unity of legal, political, and economic space in the Russian Federation, harmonization of federal and regional legislation, maintaining social concord, strengthening the bases of constitutional order, and advancement of the integration processes.

First, federalism is an already-established and irreversible category in today's Russia. Further development of the Federation should be carried out in strict accordance with constitutional norms and procedures. Any unilateral attempts to revise the territorial set-up of the Russian Federation should be avoided. At the same time co-ordinated actions in order to merge individual territories cannot be excluded if their goal is to create better economic and legal conditions for particular regions of Russia. Other principal tasks include the need for special measures for early prevention of ethnic conflicts and better use of constitutional procedures for the improvement of federal and regional legislation. Improvement of the constitutional bases of federalism should not be limited to the formation of a democratic administrative system. This process should involve conflict resolution mechanisms since disputes and disagreements impede further development of the state.

There is a need for regular and comprehensive monitoring and ongoing analysis and forecast of the social, economic, and political situation in the constituent parts of the Russian Federation in order to elaborate an effective decision-making system for federal and regional governments.

Legal foundations for the anti-crisis policy should be secured at all levels of the Federation: federal, constituent unit, and local. Federal programs should include special regional sections and provide for the variation limits in order to adjust to economic, social, ethnic, and other relevant distinctive features of the constituent parts of the Russian Federation. Comparative analysis of the foreign experience in budgetary federalism shows that delimited powers and jurisdictional subjects (determined by the Constitution of the Russian Federation and bilateral power delimitation treaties) must receive adequate financial support from the federal government. It would be expedient to prepare a stable legislative base, which would regulate the establishment of the expenditure part of the regional budgets (budgets of the constituent parts of the Russian

Federation and municipal budgets) in accordance with the expenditure powers of each level. As a part of the strategy for streamlining the distribution of finances within the Federation, it would be necessary to create favorable financial conditions in order to provide standard social security benefits to all citizens of the country regardless of the region of their residence.

Another important prerequisite for the effective functioning of the Federation is the proper co-ordination between the legislative and executive branches of power in privatization, municipalization, and (in case of need) re-nationalization of state property.

Second, human rights and liberties, as well as the right to ethnic and religious identity are fundamental values of a federal state. The society in which human rights and liberties are recognized as the basic priority and the organizational principle for the state authorities is usually formed during a very long period of transition under democratic rule. The administrative and legislative structure of a federal state, as follows from the analysis of federal political systems, should be composed of the institutions that would first of all guarantee basic human rights and liberties. It is important that all levels of power realize that the generally accepted norms and principles of international law and international treaties of the Russian Federation constitute an integral part of its legal system, and human and civil rights and liberties are a real factor. They determine the content and application of the laws, as well as the actions of legislative and executive branches of power and local self-government, and are secured by the courts. Regretfully there are cases when ethnocentrism of some of the republics of the Russian Federation contradicts the constitutional democracy.

Third, the very logic of development of federal relations in today's Russia shows that thorough implementation of the Concept of National Ethnic Policy, Concept of National Policy for the Delimitation of Powers, and Jurisdictional Subjects between Federal, Regional and Local Levels of government should become the principal task and supreme responsibility of the ruling elite, both in the center and in the regions. The asymmetry and different status of the constituent parts of the Russian Federation complicate this task. This trait of Russian federalism has been creating, and is still creating, the biggest contradictions in the system of federal relations.

Co-operation of legislative and executive branches of power of all levels in implementation of the basic principles of national ethnic and regional policy is an important prerequisite for the formation of an effective executive power system, including the government of the Russian Federation. This approach would secure the conformity of these institutions to the federal structure of the country. At the same time, the control over the implementation of the federal social and economic programs for the con-

stituent parts of the Russian Federation should be transferred to the authorities of the regions. The government of the Russian Federation should assist the regions in solving the particular problems that arise with regard to these programs and control the implementation of programs that target development of common infrastructure and serve integration purposes.

Fourth, the specific conditions of a long transitional period, which is often accompanied by acute problems and contradictions, should be taken into account by all sides. The use of sanctions and force should be absolutely excluded from the solution methods for federal problems. The experience of Chechnya should serve as a warning to all advocates of power measures for resolving numerous problems that have accumulated in the country. The uncertain length of the transitional period dictates the conditions for political action at all levels of power. Taking into account the specifics of the transitional period and the need to preserve the balance of federal and regional interests, it would be expedient to perform a full-scale analysis of the bilateral power delimitation treaties signed between the constituent parts of the Russian Federation and the Federation. This would allow the securing of provisions, which have been tried out in the treaty practice during the transitional stage. It would be necessary to classify all types of the treaty regulation of relations between the government of the Russian Federation and regional authorities in accordance with their powers and jurisdictional subjects set by the legislation.

Fifth, federalism is the way to concord and justice, the main principles for building a democratic society. Democracy is pluralistic in its nature. Various political, economic, moral, philosophical, and religious values, ideas, preferences, and doctrines expressed by particular political, social or public groups, coexist in it, often being in conflict and incompatible with each other. The social concord among the members of the Federation is formed on the basis of certain universal values. These values do not absorb all the differences; they adapt them to the principal values of the society.

Sixth, a study of the experience of foreign federations and basic models of the federal state in Europe and the world should be carried out. Familiarization with the basic parameters of federal relations in foreign countries in the form of comparative macro-social units would allow the improvement of the federal structure in Russia. The entire foreign experience can be utilized only in relation to the historical traditions and modern evolution of federal relations in the Russian Federation. In the adaptation process, attention should be given, first of all, to the qualitative parameters and not as much to the quantitative and statistical ones. The Russian Federation can gain much from the vast and useful experience of others in the construction of a federal state. However, this experience is so

diverse and contradictory that there cannot be any easy and straightforward decisions. Only gradual, careful, and constructive work of all interested parties can produce the expected result – a unified democratic federation of free and independent members.

It is a well-known fact that federalism is not simply a form of state system. It is rather a search for compromise, which is often very painful for statesmen and politicians, as well as for the broad masses of the population. Federalism provides an instrument of dialogue for overcoming contradictions that at first seem to be unresolvable. At the beginning of the twenty-first century, the peoples of Russia are searching for their unique way of historical development on the road of federalism. Improvement of federal relations and strengthening of the Russian State are one common task of today. Great work for resolving many problems and contradictions in federal relations still lies ahead. The Congress of the Peoples of Russia could serve the purpose of consolidation of all political forces, peoples, and religions of the Russian Federation. Russia, as any other state, has its own unique history. The responsibility for history and future generations of Russians should provide the basis for policy and actions of all levels of power, the people who determine the future of the country and its peoples. Many centuries of coexistence of many generations of peoples that today constitute the Russian Federation, the unique history and rich traditions of every one of them and, most important, their right to live in this country and to govern it – all this makes the historical legacy of our state.

Federal minister German Gref and others

We have become hostages of the economic model, which was based on populist policy.

Vladimir Putin

Yeltsin's economic policy, which was being implemented by the ever-changing governments of Russia in the 1990s, was named "populist" by Vladimir Putin. At the same time, Putin perfectly understood that, since for some time, he headed one of the governments, he, therefore, shares a part of responsibility. By this, the President of Russia demonstrated to society that he is determined to change the economic policy of state, which has become ineffective and unpopular. This time Putin relied on German Gref, native of Saint Petersburg, who was put at the head of the President's new economic reform.

The future of Russia in the new century will in many ways depend on the implementation of the economic program prepared by the Center for Strategic Development and adopted by the government of the Russian Federation. It is sometimes referred to as the "program of German Gref," who was one of its main authors. This program as well as its authors was

subjected to serious criticism by politicians, economists, entrepreneurs, and producers. Of course, many believe that the implementation of this program would lead Russia toward stable economic development and help the revival of the Great Power. Some doubt its effectiveness, saying that such a program would only turn Russia into a “natural resource appendix of the West,” its implementation is very problematic and there is no time left for an alternative program.³⁶ Some positive changes caused by favorable world oil prices in recent years created an illusion of effective economic policy. The economic growth in 2000 was very unstable. In 1998, the seeming prosperity has already brought the country to financial collapse. In his Address to the Federal Assembly in July 2000, Vladimir Putin noted that “today’s economic parameters look very optimistic compared to the one of yesterday. Yet they are very modest compared to other countries, which advance much faster and stably.”³⁷ Some of the economic growth at the end of 1999 only to a very limited extent related to the reform of the economic mechanism. In many ways it was a result of the favorable world economic climate. Russia needs an economic system, which would be competitive, efficient, socially justified, and which would secure a stable political development. Carefulness and a certain pessimism of the President, according to some experts, are well grounded. There is an evident danger that positive tendencies would not continue in Russia. The primary causes of economic instability are still the same. Basic principles of economic development change very slowly. And there are no sound reasons to associate weak positive trends with Gref’s program, though, compared to the post-default period, the general situation has definitely shown certain signs of improvement.

After the system crisis of 1995–8, which resulted in financial catastrophe on 17 August 1998, the Russian economy has gone through two stages of renovation. The first stage went from October 1998 to April 1999, and was characterized by the positive effect of the ruble’s devaluation. This process was very painful for the population but advantageous for the producers. It increased the profitability of exports by two times and caused a substantial decline in imports, which were replaced by domestic products.

When the positive effect of the first stage was exhausted, world oil prices suddenly went up. Already in March and April 1999 there has been substantial growth, which affected the entire economy. Gradual saturation of the economy, with the money of the exporters, created a better financial situation in the country and caused the second growth stage. The economy has grown somewhat compared with the pre-crisis level. First of all, formal parameters of the economy increased. New economic expectations in society have grown as well.

For the first half of the year in 2000 the industrial production volume, compared with the same period of 1999, went up by 10.3 percent. This

had never happened in the previous ten years. The actual income of the population has grown by 8.2 percent, though, since the time of crisis (1998), it was still lower than in 1997. Many economists do not share the optimism of the Russian government about the state of affairs in the country's economy. It is true that macroeconomic parameters of 2000 looked the best when compared to all previous years of reforms. However, it should be noted that, by the end of the century, the Russian economy had already used up its potential to substitute imports with domestic products. The growth of industrial output slowed down and stagnation is apparent.

The outpacing growth in the expense-producing industries (electric energy, oil and gas production, transportation) decreased the competitiveness of domestic producers and account for the growth of imports. The Center for Macroeconomic Analysis and Short Term Forecast, headed by Andrei Belousov, noted in its report for 2000 that the economic situation in the last months of the year (the first year of Vladimir Putin's presidency) had a clear tendency toward stagnation.

The GDP volume by the middle of 2000 was growing by 1.2 percent monthly (taking into account the seasonal factor). Whereas industrial output in July increased by only 0.6 percent and went down by 0.9 percent in August. The increase in industrial production by the middle of 2000 was 5.6 percent. The yearly ration of industrial production compared to 1999 was 108–108.5 percent and GDP was 106.5–107 percent.

Already in the first half of 2000, GDP surpassed the level of 1999 by 7.5 percent. Industrial production for the same period rose by 10.3 percent compared to the same period of 1999 and by 13.8 percent compared to 1998, the crisis year. According to the Center of Economic Conjuncture, the share of the companies which intend to increase their production is much greater than the ones which plan the opposite. They state that 54 to 57 percent of companies forecast an improvement of their financial situation. Many companies are very optimistic about receiving new bank loans.

At the same time, transition toward stagnation in August 2000 became a significant factor, which affected most of the branches of industry.

This shift in economic trend was accompanied by worsening financial standing of companies. If, at the end of 1999, the profit rate of manufacturing companies reached 21 percent, during the entire second quarter, it was already at the level of 16–17 percent. The liquidity of manufacturing companies by the middle of 2000 was 6.6 days as opposed to 7.7–8.4 days in the second half of 1999. The growth of the outstanding accounts payable resumed but, at the same time, the tendency for build up of companies' working capital was preserved. The new distinctive feature of the situation that evolved by the beginning of 2001 was the fact that turnover of goods and investments was becoming the main parameter contributing to growth of the Russian economy. Import substitution and exports ceased to have any significant influence on the growth of domestic consumption.

The turnover of goods was closely tied to the real income of the population, which did not exceed the limits of stagnation fluctuations. With the new tendencies taken into account, the yearly index of real disposable income of the population constituted 109.5–110 percent.

In the investment activities, an intensive growth in the period from December 1999 till May 2000 stabilized at the level of 19–20 percent. The overall investment volume in the Russian economy was 115–117 percent compared to 1999. Exports, which had been steadily increasing in 1999, gradually started to decline. Another tendency was the increase in imports, which has been at a stable level for quite a long time (since the second quarter of 1999). In the beginning of 2001, the dynamics of investments and turnover of goods became the determining factors for the growth of the Russian economy. Import substitution as well as exports were no longer affecting the growth of the domestic production. The significance of domestic end-product demand also increased substantially.

Stable investment growth in 2000 reached the record level of 14.3 percent. Therefore, one could speak of the final end of investment crisis, which developed during the last years of the millennium. This was also possible due to the fact that the natural monopolies did not raise energy prices for quite a long time (September 1998–May 2000). However, already by the second half of 2000, Chubais (United Energy Systems) and Viakhirev (Gazprom), the main monopolists, who set the energy prices, managed to get into a major conflict with each other. The situation even required the interference of the government and the President of the Russian Federation. The society was now discussing the coming structural crisis of these monopolies.

Nevertheless, the general world market situation in the second half of 2000 remained very favorable (high oil prices, which did not go lower than USD 22 per barrel). The Arab–Israeli conflict in the Middle East also prevented world oil price decline.

By May 2000, export volume rose by 1.8 times and reached 9 billion dollars, and imports increased by 1.5 times and surpassed the figure of 3.5 billion dollars. Export surplus (23.9 billion dollars) was two times larger than in 1999. Preservation of these tendencies leads to the expectations of export surplus of not less than 50 billion dollars, which is 1.5 times higher than in 1999 (34.3 billion dollars).

The indicators of the living standards, however, did not reach the pre-crisis level, since all achievements in the economy were happening in the background of exceptionally low living standards of the population. The people patiently bore the hardships of the August 1998 crisis entirely on their own. The majority of Russian citizens felt similar inflation pressure after oil prices went up. Truly, monopolies are getting even richer and ordinary people become poorer! The growth in oil prices caused the increase of energy prices and cost of living. However, as always happens,

the inflation rate grows faster than salaries and pensions. The cost of rent and utilities grows, food becomes more expensive, and the population, which is tired of market surprises, does not have any relief. In the same way, the well-being of the state and prosperity of monopolies is based on the impoverishment of the people.

According to the official data of the State Statistics Committee, in the first quarter of 2000, 59.9 million Russians (41.2 percent of the population) had incomes which were below the official minimum living wage. The retail turnover, even though it has grown by 7.6 percent compared to 1998, experienced a sharp decline and later was 6.2 percent lower than in pre-crisis years. The real income of the population by the end of 2000 was lower than in 1998 by 17.6 percent.

In German Gref's report, it was noted that the government scenario for economic development presumes 4.5 percent GDP growth for 2001–2 and 5.5 percent for 2003. This means that, in the nearest years, certain stabilization of the depressive Russian economy is projected, and ten to twelve years will be needed in order for it to reach the pre-crisis level. The government counts on preservation of the basic line of the recent economic policy. Economic growth is perceived as the advancement of part of the policy which remained active through 1999. This scenario ignores the reserves which have been accumulated during the crisis years. They have been formed as a result of withdrawal of production means, natural resources, and even finances from the economic turnover. These reserves create a totally new possibility for rapid economic growth after appropriate adjustments of the economic policy for the initial period.

Through the natural course of events, these reserves would either cease to exist or, in the best case, would substantially decrease in the time included in the government's forecast. The implementation of the program prepared by Gref's team would, at best, secure the status of Russia as a developing country (i.e. not among the top countries in this group). This would be achieved through a voluntary refusal to utilize the accumulated industrial potential.

The situation in the price sphere in June–September 2000 was characterized by decreasing inflation. The consumer price index by the middle of the year was 101.8 percent, which was lower than in 1999. High inflation rates in the production sector were a result of growing energy and transportation costs.

The decrease in the issue of money naturally led to a decrease in cash supply growth rates, which reached the level corresponding to the inflation rates. The changes, which took place in 2000, show that the situation in the monetary and credit sphere is becoming more balanced. The factor of excessive hard currency supply lost its significance somewhat, the dynamics of monetary supply and demand became more co-ordinated, and the cash supply pressure on the consumer market weakened.

Regretfully, current growth parameters are not long-term oriented, and cannot secure a stable growth of the economy since they are originated by ruble devaluation, shrinking imports, and stimulation of the domestic producers. Substantial growth was achieved at the expense of a build up of military produce. The highest growth rates were in communication (more than 50 percent) and electronic (40 percent) industries. The authors of the program, headed by G. Gref, in essence reproduce the American model of "Washington consensus," which has already been recognized in the world as faulty. This approach brought Russia into debt slavery. According to L. Abalkin, Gref has a very vague understanding of Russian reality, the mentality and psychology of the Russian people. For instance, the new program presumes an advance of energy prices in Russia to the world level. If this would be implemented, the Russian economy would become noncompetitive in principle. Because of the country's climate, geography, territory size, and level of energy supply, transportation costs would always be higher than in Sweden, Germany, France or Great Britain. This initial disparity of production conditions puts Russia into an unequal situation on the world market. Therefore, it should be compensated by government support of domestic producers.

If we take into consideration these resource limitations, the actual growth would be 1–1.5 percent and not 5–6 percent, as it is projected by G. Gref. The competitors have much higher economic parameters, which can make a country a leading power. For this reason, the program, which was prepared as a recipe for the salvation of Russia, is untenable in essence and presents an obstacle for further development of the country as an integrated and unified state.

It is well known that if the income ratio of 10 percent of the richest and 10 percent of the poorest is higher than 1:10, the country enters a phase of conflicts, which are followed by social upheavals. In Russia, this ratio is 1:15. It is obvious that the country's liberal reformers have overestimated the potential of Russian society. The program also proposes to transfer the tax burden from companies onto the population. But with the existing level of incomes, this task simply cannot be realized. Only after personal incomes grow 2–2.5 times, would it be possible to talk about a real tax base for ordinary citizens. Underpayment for labor, which has taken place in Russia for ten years already, causes a decline of the birth rate and the gradual dying-out of the nation. Today the country incurs large expenses for unemployment allowances. German Gref suggests closing down all unprofitable enterprises, but today the absolute majority of enterprises in Russia are unprofitable. In the conditions of a deficit money supply and the presence of many types of money substitutes, when workers are paid by unsecured bills and receipts, or even by the actual products, it would make absolutely no sense to talk about closing down the unprofitable companies, especially when industrial

production has only just started to grow. An increase of monetary supply and an improvement of solvency of the companies can only be gradual. And, of course, this requires time.

For the next two years the program proposes to decrease exports from Russia and increase imports by 14 billion dollars. This would be a tangible blow for the domestic economy. The Program for Revival of Russia (not Gref's program) should contain not only the main development parameters for all the branches of the economy but also reflect the interests of the regions. The adopted budget for 2001 redistributed tax receipts in favor of the federal budget. This makes the regions less interested in increasing their financial resources.

Therefore it is evident that the new era has come – the era of German Gref. And again we hear the government's statements about the big plans and the greatness of the economic reforms. The poet Mayakovsky was right when he said: "I love the greatness of our plans!" Probably no other country in the world has exceptional epoch-making programs and strategies! Especially when the ghost of the epochal program by Victor Chernomyrdin still flies over the country.

According to O. Dmitrieva, a State Duma Deputy, the budget of 2001 marks a revolution in the interbudgetary relations (another one!). Before, the income distribution ratio between the federal center and the regions was 50:50 and this was secured by the Budget Code. In the budget of 2001, this ratio changed to 60:40 percent in favor of the federal center. The Budget Code, which has a force of a law, was easily disregarded! Dmitrieva also notes that this regional policy is similar to that of the USSR, which has nothing in common with liberalism! This attitude withdraws the resources for economic growth from the faster-developing regions and stimulates the socio-economic dependence of less-developed regions.³⁸

But let us not get distracted by a very specific example and return to the main subject of our study. Let us review the Plan of the Government of the Russian Federation in the Sphere of Social Policy and Modernization of the Economy for 2000–1.

The social policy and measures for the modernization of the economy of government of the Russian Federation were called for in the Annual Address of the President of Russia to the Federal Assembly in 2000. Strategic orientation points for the advancement of the state were determined in the Basic Directions of Long Term Socio-economic Policy of the government. According to the authors of this document, the main priority for the social policy of the state is investment in human resources. It projects accelerated growth allocations for this purpose from the budgets of all levels, compared to other government spending (now it is clear where the additional 10 percent, which is taken away from the regions, will go). Let us review the main strategic goals of this Plan offered by the government to the people of Russia:

- the rights of all the citizens for education, which in its structure and quality corresponds to the needs of a developing economy and civil society;
- public health based on widely accessible medical treatment and a higher quality of medical services, as well as the advancement of sports and popular physical culture;
- the cultural heritage of the country, securing the unity of the cultural space and accessibility of the cultural values to the population;
- an effective, civilized labor market;
- government aid to the population;
- financial stability of the pension system, increasing the actual size of pensions;
- the right for housing, taking into account a citizen's paying capacity and demand in accordance with the social housing standards.

The achievement of the stated tasks would be possible only after a radical modernization of the economy. Only economic growth, which would outpace the growth rate of the world economy, would provide a necessary base for an improvement in living standards. In this case, the economic policy would be predictable and directed toward establishing a favorable business and investment climate in the country. The government's efforts should be concentrated on securing an equality of opportunity in competition, protection of property rights, elimination of excessive administrative barriers for business, and increasing the transparency of companies and organizations.

The key direction of economic policy should be the establishment of a financial infrastructure, which would effectively transform savings into investments. Tax and customs reforms have their goal in finding a proper combination of stimulating and fiscal roles of taxes. This can be achieved only through lowering and equalizing the tax burden, a simplification of the tax system, a lowering and unification of customs duties, and strengthening tax and customs administration.

In order to stabilize the financial situation, the government of the Russian Federation should implement a consistent financial policy, based on harmonizing the liabilities of the State with its resources, increasing the efficiency of the budget system, clear delimitation of budgetary powers and responsibilities of various levels of government.

The main priorities for foreign economic policy should be further integration of Russia into the international labor division system and assistance for restructuring the economy. One of the principal tasks is bringing the national legislation into accordance with the requirements of the World Trade Organization and completion of the membership talks with the WTO.

According to the opponents of these plans, if Gref's program was fully

realized, the decline of the economy leading to an impoverishment of large groups of the population would become inevitable.

The budget of 2001, the main financial law for the year, is based on a totally new ideology, which makes it actually the first market economy budget of the government of Russia. The innovations of the new budget are concerned with the interbudgetary and tax relations, the financing of industry and agriculture, external borrowings, and the financing mechanism of the military. The budget takes into account the need for rearmament of particular branches of the armed forces, particularly the navy, an imperative task after the "Kursk" submarine accident.

The budget adoption procedure demonstrated the new style of relations between the legislative and executive powers. For the first time, prior to submission of the draft law to the government, a tripartite commission was assembled. It was composed of members of government, State Duma and Federation Council.

The consolidated budget for 2001 amounted to 2 trillion, 73 billion rubles. The federal share constituted 57 percent, whereas the regional part was 43 percent. Therefore, the budget law settled the financial ratio, which was long-disputed in the Federation Council. At the same time financial aid to the regions amounted to 206 billion rubles. This sum includes direct transfers from the federal budget (more than 90 billion rubles from the Fund for Financial Support of the Constituent Parts of the Russian Federation, 6.8 billion rubles for delivery of products to the Northern regions and 1.5 billion rubles for the compensation of electric energy for the territories in the Far East and Archangelsk Oblast). The budget also includes the 20 percent inflation rate. If Road Fund expenses and social allowances were taken into account, the total budget spending in 2001 would be two times higher than in 2000.

Radical changes were made with regard to financing the regions. Beginning in 2001, the Ministry of Finance started to apply the so-called "tax scale" to the regions. This means that, after analysis of the economy of the region, its tax potential figure is determined. This parameter, in turn, is compared to the spending needs of the region. The deficit is then compensated for from the federal budget. According to financial experts, this allows the Ministry of Finance to abolish the practice when the governors covered up the benefits to local producers or their own inaction in tax collection with the urgent help from the federal budget. Now the regions can improve their financial situation only by strengthening their own tax administration. Only budget practice will show whether this novelty would be beneficial for the donor regions. They do not even think about transfers from the center since, for them, federal programs remain unrealized dreams.

The defense spending is worthy of special attention. The defense budget was increased to 206 billion rubles (compared to 140 billion in

2000) and, as it was stated, it should be implemented within the treasury rules. For the first time, the federal budget had a separate article, “for reforms of the Armed Forces.” Financing amounts for the navy, after the tragedy in the Barents Sea, are still being defined. The size of defense spending was the largest in the last three years.

The budget article for social policy does not include the spending on healthcare and education. It provides for social aid to the population, pensions for the military servicemen, and allocations for the Pension Fund of the Russian Federation, maintenance of social security departments, migration policy, and children’s allowances. In comparison with the year 2000, the size of this expenditure grew both in nominal and actual figures. Favorable crediting for the industry no longer exists and yet overall industry expenditure increased from 23 billion to 42 billion rubles.

The Federal Target Investment Program was prepared as a separate document. It included government investments toward federal target programs (which were significantly cut down) and certain construction projects for the federal government. Here donor regions have something to think about! Now they pay much more taxes to the federal budget and do not receive transfers, and yet federal programs were reduced. Moreover, at the time of negotiations on the interbudgetary agreements between the federal government and regional authorities, the federal government promised to compensate the re-distribution of taxes in favor of the federal budget by increasing funding of federal programs. Unfortunately, this did not happen. Arbitrary administration replaces real federalism! The number of financial problems in Russia does not decrease, federal projects are not being realized, and donor regions become poorer. Russia cannot regain the status of a Great Power at the expense of weakening the donor regions. The attempts to equalize all constituent parts in poverty and achieve a symmetry in economy would lead Russia even further from the status it is aiming for.

The budget funding for agriculture amounts to 15.7 billion rubles. The budget no longer provides credits for the sowing and harvesting campaigns, and only partially finances fuel costs. At the same time, the interest rates on agriculture loans at commercial banks are being subsidized. But, in order for a farm to receive this favorable loan, it has to repay its debt on time. This is a good idea, but only time will show whether it will stop the process of throwing out billions toward the ill-fated branch of the country’s economy. So far, the debt of the agricultural industry before the government constitutes 180 billion rubles and it remains underpaid (180 billion rubles equals ten yearly budgets!).

The actual projection of the budget, without consideration of external debt repayments, was planned at 3.9 percent of GDP. It was projected that external borrowing limits set by the law (158 billion rubles in 2000) would decrease by 1 percent. Russia started to recover after the collapse.

Several programs proposed by the government could not be adopted, but only because they were based on a faulty understanding of the interests of the state at the expense of its citizens. The funding for the social obligations of the state experienced the major cuts. Social aid was treated according to the financing amounts and not according to the purpose of a particular program. For this reason, in practice, many programs could not be implemented.

The situation in the regions could be helped by establishing a mechanism of federal control over the budgets of the regions that receive financial aid from the center (up to the external administration of the budgets with a high share of government aid). The authorities of the recipient regions should be taken away because of the temptation to overstate the minimal wage in their reports.

The Gref's program projected GDP growth of 30 percent by 2004 (with average yearly growth of 6.8 percent) and 70 percent by 2010 (with an annual growth rate of 5.4 percent).

For some reason, very important liberal measures were not included in the program. The authors of the program "forgot" about antimonopoly policy, though excessive monopolization is a distinctive problem for Russia. It is clear that, without restrictions on the monopolies, the state would not improve the situation in the economy. There is a danger that the advent of a new political "team" would be accompanied by fights with the "old teams" over the most efficient companies and their financial flows. In the background of high-sounding statements about the inviolability of property rights in Russia, which have not been supported by actions, one may notice the signs of a new battle for property re-division. Restructuring of natural monopolies (United Energy Systems, Gazprom, Railways, Sviazinvest), and the nuclear industry, threatens the country with the possibility of technological disasters.

The inadequate character of the government's economic policy leads to negative attitudes in society. As a consequence, there is growing capital outflow from the country (first of all, the unofficial outflow). Another "destination" of this capital is to the "shadow economy." In order to prevent this, in addition to the normalization of political life, there has to be an improvement of the economic policy.

In the near future, many economists forecast that Russia will encounter the following problems: in 2003 – an external debt crisis (the payments will increase 1.6 times, approximately, from 10 to 16 billion dollars); in 2004 – the beginning of mass malfunctioning of electric power stations due to excessive wear-out of the facilities and depletion of oil and gas fields due to their exhaustion; in 2005 – the beginning of considerable decrease in oil prices caused by the technological advancement of the most developed countries.

Therefore, the implementation of German Gref's program presents a

real threat to the Russian national economy since it supposes almost complete inertia of the state (including the surrender before the natural monopolies) and gives way to chaotic re-division of property. If the country follows the directions of this program, already by 2003 large foreign debt payments would break the positive tendency and recession would resume. M. Deliagin gives Russia the most severe sentence saying that “in the second half of the twenty-first century the described development of the situation may result in political and economic break up of Russia.”

At the session on 28 June 2000, the government of the Russian Federation (Protocol No. 29) approved the “Basic Directions of Social and Economic Policy of the Government of the Russian Federation for the Long-term Outlook,” which were prepared by the Ministry of Trade and Economic Development of the Russian Federation in co-operation with federal executive authorities and the Bank of Russia. These “Directions” were based on the “Russian Federation Development Strategy until 2010” prepared by the Center for Strategic Development, headed by German Gref. The document singles out three main tasks: establishing a new social contract, reform of power, and modernization of the economy.

According to the authors, economic growth can be attained by combining several factors: accumulation of capital and intellectual resources, more effective use thereof, and support of business initiative. Lower administrative and tax pressure on business would be effective already on the first stage of reform through increasing labor productivity and utilization of unused production capacities. On the second stage, the economic liberty should manifest itself in a growing efficiency of investments, attracted by government economic policy. Special measures are projected for the modernization of the economy: improving legal and informational conditions for economic activity, equalizing the competitiveness of economic entities, lessening administrative regulation of economic activity, developing financial markets and institutions for creating a favorable investment and business climate. This should be accompanied by projected measures for an improvement of budget policy and interbudgetary relations, reform of tax and customs systems, implementation of credit and monetary policy.

Strategic directions and orienting points for an improvement of structural policy were also planned. They included management of government property, innovative development of the economy, modernization of transport and production infrastructure, and reform of natural monopolies. Special restructuring measures were also planned for the railways, fuel and energy, defense and agriculture industries, development of land and real estate markets, as well as the intensification of foreign economic relations.

In social policy, as it was suggested, the policy projected a shift from a paternalist relation to a subsidiary model of a state. The government

should guarantee accessible and free-of-charge basic social services to all citizens (based on the minimal social standard), first of all being healthcare and education. The social expenditures of the state should be redistributed in favor of the least protected population groups by decreasing aid to families that are well off. This would lessen the social inequality and allow citizens to enjoy a higher level of social services for their earnings.

Necessary resources and institutional reforms were also planned for education, healthcare, sports and physical culture, and tourism. Special measures were proposed for the improvement of labor relations, employment and social support (pension reform, housing and communal service reform, government policy for the Northern regions, migration policy).

In June 2000, the Federation Council of the Federal Assembly of the Russian Federation sent German Gref its proposals on the “Russian Federation Development Strategy until 2010.” The first problem that has to be resolved is the choice of goals and priorities for social and economic policy. As was mentioned in the document, formally there is wide social agreement about the goals of the social and economic policy. They include strengthening the government role in the economy regulation, creating conditions for the economic growth, increasing the competitiveness of domestic companies, speeding up scientific and technological progress, improving the state finance system, and normalization of money circulation. The basic goals also include: increasing the efficiency of social policy, securing property rights and other legal conditions for effective operation of the market economy, and protection of the national interests in foreign economic and political spheres.

The Federation Council gave a positive evaluation to Gref’s “Basic directions” noting that agreement of all sides with regard to the stated goals creates conditions for elaboration of a co-ordinated program for overcoming the crisis and improving the economy of the country.

At the same time the Federation Council noted that the strategy for economic revival based on intensification of the government control over the economy, which guarantees a stable defeat of crisis, was already thoroughly reviewed in the documents of the Federation Council in 1996–2000. According to this strategy, the key element in strengthening the government’s role in the economy is the budget policy. It should be constructed based on the economic growth management in the framework of the economic cycle. The government should ensure a considerable increase of financial resources of the state, which are required for its effective operation in order to raise living standards and improve the economy.

The budget itself should become the main instrument for stimulation of economic growth and regulation of the economic structure in accordance with long-term national priorities. This would be attained both through proper taxation policy and a government expenditure policy that

encourages national consumer demand. For this there has to be radical and not just superficial reform of the tax system, currency regulation, including raising the non-tax budget receipts, and revision of state expenditure through major changes in the investment policy.

This would help to create conditions for speeding up investments, which are the main factor for economic growth, as well as an increase in demand for domestic products. In this case, businesses will no longer need to hide their activity and export the capital. There would be new stimuli for investing capital into production.

A further financial basis for growing investment would be the involvement of funds from other sources into the investment process. These include people's savings, companies' funds, which have not been fully used, as well as the funds from the "shadow sector" of the economy and capitals, which have been taken out of the country due to an unfavorable investment climate. If the internal investment potential of Russia was fully used, it would be possible to increase annual investment volume by 2–2.5 times, not counting the initial leap caused by the inflow of capital. However, this would require radical changes in the economic policy and investment climate, which cannot be done instantly and needs additional preparatory work.

The main priorities of the social and economic policy of the Russian state at the modern stage of development were defined in the report entitled "Priorities of the Budget Policy and Formation of the Federal Budget Concept for 2001," which was approved by the Resolution of the Federation Council No. 71-SF of 19 April 2000.³⁹

If one considers the national interests of Russia, there is an evident need for a different strategy for economic development. Its implementation would require major adjustments of economic policy, active government support of domestic producers and expansion and renovation of industrial potential. According to the experts of the Federation Council, government policy should be fully in line with the strategic goal of the upturn of the Russian economy and protection of the national interests on internal and external markets. It should not be based on abstract opinions and theories, which have been formed in the completely different economic and social environment of developed foreign states. The Federation Council insisted that the principal task in the present situation is not reduction but rather strengthening of the government influence on the economic processes. Only government support would allow many Russian companies to survive. This is especially true for the processing industry, which today cannot compete with their foreign counterparts in technology or financing.

The matter of state involvement in the economy remains a crucial one. The government of the Russian Federation has to decide already whether it will support the national economy until it becomes strong enough for

independent development in the conditions of tough international competition or let it perish for the sake of the triumph of the “liberal idea.”

The state should master the instruments of price regulation in the conditions of the market economy and provide the necessary legal and organizational conditions for effective functioning of market competition mechanisms. The Federation Council clearly stated its opinion on this problem: “It is necessary to strengthen government control of prices and tariffs for the products of natural monopolies and other branches of industry with high level of monopolization . . . [and] to consider revision of price formation proportion in favor of the processing industry and agriculture.”⁴⁰

It is necessary to strengthen the government regulation of financial markets, harmonize monetary and credit policy with the monetary circulation in manufacturing, create conditions for investment activity growth, and secure transparency and responsibility in the implementation of government monetary and credit policy. The Resolution of the Federation Council No. 198-SF of 11 June 1997 states that the priority tasks for government regulation of the economy should be the normalization of monetary circulation, elimination of the causes of the nonpayment crisis, restoration of the working capital in the production sphere, de-dollarization of the economy, and the replacement of monetary substitute with real means of payment.

Other projects that, according to the Federation Council, require coordination between the government and other participants of the federal process include:

- proposing amendments to the Federal law “On the Central Bank of the Russian Federation (Bank of Russia),” prepared by the Federation Council;
- securing the predictability and stability of the monetary and credit policy;
- a reduction of the loan interest rates to a level suitable for investments and crediting of production;
- creating mechanisms for favorable crediting of production;
- taking the inventory of the Bill of Exchange in order to normalize the payment turnover in the production sphere.

The Federation Council also expressed its opinion on the competitiveness of the domestically produced goods. The government of the Russian Federation was advised to adopt measures necessary to support exports of Russian goods with high added value; alter the customs policy by adjusting it to the real interests of domestic producers; strengthen the quality control of the imported goods; abolish certain customs privileges for

import; adopt effective measures for raising the competitiveness of domestic goods and protection of the market from poor-quality imports; introduce certification of all imported machinery; co-ordinate the position in the World Trade Organization membership negotiations with the opinion of the Federation Council; restore effective management of military technology co-operation.

Today there is a social demand for active government support for stimulation of capital investments and innovative activity. It is necessary to overcome the recession in production and prevent under-utilization of production capacities.

According to the recommendations of the Federation Council of 18 February 1998 (No. 54-SF), it is necessary "to suspend the privatization of the defense industry companies until the concept for restructuring of the military industrial complex of the Russian Federation is adopted."

The Federation Council suggested to the President of the Russian Federation, in co-operation with the government of Russia and heads of the constituent parts of the Russian Federation, to consider the problems in the course of the agriculture reform. Of particular concern was the lack of regulation of the land issues and the unprofitable nature of the majority of agricultural companies. It was recommended to estimate the situation in the agriculture sector and adopt urgent measures for government support of agricultural producers. German Gref did not suggest adequate solutions to the problems that are evident in the country. This concerns such acute matters as the adoption of the Land Code, an elaboration of the federal program for land reform, speeding up the creation of the Land Cadastre of the Russian Federation, compensation of financial losses to domestic agricultural producers, which were caused by disparity in prices of their products and production assets. The Federation Council insists that domestic agricultural producers should be protected through proper customs duties regulation on products, raw materials, and food stuffs, as it is provided by the Russian Federation law, "On Customs Tariffs" and federal law, "On State Regulation of the Foreign Economic Activity."

A Federation Council letter addressed to German Gref also considered the second group of tasks concerned with urgent measures for overcoming debt and the budget crisis.⁴¹ The document particularly noted that the existing budget system does not correspond to the federal structure of the Russian state, especially with regard to the regional budget receipts, which are necessary for the performance of functions secured in the Constitution of the Russian Federation. This state of affairs not only has a negative effect on the social and economic development of the regions but also worsens the overall political situation in Russia. The regions are being pushed into "artificial separatism," and there is a growing gap between the donor and recipient regions, although all citizens of Russia are equal taxpayers, regardless of their place of residence.

The Federal budget of Russia is not oriented toward a long-term development strategy and remains an instrument for the resolution of current problems. Many budget articles still lack clearly-stated purposes for the allocation of budget funds. The outlay policy of the government is still based entirely on spending and does not target any yield of the spent funds. It would be legitimate to pose a question about the radical revision of the budget policy in order to streamline it with the long-term priorities for the improvement of the social and economic situations.

The Federation Council also emphasized that the “unstable economic situation in Russia, low security indicators, which demonstrate the possibility of a new major recession in case of worsening of favorable market situations – all this makes budget reform the first and foremost priority.”

The growth of production output and incomes of the population are closely connected and, therefore, government financial policy should target the increase of overall social demand (both consumer and production).

The government should elaborate one unified system of economic norms and minimal social standards. In order to reflect regional differences and provide equal minimal social and economic conditions on the entire territory of the country, a system of social cadastre of the region has to be created. It would reflect the specific features of a particular constituent part of the Russian Federation according to a wide range of social and economic indicators.

A socially oriented economy is not a matter of choice for those in power. It is an imperative necessity for any society that guarantees the solution of the following problems:

- subordination of production and economy to the interests of the citizens;
- satisfaction of the social needs with the redistribution of the national income through the state budget (non-budgetary funds);
- the lessening social and economic differentiation, guaranteeing a minimal level of material benefits for every member of society;
- increasing the share of the middle class in the total population.

A lack of co-ordination in actions of the federal center and the constituent parts of the Russian Federation presents a serious threat for economic reform in Russia. For this reason, adjustment of the budget reform should be performed at both levels: federal and regional. This would significantly increase the role of the consolidated budget in the formation of the state budget policy and allow more effective use of government property. In the process of drafting and implementing the federal budget, there has to be clear delimitation of authority for receipts and outlays. The responsibility of each level of power for rendering government services and guarantees

also has to be clearly defined. The government has to adopt urgent measures to increase the profitability of the federal budget. This can be done through the strengthening of the currency control and consistent work for prevention of tax evasion during financial and commercial transactions. In this regard, co-ordinated efforts of all parties should be directed toward:

- radical reform of the tax system (the intention to collect taxes from the “shadow economy” has to be supported by appropriate taxation instruments, since current tax regulations cannot be used for this purpose);
- reform of the government social support system in such a way that mass abolishment of benefits would not lead to the collapse of strategic links in the economy and social sphere;
- introduction of a state monopoly on alcohol;
- transfer of the entire profit of the Central Bank to the Federal budget and control over its origins;
- abolishment of the unfounded tax benefits for the importers and loopholes for evasion of customs duties;
- increasing the efficiency of state currency reserves placement;
- increasing the efficiency of the state property use, transfer of the dividend on shares of government-owned companies and banks to the federal budget.

In a federal state it is very important that the federal budget would not be a budget of the central government but rather a consolidated budget of the entire country. In this case, it would secure the unity of the nation and provide certain social guarantees to all citizens.

It would be beneficial to abolish the current practice when budget funds are distributed through an inflexible and very complex administrative system. This would allow an integrated solution for arising problems and would demonstrate the actual effect of budget spending.

Priority in direct government support should be given to the projects which target technology advancement and the renewal of the means of production. Major reforms are needed for the system of federal target programs. Today they not only do not contribute to the growth of investments, but simply waste budget funds. The principal flaw of the government target programs is in the lack of selection criteria and orientation toward clearly defined goals. The programs are often approved and financed with no further evaluation of their results.

The efforts of the State Duma, which was elected in December 1999, are directed toward support of the Federal Constitution and ousting of the law of treaties from the budget relations. The present model of financial equalization and transfers to the regions does not meet the requirements of an

effective economy of a federal state. The equalization is performed according to the total combination of the revenue sources of the constituent parts of the Russian Federation with no account for the status of each source. This practice leads to concealed redistribution of receipts from the fixed sources from one region to the other. As a result, the incentive for widening the income base of the regions is being destroyed, since any increase of receipts has to be redistributed. Sharp aggravation of vertical and horizontal imbalances of the budget system in Russia requires an active budget equalization policy. These problems cannot be fully resolved by an improvement of the forms of budget support and its calculations methods, or by an optimization of federal tax distribution quotas, by abolishing the distribution benefits. Any additional transfer of expenditure powers from the federal budget to lower levels would only worsen the vertical imbalance along the center–regions line. An effective and transparent budget support system has to be set up. It should be evaluated according to social parameters and quality of the people’s living standards. The system of budget relations should be supported by an appropriate legislative base, which would define control mechanisms. This work should be carried out in a systematic and consistent way.

The strengthening of financial independence and self-sufficiency of the regions play key roles in the social and economic development of the country. According to the principles of budgetary federalism, this work can be done through increasing the role of the regional budgets and sufficient financing of each level of government for the realization of its powers. A special system for the evaluation of social and economic independence of the regions, which was elaborated by the Security Council of the Russian Federation, awaits its implementation. The unity of the financial, budget and tax systems of the Russian Federation should ensure effective regulation of the territorial budgets so that fixed receipts would dominate in each territorial budget. Regulations for the fixed receipts should be long term and approved every three to five years. Financial aid to the regions through transfers for guaranteed social and living standards should not depend on subjective decisions of the federal government officials. Budget relations should be entirely based on the laws and the Budget Code. There should be wider use of the territorial structure of the federal treasury in order to accelerate payments, prevent reciprocal money flows, and organize effective control over the targeted use of funds. It is necessary to leave the practice of investment in backward regions and introduce contest investments in the regions with high economic growth while, at the same time, providing for the equal rights of all regions of the Russian Federation in the budget relations. Special measures have to be implemented in order to prevent the introduction of privileges for the regions, legal entities, and ordinary citizens if these privileges cannot be properly financed from the budget. Otherwise, this practice

would lead to lower budget receipts as well as a deficit of the federal budget and the budgets of the constituent parts of the Russian Federation.

Transfers and grants should not have any restrictions based on their purposes. Distribution of financial transfers to the regions and delimitation of tax responsibilities should be directed by clear regulations based on the actual needs of the regions. Shared financing both from federal and regional budgets could provide a much better funding for numerous investment projects. This would enable many Russian companies to produce hi-tech products, which would be competitive in the world markets.

In the medium-term outlook, it would be necessary to abolish the division of the constituent parts of the Russian Federation into groups and introduce individual treatment for each of the regions. Listing the Fund for Federal Support of the Regions (FFSR) as a special federal budget article would enable better expenditure accounting for this fund and improve transfer transactions. Implementation of new evaluation methods for FFSR, which would reflect the financial balance of the constituent parts of the Russian Federation and municipalities, should be an integral part of the interbudgetary relations reform.

Production support measures should include better crediting of the economy, lower interest rates on loans, the lessening of the tax burden on the production sector, lowering tariffs and prices of natural monopolies, the decrease of cross-subsidizing, companies' debt restructuring, etc.

Structural reforms have to be carried out in all branches of manufacture. The government also needs to repay the salary debt and bring its social obligations in accordance with the actual resources available for minimal social benefits. Stabilization of the Pension Fund of the Russian Federation, additional measures to increase the target component of the social aid, as well as fair distribution of revenues and tax burden, are also among the actions that regions expect from the federal center.

Administrative and economic reforms cannot be successful without solving such vital problems as securing the social benefits, raising the living standards of the population, and rationalization of the social policy. It is very important to break the degradation tendency in society and preserve the human capital of the country. The resolution of the Federation Council No. 198-SF of 11 June 1997 formulated a package of measures

in order to complete formation of a system of social guarantees in salaries, pensions, allowances, scholarships and healthcare . . . introduce minimal government standards valid on the entire territory of the Russian Federation . . . implement a gradual transfer to normal financing of all parts of the social sphere, take measures for streamlining and raising the efficiency of the social privileges system.

This would require co-ordinated actions of all sides and particularly in:

- raising the salary level through better use of production capacities and the lowering of forced unemployment and implementation of a radical labor remuneration reform;
- maintaining a sufficient employment level by creating new jobs through appropriate credit and tax policy, implementing effective mechanisms for co-operation between the Federal Employment Agency and heads of companies and organizations, support for small and medium-sized businesses, domestic industry and self-employment of the population, backing the formation of municipal property, and widening employment in the communal services.

The problems listed cannot be resolved without a definite and clear policy toward the improvement of federal relations.⁴²

The majority of the members of the Federation Council were very critical about the tendency toward strengthening the “vertical line of power,” which disregarded the federal character of Russia. They insisted on the urgent need to streamline the treaty practice and implement federal principles in the tax and budget sphere. The constituent parts of the Russian Federation should have more authority in formulating the federal budget, monetary, and credit policy. Adoption of the federal law on the basic annual indicators of the federal budget would serve this purpose.

The editor of the economy section of *Kommersant Vlast* magazine, evaluating German Gref’s program wrote:

German Gref, the official chief government liberal, prepared a long-term social and economic development strategy for Russia. Naturally, it didn’t please everybody. Then the President decided to bless the preparation of a new alternative strategy. It was elaborated by the team of Russian scholars under the roof of the State Council, headed by Viktor Ishaev, the governor of Khabarovsk Krai. After that Vladimir Putin took Solomon’s decision and ordered a merging of both concepts.⁴³

The main advantage of the “Strategy” is the priority of the social issues. An attempt is made to outline ways to raise the living standards of the population, preserve accessible and free basic social benefits for all citizens, especially education and healthcare, re-distribute the social expenditure of the government in favor of the least protected population groups and cut financial assistance to families that are well-off, and lessen social inequality. The statement that active social policy should not be a restraint but rather a catalyst for economic growth gives hope. Regretfully, neither the Budget Address by the President of the Russian Federation

nor the federal budget for 2001 treated government expenditures and the growth in income of the population as resources for the advance of the economy.

The “Strategy” gives an objective and realistic evaluation of the state of the social sphere. It states that not a single social function of the state is performed to a full extent. At the same time, as is noted in the document, the strategic goal for the state is to decrease the number of social functions of the Russian state and transfer a major part of the social expense burden to the citizens. However, in this case, the “Strategy for Social Policy” of Gref contradicts the constitutional provision which declares the Russian Federation a social state (Article 7).

The plan is to transfer to the model of a “subsidiary” state, where assistance is given only to the poorest and least protected groups of the population. Today the income of 40 to 50 percent of the population is below the minimal wage and the middle class is not too distant from this level. Formation of the social policy according to the “subsidiary” state model may lead to a decline of the living standards of the middle class, since these people would have to cover most of the social expenditure when they do not have sufficient funds themselves. The “Strategy” is missing a section on reform of the income of the population, which would assist the formation of the middle class and define the role of the government in this process.

The government was advised to reduce and later abolish most of the privileges which have been introduced earlier. The “Strategy,” however, does not name any holders of the privileges or contain any proposals for the reform of the privileges system. For this reason it is hard to estimate the actual importance of this recommendation.

The suggestions for the pension reform listed in the “Strategy” include the gradual increase of the retirement age to sixty-five years for men and women over ten years, beginning in 2003. In the meantime, the average life expectancy for the citizens of Russia (sixty-one years for men and seventy-three years for women) is approximately ten years less than in countries with a developed economy. Today only 59.9 percent of men and 83.9 percent of women in Russia reach the age of 60. The increase of the retirement age would mean a sharp decrease in the number of people who would reach the pension age. In this way many people would not receive pensions. In 2001 the size of the pension was increased by 10 percent. Pensioners were given an opportunity to continue work with no payment reductions with a guaranteed pension of 600 rubles.

The reform of healthcare projects a 25 percent increase in spending. At the same time there are plans to decrease the amount of medical help rendered in hospitals by 30 percent. The lower capacity of hospitals, in turn, would worsen the social situation.

It is a pity that the “Strategy” has only a very abstract formulation of the

goals for the labor remuneration policy. The stated task, to return to wages its reproductive, stimulating, and regulating functions, does not give specific information concerning procedure and terms for its implementation.

Nevertheless, counter to what was said above, Russian society does not lose hope for the preservation of the economic growth, modernization, and stable development of the country, to the extent in which this progress would be possible in the unstable circumstances of present-day Russia.

Federation and state development: political parties' approach

We all came out of the Communist Party, even those of us who have never been its members.

B. Krutner, Russian journalist

By the end of 2000, the draft law "On Political Parties in the Russian Federation" was submitted to the State Duma. For several months Russian political circles had an abstract discussion about whether or not to reduce the number of political parties and make the multi-party system a real one. The main initiator of the "party reform" was the *Edinstvo* (Unity) group. Not long ago the abstract talks "materialized" – an appropriate draft law was prepared. The purpose of this law is to regulate the activity of political parties. Its thirty-seven articles tell who can create and abolish parties, as well as how, and for what purpose. The law also specifies what funding sources can be used for their activities and election campaigns. A political party is defined as "a voluntarily self-governed association of citizens" based on individual membership. The law recognizes only three categories of parties: all-Russia, inter-regional, and regional. The first should have no less than 5,000 members and be represented in "more than half of the constituent parts of the Russian Federation." The second type should have no less than 500 members and representations in less than half of the constituent parts of the Federation. Regional parties operate only within one constituent part of the Federation. The law widens political party membership opportunities. The President, Prime Minister, and Ministers can be members of individual parties. According to the law, government officials cannot be bound by decisions of the parties while exercising their duties and should be guided only by law and official instructions and regulations.

The existing political parties in Russia pay a lot of attention to their parliamentary work in the State Duma. However, not a single one of them has a definite program for federal state construction. Will acting parties give Vladimir Putin an opportunity to move toward a two-party system, which has been mentioned in public many times already? There are no

democratic countries where authorities are independent from political parties. The party component of power enables the preservation of continuity and creates conditions for consolidation of the country and implementation of a consistent and co-ordinated policy. It also provides additional ways to influence political elites in the regions. Power affiliated with parties has much more responsibility before the voters.

The Russian model of presidential power forces the head of state to be independent from the parties (or *above* the parties) for the same reasons, so that the governors are not interested in the parties' activities. The government, too, is not formed according to the party principle, although during election campaigns the Prime Minister can openly sympathize with one of the parties (as Vladimir Putin did) or even be its head (as was Viktor Chernomyrdin). Furthermore, there are no guarantees that the "party in power" would preserve its position until the next elections. When NDR (Our Home is Russia) ruled the country, the membership of many governors in this party was fictitious. After the break up of NDR only governors who were distanced from the parties had an advantage. This story was almost identically reproduced in the case of OVR (Fatherland – All Russia), which fell apart after losing the elections.

Grigory Golosov, one of the authors of *Pro et Contra* magazine, writes: "even in cases when the political situation was forcing governors to form parties, they did everything possible to minimize the party component of this process. Parties were not needed for relations with the federal executive power."⁴⁴

The participation of the governors is quite expensive for the parties. The most popular way to remunerate the governor-party activist for his efforts is to give him a "secure place" in the party election list. Participation of governors in the elections aggravates the competition for such places.

What party in Russia can become a reliable mainstay for today's power base? *Edinstvo* so far cannot serve this purpose. They will have an opportunity to become a nationwide party only if the President himself becomes their leader. Only in this case can the party become a connecting gear in the mechanism of the "vertical line of power." This practice of the Soviet times can also be utilized in a more civilized democratic setting. At present *Edinstvo* does not have much support from the elite. There are no bright individuals who would attract the voters. *Edinstvo's* victory in the last elections is another Russian paradox and an exceptional phenomenon, which can probably happen only in Russia. This would not happen a second time. Putin is not hurrying to agree to become the "secretary-general" of *Edinstvo*. One must agree with the political analysts who expect that a block of parties would be formed in the near future if ambitious leaders were to reach an agreement and divide power. V. Ryzhkov's withdrawal from *Edinstvo* is very illustrative. The parties do not

provide conditions for the activities of top politicians. Only time will determine the role of political parties in the construction of a federal state. So far federalism and parties exist separately; there are no links between them.

In one year *Edinstvo* has travelled a long way, which was believed to be practically impossible by many. I. Shabdurasulov, who was put in charge of party formation by the Presidential Administration, forecast very modest results in the State Duma elections: from a modest 7 percent to a triumphant 20 percent. In the end, *Edinstvo's* results surprised even the most imaginative optimists; the party received almost one-quarter of the votes. Truly, "Russia is baffling to the mind."

As opposed to OVR, *Edinstvo* did not become a party of regional bosses. The participation of governors Gorbenko, Nozdratenko, and Platonov only gave the Kremlin an additional opportunity to criticize the new party. One can suppose that *Edinstvo* has successfully chosen the emptiest electoral niche because regional leaders were not visible there. *Edinstvo* appeared before the voters as a party that not only protects people in the regions from the corrupt Moscow, but also from local authoritarianism. In this way it acted as one nationwide party that overcomes national disintegration.

Nevertheless, the lesson given by today's "power party" and the voters requires careful study. The reasons for the success of this electoral formation can be understood only in terms of the "political party market situation" at that time. No one knows who was selling whom and for what price. The fair of ambitions, intrigues, and vanity had no concept of decency: the Minister of Emergency Situations was awarded the Hero of Russia Star, Prime Minister Vladimir Putin openly declared his support for *Edinstvo*, and an unprecedented campaign was launched against OVR and its leaders. The absolute uselessness of the previous State Duma irritated voters to the extent that they wanted to replace the "familiar faces" with anybody. The choice was made. As *Kommersant* wrote, *Edinstvo* was well suited for the role of the new team. During their entire time in the State Duma, *Edinstvo* leaders did not make any bright decisions. Strictly speaking, *Edinstvo* has problems with the selection of stable and professional leadership. S. Shoigu does not show any public interest in the affairs of his party. Wrestler Aleksandr Karelin was recently mentioned only with regard to his failure at the Olympic Games in Sydney. The general public knows *Edinstvo* leaders Boris Gryzlov and Liubov Sliska only because their faces are often seen on TV. In short, *Edinstvo* is the most expressionless group in the State Duma, which automatically votes for all Kremlin proposals. In the last year *Edinstvo* did not experience any evolution – it still performs a strictly technical function. Today it does not have any ideological or personality potential to become a real party for the masses. Furthermore, one cannot say that *Edinstvo* managed to become a "power party," simply

because a “power party” is a party that actually has the power and not otherwise.⁴⁵

The *Edinstvo* parliamentary group, acting on behalf of the party, embarked on the road to the destruction of the federal bases of the state. It gave its most active support to lowering the status of the Federation Council, alteration of formation principles for executive and representative bodies of power of the constituent parts of the Russian Federation, and radical reform of the Federation. At the same time these people who call themselves a party do not have any definite opinion about goals and ways of federal state construction. Perhaps they will have it in the future, after their party undergoes a “facelift repair” performed by those with the power. But will this save the party, which will be remembered by Russians as an ephemeral butterfly that hovers toward the bright light of power? The answer to this question will be given in this new century.

On 27 September 2000, *Nezavisimaia gazeta* published the draft program of the Russian Party of Social Democracy (RPSD), which was headed by Konstantin Titov, the governor of the Samara oblast.⁴⁶ The program has not yet been approved by the party congress, but it was submitted for nationwide discussion.

According to the founding fathers of the party, the creation of the party in 2000 was caused by a desire to prevent further drift of the country away from reforms and democratization. The party was meant to be a democratic support for reform. The program of the party formulated the political procedure for democratic reform of Russia. Joint efforts of power and society should be directed toward making liberal democratic values into real benefits for the people. The people are “the main engine of social development, who should be protected from the arbitrary rule of the state in legal, economic, and political ways.” According to the party ideologists, those in power rejected the reform ideology proposed by the RPSD and continued to surrender to the growing onset of bureaucracy in all aspects of social life. The main liberal values, which are effective stimuli for the economic advancement of Russia – private property and economic liberties – have been “privatized” by the bureaucracy. As a result, the oligarch system has emerged. It has subjugated the power of the state to serve the interests of the mighty oligarchs and extremely polarized society. After all the years of reforms, private enterprise has not become a significant economic and political power.

The program identifies priorities for the parties in politics, the economy, culture, and social spheres. The party also has orienting points for the construction of the federal state. The program notes that there still remains a very bureaucratic state based on blind subordination of officials to those who are above them. There is an increasing tendency toward estrangement of common citizens from power. Bureaucracy is often incompetent and selfish. The program expresses concern for growing

organized crime, which is making attempts to gain control of power. The party advocates reduction of government property since it is often a mechanism for plundering government funds. The right to manage state property should belong to the executive power. The RPSD party-makers see Russia as a democratic rule-of-law state, based on effective legislation and strict observance of the laws. Party ideologists are confident that the state should be controlled by society. The government should be open to influence on both federal and regional levels.

The party has a very important opinion regarding the regions. The situation in republics, krais, and oblasts will determine the future of Russia. According to the party, the principal task is to strike a balance between the national interests and the interests of the constituent parts of the Federation. Widening the authority and independence of the authorities of the regions and raising their responsibility before the people can do this. The economic mechanism of federal relations also needs improvement. There is a need for better distribution of finances and taxes in order to strengthen common economic, political, and legal space in the country.

RPSD experts were very specific about the problems of local administration, noting that local self-government is a form of self-organization of citizens according to their place of residence in order to protect their own interests; it is based on the active participation of citizens. The party is very critical of the fact that the laws on local self-government and financial bases for local self-government are not being observed. According to the party program, local problems should be resolved there, where they arise. The party is very concerned about the fact that, in the majority of the constituent parts of the Russian Federation, the heads of the municipal units are being appointed and not elected by the population. This practice undermines the very essence of local self-government.

In contrast with many existing parties, which do not have concrete approaches to the complex issues of federalism and ethnic policy, Titov's party has clearly formulated its attitude pertaining to the national question. According to the party program, ethnic policy should reflect the multinational character of Russia and be based on the long experience of co-existence of many peoples with different faiths and traditions. This provision was highly regarded at the party congress where the regions were widely represented.

One could argue with the party-makers from the RPSD who say that "republics, krais, and oblasts should not be treated as subjects of the ethnic policy; but rather that, the ethnic policy should be concerned with peoples and ethnic groups that populate these regions." This approach denies the principle of national and territorial division of the Russian Federation. In this way the right to self-determination and further development of their traditions and culture in the framework of public education are taken away from the peoples and ethnic groups. It would be more jus-

tified to offer peoples and ethnic groups an opportunity to develop both within their constituent units in the Federation and within the national and cultural autonomies, which are provided by the federal law.⁴⁷ It should be mentioned, though, that the program noted that national and cultural autonomy should be a preferential form for raising the status of ethnic communities. The program also notes that ethnic problems should be resolved by political means based on dialogue and compromise.

Only time will show what Titov's party will become in the future. The fact that the party program preparation team was headed by A. Iakovlev, a renowned politician and scholar, and the patriarch of social science since the times of Gorbachev's *perestroika*, is already significant. There is no doubt that the program is well put together.

The leader of "Spiritual Heritage" All-Russia Socio-political Movement, Aleksei Podberiozkin, is well known to the Russian voters. A famous politician and deputy of the second State Duma, he left the Communist Party of the Russian Federation after being one of its main ideologists for several years. His popularity grew after he ran for the office of President of Russia and for the third State Duma. He was not elected to either position. However, although he is a politician who enters politics not for the sake of high posts, he carried on his work. Being the leader of the "Spiritual Heritage," a movement that attracted many supporters of patriotic ideas, Podberiozkin tries to encourage the most active part of the nation to "overcome psychological fatigue and numbness and make the first step toward spiritual renewal."

The "Spiritual Heritage," which is not represented in the current Duma, has a definite approach to federal state construction matters, as opposed to numerous active parliamentary groups. Some views of the "Spiritual Heritage" on the national question and making of a federal state provoke objections and can be disputed. However, it is evident that a certain part of society supports them.

According to Podberiozkin, the results of the nationwide referendum cannot be ignored when resolving problems of ethnic policy and the territorial set-up of the country. Here, Podberiozkin refers to the 1991 referendum for the preservation of one country in the post-Soviet period. At the present time, this does not mean the restoration of the state within the boundaries of the Russian Empire. Yet it is evident that this factor cannot be disregarded when determining domestic and foreign policy and dealing with the entire range of problems under the authority of the federal government.⁴⁸

In the sphere of interethnic relations, "Spiritual Heritage" rejects the concept of the ethnic policy model "nation-state," which allegedly "leads to bloody conflicts." Instead, a "one and indivisible" Russian state is created, in which all peoples have equal status. This in no way infringes on the rights of aboriginal peoples or national minorities. On the contrary,

this leads to the advancement of national cultures of the peoples of Russia. According to the leader of the nationwide movement, equality, as an inalienable principle of federalism, should be secured in the legislation.

The Constitution of the Russian Federation provides for equality of the constituent parts of the Russian Federation: "All the subjects of the Russian Federation shall be equal among themselves in relations with the Federal bodies of state power."⁴⁹ Then what equality does Aleksei Podberiozkin have in mind? Russia is a state with a market economy! And market often means "inequality" and unequal opportunities! This can fully be applied to the asymmetry in geography and economy of the constituent parts of the Federation. Today in Russia we have capitalism and not socialism! The ideas of "equality and brotherhood" are somewhat out of date. One should not shed tears for Marx.

The views of the "Spiritual Heritage" on the Federation are quite definite:

- granting all constituent parts of the Russian Federation equal state/legal status;
- the Constitution, federal laws, and international obligations of the Russian Federation constitute the "supreme law" of the country, which is obligatory for all constituent parts of the Federation;
- constitutional provision about the right of the federal government to defend the country and constituent parts of the Federation in the event of foreign aggression and internal disorders;
- securing water, forest, and other natural resources as federal property;
- granting the constituent parts of the Federation the rights to: adopt their own laws, regulate internal trade and economy, form bodies of administrative power, determine the structure of courts and court procedures, maintenance of public order, and set up elections to the local administrative bodies;
- legislative deprivation of the rights of the constituent parts to conclude international treaties, enter international unions, issue money and other means of payment, adopt legislation that contradicts the treaty obligations of the Federation, alter the form of government secured in the Constitution of the Russian Federation, and secede from the Federation on their own will.

Other proposals also state that, with the consent of the State Duma, the constituent parts of the Federation can conclude trade, economic, and humanitarian agreements with other countries in the case of setting up special local economic zones and institute duties for import and export of goods. Special constitutional provisions on these matters would help the formation of the modern Russian state and have a positive influence on

the solution of ethnic and interethnic problems, including the “Russian question,” which has recently become very acute.

One can respect the opinion of the “Spiritual Heritage” but it is not possible to agree with the imperial ambitions of the movement.

The political success of a party is not only measured by victory in elections. First of all it means service to the people. The voters can see for themselves how parties serve their people and their federal state. They see them on TV, hear them on the radio, and read about them in the newspapers. And the people make their choice.

In one of his works, Ivan Ilyin gave an answer to the question on what is *true politics*: “Politics is an art of will, i.e. social will. One has to organize and express the common will of the people in a proper way so that the unity will not lose the power of combined decision.”⁵⁰ One should hope that the parties in Russia would serve the true politics expressing the common will of the people.

“Union lasts forever . . .”

Russia was founded by victories and unity of power, suffered from diversity of power, and was saved by the wise monarchy.

N. Karamzin, Russian historian

The members of the Federation Council, who assembled for their last session in the last century, approved the new national anthem of the Russian Federation almost unanimously. The music of the old anthem, which was composed by Alexandrov for the Soviet Union, was taken for the melody of the Russian anthem. The national anthem of the USSR began with the words “Union unbreakable . . .” The new anthem of Russia has the grand sounding words, “Union lasts forever.”

The deputies of the Federal Assembly, who approved the music and verses of the national anthem, probably would not be able to answer the question about what state Russia will become in the nearest future. Will it be able to turn into an unbreakable and powerful “union everlasting” or remain a unitary state of the Soviet type? The Federal Assembly also approved other state symbols of the Russian Federation: the national emblem and flag entered the new century with the attributes of the Great Power, but not federalism. According to the symbol keepers, Russia entered the new century as a powerful and unified state. But will this be supported by the unity of its multinational people? To what extent will this be possible and how will it affect the well-being and prosperity of the people of the country, who have suffered so much?

The idea of organizing the Russian State as a union at the period of early democratic reforms at the beginning of the 1990s was self-understood. By the end of the century a new political reality had emerged. Its distinctive features were a strengthening of the “vertical line of power” and an unwillingness of the central government to implement federal principles. Among the alarming symptoms of social development were such factors as: limiting the independence of the regions; ignoring federalism in state construction; revision of approaches to the treaty practice that filled the gaps in the 1993 Constitution of the Russian Federation; stripping the leaders of the regions of their federal status. The situation was aggravated by the adoption of legislation that allowed intervention into matters of regional jurisdiction, and by creating the legislative basis

for the removal of the elected heads of the regions from office. The law that gives the President the right to dismiss the representative bodies of power in the regions was also adopted. All this provides grounds for a conclusion that the country is leaning toward Unitarianism. In the summer of 2000, the Constitutional Court of the Russian Federation ruled that application of the terms “sovereign” and “subject of international law” to the republics of the Russian Federation contradicts the Constitution. Yet not long ago this principle was the cornerstone of Russian federalism.

The difference between the “state” and “national” interests in today’s Russia is clear probably only to politicians and politologists. Almost always, all-Russian goals are formulated as national or nationwide. The Concept for National Security of the Russian Federation is a good example.

The state interests of Russia list preservation of unity and integrity among the top priority tasks, although occasionally insistent statements about the mono-ethnic character of Russia are being made as well. These are based on the fact that more than 85 percent of the country’s citizens are ethnic Russians. The fact that many other peoples and ethnic groups have lived on the territory of the country for more than a thousand years is being ignored. These people are citizens the same as the members of the title nation and have their own centuries-long traditions and ways of living. When there are talks about separatism or about the desire of some region of Russia, say Tatarstan, to secede from Russia, a natural question comes up: “Secede to where?” There are many advocates of the national interests of Russia, but those who openly and consistently stand for the interests of the regions are not very great in number. This happens not because there aren’t any, but because there are many present-day politicians who have a gene of “ethnophobia.” Members of the political elite do not demonstrate their “nationalism” openly in order to preserve good relations with the federal center. Those who take to the streets with ultra-nationalist slogans are simply not counted, since the national elite are interested in not losing control over them. The instruments of power are concentrated in their hands.

This controversy was analyzed by V. Pastukhov in *Politicheskie issledovaniia* magazine. He writes:

By saving the sovereignty and territorial integrity from the danger of separatism, advocates of the national interests inevitably surrender them to the external opponent. The latter is the world development tendency that the sovereignty loses its connection to the territory and becomes “movable.” It belongs to peoples and corporations that constitute an economic system, which is autonomous and at the same time integrated into the world network. These new subjects of world politics are already replacing states/nations, making any existing borders easily penetrable.

Tremendous efforts to preserve the traditional sovereignty become meaningless during the globalization of world problems, overall universalization, and integration.¹

If decentralized Russia did not preserve its multinational character and turned to unitarianism or totalitarianism, the country's fate would be easy to predict. The example of a powerful Soviet Union is still well remembered.

One of the traditional issues in research of the national question in Russia is the problem of incorporation of particular peoples into the Russian Empire. Modern publications emphasize that, regardless of the way various territories have been incorporated (annexation of the North Caucasus, voluntarily unification in the case of the Ukraine, Kazakstan, and Georgia or combined voluntarily and compulsorily as in Tyva), entry of the majority of the peoples into one state was based on treaties.²

Studies dedicated to the past of particular nations, forms of their nationhood and historical development can be considered an important element for the construction of a multi-ethnic society, which has existed in Russia at all times. The Russian State, one for all of its peoples, preserved the ability to maintain unity and self-preservation of all peoples.³

One of the most valuable sources which enables the solution to the mysteries of Russian history and the understanding of a very complex and contradictory phenomenon of the Golden Horde (to many generations known in the form of an ideological cliché of “Tatar Mongol Yoke”) is the book by William Pokhlebkin entitled *Tatars and Rus'. 360 Years of Relations 1238–1598*. This book was a bright, but regrettably the last, contribution of the talented author to Russian history scholarship. Let us turn to the most contradictory pages in Russian history, looking at them anew from the height of the twenty-first century.

Tatars versus Russians: a glimpse into history

To establish the “eternal peace,” unbreakable friendship and love between Moscow and Kazan.⁴ Duration of the treaty: Unlimited, “until God provides.”

Russian–Tatar Treaty on “Eternal Peace,” 1512

Relations of the first independent Tatar state formations with the Principalities of the northwestern Rus' and later with the centralized Russian State in the thirteenth to sixteenth centuries provide the best illustration for the development and strengthening of nationwide centralized power in Russia.

During the Pre-Mongol period, power was distributed along the four points of a square: Prince – *Veche* – Boyars – Church. This was a general

scheme, although in some lands boyars had more power (South – Galich Rus’) while in other places – *Veche* (Novgorod, Pskov, Viatka) and Prince (North-West – Vladimir Rus’) dominated. Yet in neither case did the Prince have the only authority. As soon as Andrei Bogoliubskii, the Prince of Vladimir, decided to subjugate the boyars and the people, he was assassinated; the Prince did not possess the “critical mass” of coercion which would allow him to break the four-point scheme and gain absolute power.

In 1222, the army of Khan Gebe, 30,000 strong and commanded by Mongol Subutai Bagatur, attacked the Polovets after crossing the Caucasus. The Polovets regiments, being hounded by the Mongol army, sent messengers to Rus’ asking for help against the unfamiliar and very powerful enemy.

The assembly point for the united Russian army of almost a 100,000 men was designated to be Dnieper, not far from Khortitsa Island. Mongol Tatar envoys came to Khortitsa with a message not to interfere in their war with Polovets. The envoys were killed. Part of the Russian army moved to the mouth of the Don, not waiting for main forces, which remained on the West bank of the Kalka river. The battle of Kalka in May 1224 resulted in the complete defeat of the Russian army. From the battle of Kalka until the death of Gengis Khan in 1227, there were no new Mongol Tatar attacks on Rus’.

However, in 1228 the Great Kurultai, which assembled following the death of Gengis Khan, decided to send Batukhan, the son of Guci, who was later named Batyi, to conquer the steppes south of the Don. The military campaign was well prepared. More than 100,000 people were moved to Europe from Asia, together with their tents, carts, families, and herds. The soldiers counted more than 30,000 men. The first task was subjugation of the Great Bulgaria, situated in the basin of the Kama River. Batyi’s regiments first encountered the Bulgars at the Yaik River, the border of Volga Bulgaria. The Polovets assisted the Bulgars in repulsing the Mongol aggression. In the autumn of 1236, the regiments of Subutai Bagatur completely occupied and ruined the Bulgar State. In 1241, Batyi’s army went through the Kama Bulgaria for the second time on their way from Poland and Hungary to the Urals, after destroying the Galich and Volyn’ principalities. However, according to the Russian chronicles, Volga Bulgaria was the first state in Europe to be conquered by Batyi in 1236.

After having rested on the steppes of the Don, Batyi’s army returned to Rus’ in 1239 and conquered Chernigov and Pereiaslavl and, in the winter of 1240, moved toward the Kiev principality. The old capital of the Kievan Rus’ fell on 6 December 1240. In 1243, Rus’ was turned into an *ulus* (administrative unit) of the Golden Horde, a new state that emerged between Yaik and Dinner rivers with the capital in Sara in the Lower Volga.

William Pokhlebkin writes:

the one-sided, aggressive and merciless war against the old Kievan Rus' by the Mongol Tatar hordes in the territory from Volga to Carpathian mountains from 1236 till 1241, i.e. for five years, ended without the conclusion of any peace treaties or agreements of the conflicting sides about the results of the war. Rus' was turned into a vassal state, completely deprived of its rights and fully dependent on the Golden Horde. Dependency on the Horde was manifested in economy, finances, and full political subjection of the princes to the khans. This situation continued in Rus' for 240 years, until 1481.⁵

During that time, the conquered Rus' lived through both new Mongol Tartar invasions and calm periods. At the times of peace, Russian princes paid tribute to the khans. The impoverished people who suffered from the raids of the Mongols were slowly rehabilitating their economic and human losses. Only the advent of imperious khan Uzbek initiated the new period of pressure on Rus'. Uzbek's main goal was to disunite Russian princes. He tried to give power to the weakest of Russian princes – the Prince of Moscow – and lessen the influence of strong principalities – Rostov, Vladimir, Tver'.

On 11 August 1378, the Mongols were defeated in battle near the Vozha river in Riazan' principality. Survivors retreated, leaving many dead warriors and supplies behind. The battle of Vozha had important moral and military value, especially as a rehearsal before the battle of Kulikovo field, where Mamai's army was completely crushed (1380). Restoration of military and foreign policy prestige of the Horde and preparation of a new raid on Moscow was headed by khan Tokhtamysh.

After devastating Moscow, Tokhtamysh's regiments retreated to the Horde, plundering and ruining Russian cities and taking people into captivity. Thus the military and political results of the battle of Kulikovo were neutralized by the Horde in two years. After returning to Moscow in 1382, Dimitry Donskoi saw a heap of ashes on the site of the city and ordered it to be rebuilt as soon as possible. Temporary wooden houses were quickly built since winter was coming.

Those events were followed by the war between the Horde and Tamerlan's Empire, which ruined the Golden Horde. In the period from 1391 to 1396, the Horde experienced disorder in economic and political life, the army was being defeated everywhere, and the two capitals, Sarai 1 and Sarai 2, were ruined. All this greatly weakened the Golden Horde in all aspects, including the control over Rus'. In 1405, the Great Prince of Moscow refused to pay tribute to the Horde.

Later some of the Moscow princes continued to pay tribute to the Tatar

khans. The khans of the new Tatar states kept the old form of relations with the Great Principality of Moscow. Sometimes they, just like the Horde, carried out raids against Moscow up to the walls of the Kremlin, ruined Russian cities, plundered the subjects of the Prince, demanded contribution, etc. However, after the end of the war, legal agreements began to appear. These were peace and ceasefire treaties and agreements securing various obligations of the conflicting sides.

The Horde gave Russian princes who served it (Alexander Nevskii and, later, Moscow Danilovich princes) the needed “critical mass” of coercion, which neutralized the power of the boyars and *Veche*. At the beginning of the fourteenth century, the term “Vechnik” (member of *Veche*) already meant “rebel” and the boyars in the framework of the Horde system were no longer in opposition to the Prince. On the contrary, they acted together with him against other princes and “went on their hands and knees” before their Prince (he actually acted in the same way before khans and murzas).

Having support from the Horde, Alexander Nevskii concretized the principle of “power is everything,” modifying it into “power is everything, the people are nothing.” Now he could rule over his people, and cut off their noses and ears, because the Horde was behind the future Saint Prince.

“The yoke of the Horde not only radically changed political relations in Rus’, but it also formed a completely new mutant, unseen before in the Christian world.”⁶

Dimitry Donskoi made a special contribution to the implementation of the “power is everything” principle. Usually he is considered one of the great assemblers and unifiers of Russia. Assembler – yes, unifier – no. The strategy used by Dimitry was not to unite but to increase the gap between the Russian lands.

The Horde created a situation in which the only authorities were the Power and the Church, which acted as the agent of the Power.

In the beginning of the 1570s, the repressive machine of Ivan the Terrible already subjugated everything to the extent that *oprichina*⁷ was no longer needed: the “*cheka*” has become an everyday reality. The tsar’s court turned into a single institution of power, and the will of the monarch became the only source for domestic and foreign policy. The Russian power created a system, which is often called the “Russian system,” in which all elements function in such a way that the power of the Russian authority is the only socially significant subject.⁸

The Horde formed the bases of the Russian power base as a *monosubject*, which functions under the absence of any definite classes; instead it requires turbulent groups and infirm structures.

The Russian Eastern frontier constantly moved away from Moscow. Dozens of peoples and states were becoming the eastern neighbors of

Russia. Many of them no longer exist. The relations Russia had with each one of them greatly varied; they could be friendly, hostile or neutral.

The first state on the eastern border of Rus' was the Golden Horde. After this state ceased to exist, it was replaced by several Tatar Khanates, which still remained the eastern neighbors of Rus'.

By the middle of the fifteenth century, during the rule of Ivan III, the nucleus of the Russian national state had been formed. Vasili III completed the unification of the Russian lands around Moscow. His successor, Ivan IV, inherited a large country stretching from the Barents and White Seas in the North to the Dnieper and Don rivers in the South.

Kazan Khanate was formed on the territory of the lands of the Golden Horde around the Volga in the second half of the 1430s. The creation of the Kazan Khanate was a result of the disintegration of the Golden Horde and definite pressure from Moscow.

For the Kazan government, the highest political achievement in international relations was imposing tribute on its adversaries. This could be done only in case of military superiority. Tartars never encroached on the political or national autonomy of Russia, or on the power of Russian princes or tsars, or on the Orthodox Church.

The Russian government of the Great Princes, and later the Tsar, limited its demands to recognition of political and international parity of Rus' and Kazan Khanate for a long time. Destruction of the Kazan Khanate was never an issue until the middle of the sixteenth century. Russian claims to Kazan were limited to economic matters, and actions were directed toward causing material damage.

On 16 June 1552, Ivan the Terrible's fourth campaign against Kazan was launched. The total strength of the Russian armed forces reached 150,000 men, while the size of the army defending Kazan did not exceed 63,000 people. Besides, Ivan the Terrible had very powerful artillery, and for this reason the Tatars did not risk battling in the open field.

By the end of the sixteenth century, the Tatars were incorporated into Russia and the eastern frontier moved far to the East. The policy of the Russian state toward Tatar states, which was manifested in violent wars and many attempts to establish peace, was radically different from the country's policy practiced in the West.

Then Russia became the Russian Empire, incorporating into its borders large territories in the West: Ukraine, Belarus, the Baltics, and part of Finland. Russia became a real Empire, i.e. a conglomeration of states.

The centuries passed. The territories of Volga Bulgaria, the Golden Horde, and Kazan Khanate between the Volga and Kama rivers remained habitual residences of most of the Russian Tatars. The history of the old Tatar state has been preserved not only in the folk legends, but also in the archival documents which have survived to the present day.

The results of military confrontation between the Moscow state and

Kazan Khanate during the 100 years from the mid-fifteenth to the mid-sixteenth centuries are listed below:

- 1 Russian rulers undertook five large military campaigns against Kazan in 1469, 1487, 1506, 1524, and 1530 and several smaller raids in 1478, 1523, and 1545. Russia initiated the invasion seven times: in 1467, 1478, 1487, 1530, 1545, 1549, and 1550.
- 2 Kazan khans initiated wars, campaigns, and raids against Moscow and other Russian cities six times: in 1439, 1445, 1505, 1521, 1523, and 1536. Therefore, the Kazan Khanate, according to Pokhlebkin, was formally more “peaceful” than the Moscow State (if one can speak of peacefulness in this context). Kazan had no annexation intentions with regard to Moscow. The majority of Kazan’s campaigns had preventive purposes in order to protect the Khanate from Russian invasions.

Pivovarov and Fursov note:

in the last four to five hundred years of Russian history the Great Re-division (of power and material resources) occurred four times: oprichina, reforms of Peter the Great, the Bolshevik revolution and today’s Trouble ... The Re-divisions have been accompanied by terror. In three cases the terror was imposed from the top; those in power had the monopoly over terror. The last re-division was also accompanied by terror; however, it wasn’t predominantly a “vertical” and centralized one, but rather a “horizontal,” decentralized, “privatized” and so to speak, a democratic re-division, i.e. corresponding to the contemporary events. In other words, if the total amount of direct and indirect violence remained the same, its parameters were modified.

Today’s power has lost its monopoly for violence and terror, which have been “privatized.” The “privatization of power and coercion” preceded the privatization of property and provided a foundation for the latter. This is the key distinction of today’s power in Russia from its predecessors and their forms of government and is an event of great significance.⁹

History should provide a lesson on how to avoid the mistakes of the past and preserve respect and friendly relations among the peoples of the Great Russia. Regardless of historic facts, brutality and ignorance usually lead to interethnic discord and a worsening of relations among the peoples.

Tatars entered the twentieth century as a developed nation. By 1913, there were more than 200 industrial enterprises in the Kazan Gubernia.

As indicated by the level of education, literature, and art, Tatars occupied one of the leading places in the Russian Empire. The self-awareness of the Tatar people was also growing. The enlightenment ideas of A. Kursavi, Kh. Faizkhanov, and I. Khalfin had a major influence. The works of Tatar literature classics – G. Tukai, F. Amirkhan, Derdmend, M. Gafuri, and S. Kamal were appreciated by a broad range of the Russian public.

National intelligentsia began active discussions on the methods for restoration of the Tatar state.

On 22 March 1918, the All-Russia Central Executive Committee adopted a Provision on the Tatar and Bashkir Republic. This was the Bolshevik version of the Volga–Urals District. On 27 May 1920, the Committee issued a Decree on establishing Tatar Autonomy. Since then, this date is celebrated as the official proclamation of the Tatar Autonomous Soviet Socialist Republic (TASSR).

The Decree on the creation of the TASSR provided for self-determination of the Tatars in a republic on the minimal possible territory of their habitual residence. A large part of this nation was left outside the borders of the republic.

On 30 August 1990, the Supreme Council of the Republic adopted the Declaration on State Sovereignty, and, on 6 November 1992, the Supreme Council of Tatarstan adopted the new Constitution based on the results of the popular referendum.

How severe history lessons can be! How often is the historic truth unpleasant! Most important is what conclusions people draw from the lessons of history and to what extent the laws of history are valid for today. In this regard the conclusion of Iu. Pivovarov and A. Fursov about the present-day rulers makes one alert.

“Russian Power and Russian System develop in cycles: freezing–warming, compression–expansion, enslavement–liberation. Every new cycle begins with compression–oppression of the society by the Power and ends in liberation and Trouble, which we are living through today.”¹⁰ Does this mean that Russia is awaiting a new enslavement?

Elections 2000: governors wanted!

Most important in the election campaign is its purity.

Mintimer Shaimiev

The last year of the twentieth century was an important stage of development for seventeen regions of Russia where the elections of the heads of the administration were taking place.¹¹ The two last nationwide election campaigns (elections to the Parliament on 19 December 1999 and of the President on 26 March 2000) demonstrated the tendency toward a gradual transformation of elections into an administrative procedure that

secures the continuity of power. The gubernatorial elections had their own distinctive features; they were deideologized, went under strict control of the Presidential Administration, were influenced by conflicts with the oligarchs, and, finally, their results have been very predictable. After the implementation of several of Putin's reforms, the attractiveness of the governor's chair was greatly decreased in value. First of all, the governors were no longer the only “masters” in their regions. They lost the right to “give consent” to the appointment of particular federal officials in the constituent parts of the Russian Federation. Police chiefs, heads of regional television companies, and prosecutors were now appointed only by the center. Besides, in most of the cases, the federal center was not very much interested in the opinion of the head of the region on the candidatures, as has been previously mentioned. The reforms of budget relations and tax initiatives of the center allowed the concentration of even more financial resources on the federal level. Bilateral interbudgetary agreements were no longer functioning. The Federation Council formation procedure was altered, and the law on representative and legislative bodies of power in the constituent parts of the Russian Federation was also amended. Today the governor who violates the federal legislation may be removed from his office. The experts of *Izvestia* consider this process to be the last stage in the formation of a new political elite in the regions. At the same time, it should be noted that Vladimir Putin has preserved the governors' positions as elective and did not insist on their appointment by the federal government.

With regard to the candidatures, the federal center was very flexible; it usually supported the person likely to win. Regions like the Republic of Mariy El and Komi Permiak Autonomous Okrug did not worry the Kremlin much. Politologists singled out only six regions where the center did not try to support the acting governors: Briansk, Voronezh, Kostroma, Riazan Oblasts, and, to some extent, Koriak Autonomous Okrug. This negative attitude was especially visible toward the governors of Kaliningrad and Kursk Oblasts.

The reports about the election results coming from the regions looked very much like reports from battlefields. Dirty electoral technologies, bribery of votes, discredit of the opponents, biased mass media that favored only one candidate, and the efforts of the federal center against the undesired candidates and in favor of the loyal ones, were only some of the distinctive features of the elections in 2000 in the constituent parts of the Russian Federation.

At the elections in late 2000–early 2001, the candidates preferred an individual approach to election campaigning. As never before they had many meetings with the voters, especially workers of the government companies, which were financed from the budget. “Direct mail” was a widely used technique. It included personal congratulations on the national

holidays and in some cases even on birthdays. This time the candidates abandoned abstract electoral programs and instead proposed lists of “concrete actions” they would take if elected. Often the core of an election campaign was organizing a movement for the support of two or three initiatives, usually a moratorium on raising the communal payments, anti-drug measures, etc.

The “good deeds,” which worked without fail on pensioners, were also widely used. Budget and other funds were instantly found for sending doctors to distant villages, installation of gas pipes, paving of roads, etc.

The images of the candidates were prepared according to the old recipe: “the father of nation,” guarantor of stability, good master, who is able to “beat money out of Moscow.” The hardest task for contenders for the governor’s office was to play the role of a simple countryman. The electoral programs gave much attention to aid to the needy, measures against unemployment and social injustice. Healthcare, medicine prices, and the need to fight drugs were also actively discussed. Unreal goals such as anti-crime measures, elimination of corruption in police, and reduction of the number of officials, were not frequently mentioned.

According to the experts, among the contenders for the title of the most “dirty” elections in the nomination of the “black PR” were electoral campaigns in Kaliningrad, Chita, Volgograd, Ulianovsk, and Tiumen Oblasts. The techniques used included boxes of materials to discredit opponents, supplying the opponents with forged voters’ signatures at registration, forged letters and leaflets, sending opponents’ materials to the voters on “cash on delivery” terms (at the expense of the recipient), false ratings, “look-alike” candidates, and many other methods. The market for political consultant services peaked during these regional election campaigns.

6 October was the day of the elections for the parliament of the Republic of Mariy El, the State Assembly. The previous day, a search was conducted in the apartment of the Chairman of the Central Electoral Committee of Mariy El, and he was charged with large-scale bribery – receiving a car.¹² Despite the removal of the head of the Central Electoral Committee, elections were held in accordance with the law. A total of 36.5 percent of the eligible voters participated in the elections, where the law requires a turnout of 25 percent in order for the elections to be valid. The ruling elite of the republic was in a state of panic. Uneasy tension filled the upper circles of Mariy El. “Who will be the next?” was the main question. The investigation of the situation in the republic was performed by a group of criminal specialists from Moscow. Their work had been started after an appeal from the Head of the Republic to the Minister of Internal Affairs of the Federation. According to the Head of Department of the Counter-Economic Crime Administration of the Ministry of Internal Affairs of the Russian Federation, there were cases involving regional officials, including Mariy El, which needed more detailed investigation. The

surprising fact is that the case of bribery, which dated to 1998, had to be investigated several days prior to the parliamentary elections in the republic. As was said: no comment! Kislitsyn, who headed the republic, was dismissed.

On 2 November 2000, the Collegium of the Supreme Court of the Russian Federation considered the protest of Alexander Rutskoi, the governor of Kursk Oblast, to a revocation of his registration twelve hours before the elections. The name of the acting governor was crossed off the ballot papers. The Kursk governor was accused of providing incorrect data about his property (apartments and cars). The governor was also charged with misuse of authority while organizing the election campaign. The Collegium of the Supreme Court did not find Rutskoi's claim valid. The second round of the elections went on without him, and the winner was the representative of the Communist Party.

On 15 October, the Udmurt Republic was electing its first president. The most advanced electoral technologies and the “black PR” were widely used to influence the voters. For several weeks, the republican mass media were actively discussing the story about the disposal of radioactive waste materials on the territory of Udmurtia. Then the final step was made: one of the candidates was accused of masterminding the plan to create nuclear waste sites in the republic. The head of the State Council of the republic reproached the Prime Minister for leaving dangerous waste material as an eternal “gift to the population,” i.e. the voters. A special place in the list of presidential candidates was given to former State Duma deputy Poluianov. He started his career in showbusiness and was famous among the voters for criticizing authorities and officials. The Central Electoral Committee of Udmurtia decided to annul his registration based on the fact that there were too many false voters' signatures in his favor. The scandals were effectively used by the candidate for his own advantage.

According to the Chairman of the Central Electoral Committee of Russia, the shortcomings of the republican legislation have been pointed out to the Electoral Committee of Udmurtia many times. However, the law on elections has still not been amended.

For a long time the Administration of the President of the Russian Federation could not decide whom to support in these presidential elections. At the beginning of the election campaign it seemed that support must be given to the head of the State Council. However, in the last weeks before the election, Moscow started to doubt its choice. The Kremlin's candidate started to make tragic mistakes.

The election campaign was over. People voted in favor of the acting head of the constituent part of the Federation. This was the winner, although his image suffered from the election campaign. Only time will show whether he will be able to justify the trust of the people and how relations of the first President of the republic with Moscow will evolve.

The elections of the President of Tatarstan, which had been projected for 24 December 2000, were moved to 24 March 2001, according to the recommendation of the Central Electoral Committee. On 9 October 2000, the State Council of Tatarstan settled the dispute with the Central Electoral Committee, which proved that setting the date of elections three months before the end of Minitimer Shaimiev's presidential term violated the law of the Russian Federation.

The State Duma was considering a proposal that would resolve the problem of the “third term for the governors.” The newspaper, *Zvezda Povolzhia*, called voting on this document the “most scandalous in the last ten years.” In the first reading the proposal was “re-voted for” three times. The first time, they were seven votes short of victory (there were 226 votes needed out of 450). Finally, at the third attempt, 239 deputies voted in favor of the new proposal.

In *Zvezda Povolzhia*, it was reported: “the holdback [in voting] was caused by the fact that some deputies were offered from 5 to 100 thousand dollars for their votes (the average amount was 30 thousand), but the money was not paid. They [deputies] were afraid that they would be cheated.”¹³ However, many doubted the reliability of this information.

President Shaimiev stood up for the honesty of the elections, emphasizing that concrete measures are taken in the republic in order that the republic could safely enter the common legal, economic, and financial space of the Russian Federation.

Vladimir Razuvaev, in his article entitled “Russia needs Shaimiev,” asks a rhetorical question:

Who doubted the fact that Minitimer Shaimiev would become President of Tatarstan for the third time in a row? Least of all the people who live with him in one republic [doubted it]. Even less doubt (if this is possible) existed among those who understand something of politics. Only rigid men of law, who for some reason were positive that the head of a constituent part of the Federation can be legitimately elected only for two terms, had questions.¹⁴

The author of this publication, as well as many other experts and politicians, are convinced that “Russia needs Shaimiev . . . today, and especially tomorrow . . .” since he is a symbolic leader, one of a few who managed to stop the escalation of interethnic tensions in his region and, to a certain extent, was even able to reverse this tendency. Keeping in mind all the vulnerability of Shaimiev's policy from the point of view of liberal democratic criteria, one cannot negate the fact that this policy allowed interethnic collisions to be avoided in the 1990s. Shaimiev's role continues to be a dominant factor in the stability of all Russia in the turbulent times of new reforms by Vladimir Putin.

Official assumption of the office of President of the Republic of Tatarstan by Mintimer Shaimiev took place on 12 April 2001 in Kazan. The inauguration ceremony was conducted during a special session of the State Council of the Republic. The President-elect took an oath of allegiance to the people and the Constitution of the Republic of Tatarstan. Shaimiev was confident and determined. More than 80 percent of the voters supported him. The press conference of the newly-elected President took place the day following the elections in the Kazan Kremlin.

“The trust level is very high, and it is an indicator of hope as well as the expectations of the voters,” said Shaimiev. He admitted that he actually expected more modest results. The President expressed his gratitude to all voters and assured that he would do everything possible to justify their trust. The voting demonstrated that elections can be honest and clean.

The first deputy Chairman of the Central Electoral Committee, who was present at the press conference, acknowledged that, on 25 March, the day of the elections, there were no appeals about violations submitted to the Central Electoral Committee or the courts.

The people of Tatarstan associate all that has been and is being done in the republic in the last years with the name of their first President, Mintimer Shaimiev. His convincing victory in the last elections testifies to the unquestioning support that voters of Tatarstan have for the democratic development of the republic’s state system. The strengthening of civil peace and interethnic accord, observance of the human and civil rights and liberties, and preservation of the integrity of the Russian Federation are the strategic priorities of the newly-elected President. Tatarstan is consistent in its work for the construction of a new state system in Russia, is based on the principles of democracy and real federalism, priority of the law, and social justice.

As M. Shaimiev noted in his inauguration address, the formula of Tatarstan’s development is based on three interdependent principles: economic progress, social justice, and environmental protection. They are oriented toward meeting the needs of the people and the creation of decent living conditions.

The Kremlin administration, as well as many politicians and experts, thought that the problem with the “third term” was not a problem with Shaimiev. The crux of the matter is that the example of the President of Tatarstan might be followed by leaders of other regions, whose candidatures are not always desirable to the Kremlin. Among the undesirable ones are the Mayor of Moscow, Y. Luzhkov, and the President of Chuvash Republic, N. Fedorov. Of course, governors are allowed to run for the “third term,” but in return they should demonstrate their personal loyalty and manageability to the Kremlin, as well as the loyalty of their regions in the course of the constitutional reform, i.e. the reform of regional legislation.

On 25 January 2001, the State Duma adopted a law that gives governors the right to be elected for more than two consecutive terms. The Duma Federation Affairs Committee proposed that the ban to hold the elected position of the leader of a constituent part of the Federation for more than two terms does not apply to the heads of the regions who entered office before the adoption of the law on General Organizational Principles for the Local Bodies of State Authority, i.e. before 16 October 1999. However, as a result of a heated debate, a special provision was included in this law. It stated that only the terms which have started prior to this date would be taken into account. This means that all office terms preceding the one that started before 16 October 1999 are disregarded. Therefore, about seventy acting governors gained the right to be elected for new terms.

M. Rakhimov, President of Bashkortostan, reacted to the federal reforms and scandals surrounding the elections in an original way. At the time of the celebration of the ten-year anniversary of the Declaration of Sovereignty of Bashkortostan, the President commented on the most controversial points concerning the relations of the regions with the federal center, emphasizing the firm attitude of the republic toward strengthening the “federal state system.”

Answering a reporter’s question, M. Rakhimov said:

I have already stated that my attitude toward federative reforms is by far not a positive one. Take, for instance, the federal districts – I simply do not need them. Possibly, they in some ways help Vladimir Putin. The perception of what the “vertical line of power” is may be different in Ufa and Moscow. It is supposed that the President of the Russian Federation would be able to influence local authorities through his plenipotentiary representatives. But how can Sergei Kirienko influence the situation in Bashkiria while sitting in Nizhny Novgorod? I think that another unneeded “paper structure” has been created. The country cannot afford many essential things, and at the same time more jobs are created for the bureaucrats. Does Russia need such “vertical lines?”¹⁵

At the time of active regional election campaigns and acute discussions about the third presidential term for Shaimiev and Rutskoi, the President of Bashkortostan, M. Rakhimov, made his sensational statement:

I do not intend to run for the office after the second term. This [possibility] is absolutely excluded. Today I cannot name the successor. At the same time I think that the person who would carry on the started work should come from my team. The three remaining years of presidency will be enough for me.¹⁶

The election to the city council of Petrozavodsk, which took place in October 2000, once again drew attention to the phenomenon of “black electoral technologies.” A group of deputies of the Legislative Assembly of Karelia adopted a special address to Viktor Cherkesov, the representative of the President of the Russian Federation in the North-Western district, and Vladimir Ustinov, Prosecutor General of Russia. The address enumerated specific examples of unacceptable actions by some of the candidates for the Assembly. There were cases of open bribery of voters, in addition to publications in the mass media and the publication of discrediting materials. Election campaign activists distributed food packages, packs of toilet paper and tea, organized various parties and sports events campaigning for their candidate. They were paying forty to fifty rubles per vote almost openly, often behind the corner of the buildings with the electoral committees. These violations were reported to the police, territorial electoral committees, and courts. However, not a single appeal was taken to its logical completion, and not a single candidate lost his or her registration.

In Samara, Konstantin Titov won the gubernatorial elections by carefully calculating the strategy for his election campaign. After losing the presidential elections (in his own region, the voters preferred Vladimir Putin), he felt the necessity to reaffirm his gubernatorial mandate. He resigned and let the voters feel that, without him, the situation would be worse. By doing so, he took away from his opponents the opportunity to have a full-scale election campaign. He ran for the governor’s office once again. After winning the elections, and already knowing the faces of all his political opponents, he began his reforms with new enthusiasm.

The Samara Duma adopted, and governor Konstantin Titov approved, the regional law on the structure of the administration of the Samara Oblast. According to this new legislative act, the bodies of executive authority of the oblast have undergone serious changes. The number of deputy governors was reduced seven-fold. That is, Titov now has only one deputy governor. The other six were “demoted” to heads of departments. There are two basic policy lines in the administration of the oblast. The political line belongs to the governor. He controls only the administration and several key departments that deal with matters of strategic importance: economic development, management of finances and government property. The remaining nine departments are controlled by the deputy governor. He is occupied with routine administration. Politics in Samara Oblast is monopolized by Konstantin Titov. This has meant a revolution of executive power in this region.

Having respect for the democratic character of elections in the regions of Russia, one is confronted with an obvious fact: in many regions, people who came to power were not in opposition to central authorities. Nevertheless, there are still many acting governors who were removed from government administration throughout Russia. They are given a specific

place in the “vertical line of power” – routine economic management of their regions. The high-level work at the State Council provided to some of them as a consolation does not suppose “ascension” of the former senator to the political Olympus. Against this background the actions of Governor Titov, who is trying to free himself from regional administration matters and form a new political party, look strange and belated.

Gubernatorial elections in the Ulianovsk Oblast, which happened on the 24 December 2000, caused a major disturbance. There were five candidates for the governor’s seat. The trouble began when the acting governor was accused of illegal methods of election campaigning – use of the “Volga” government TV and radio company and the building of the regional administration. The registration of the first deputy mayor of Ulianovsk was taken away for cheating: 3,000 forged signatures were submitted to the electoral committee. General V. Shamanov won the elections and became the governor. He is famous for his consistency and determination, which he demonstrated during the military campaign in Chechnya. Thus, another military person became governor. Gubernatorial elections in Khabarovsk had very predictable results: the winner collected 88 percent of the votes in the first round of elections.

The victory of Abramovich was expected in Chukotka Autonomous Okrug, but the fact that he received more than 90 percent of the votes not only surprised but also raised fears among serious politicians. If the central power does not take protective measures, one may suppose that, in several years, Chukotka, purchased by Abramovich, would present a threat to the unity and integrity of the Russian Federation.

Election results in Tiumen, which took place early in 2001, influenced the political situation on a federation-wide scale. The team of the Security Council demonstrated that it is able to become the main operator in the restructuring of regional political space. This moves the balance of power in the upper echelons of federal power from the equilibrium point, which was established after the first stage of distribution of authority in the first half of 2000.

The ten-year cycle of public life in Russia has come to its end. Its distinctive features were a major reorganization of the political elites in the center and the regions, adaptation of political leaders to the new situation, and a search for new ways to control changes from Moscow.

Sovereignty or the ghost of separatism?

Concrete historic particularities of the national question in Russia give special attention to the recognition of the right of nations to self-determination in the epoch which we are living through.

Vladimir Lenin

The epoch which Russia entered with the beginning of the new millennium has retained all problems and particularities mentioned by the founder of the Socialist state.¹⁷

“The republics stand up for their sovereignty: the head of the Constitutional Court of Bashkiria does not exclude a possibility for independence of the region – from Russia,” stated the headline in *Nezavisimaia Gazeta*. The same newspaper also noted that the longer Russian executive authority made attempts to reform the legal structure of the federation, the more consolidated will be the resistance it would encounter. In Bashkiria, careful statements by President M. Rakhimov have been violated by the radical policy of the head of the State Assembly of the republic and the Constitutional Court. It wouldn't be right to say that Bashkortostan fully blocked the harmonization of the regional legislation with federal laws. For instance, on 2 February 2000, according to Rakhimov's decree, a State Committee for Harmonization of Constitutional and Current Legislation of the Republic with the Constitution of the Russian Federation was established. The Committee found more than 350 contradictions in the normative acts. However, as it follows from the statement by the Chairman of the Constitutional Court of Bashkortostan, the republic does not expect to eliminate all of them. First of all, this concerns the laws which regulate the economy of the republic: strict licensing for the import of non-ferrous metals or alcohol production and export regulations. Or, for instance, laws which permit sale of government-owned land to private owners. Despite the prosecutor's protests, the republic is keen to preserve all of the above legislative acts.

Even so, the work for harmonizing the legislation and Constitution of the Republic of Bashkortostan with the federal laws has been started. The provision which prohibited electing the President of the republic for more than two consecutive terms was withdrawn from the text of the Constitution of the republic of Bashkortostan. This fact can only worsen relations between the republic and the center, since the federal law does not allow for such provision.

At the meeting of the heads of the regions of Volga Federal District in September 2000, Vladimir Putin reminded the governors that, if they would not bring their legislation in accordance with the federal norms until 1 February 2001, the President reserves a right to “amend the Law of the Russian Federation ‘On the General Organizational Principles for Executive and Representative Power’ in the constituent parts of the Russian Federation.” The President reaffirmed his intention to remove governors from their offices and dismiss local parliaments. The leader of Bashkortostan was very disappointed and left before the end of the meeting. Already in early November 2000 the Parliament of Bashkortostan considered more than 100 amendments to the Constitution and laws of the republic and adopted forty of them. The Constitution was not

radically changed and yet many strict provisions have been considerably softened.

According to the new Constitution, “the sovereignty” of Bashkortostan means that, in its territory, the republic “possesses the entire wholeness of state authority,” which is, however, “outside of the jurisdictional subjects of the Russian Federation” and outside of the shared powers, which the federal center has reserved for itself. Former provision about the supremacy of republican laws on its territory was replaced with “softer” wording about the supremacy of the laws which are concerned with the “powers and jurisdictional subjects of the Republic of Bashkortostan and powers shared between the Russian Federation and Bashkortostan.” The provisions about Bashkortostan being a “subject of international law” were also withdrawn from the Constitution of Bashkortostan. The procedures for the appointment of prosecutors and judges, as well as the scope of authority of different branches of power, were also brought into accordance with the requirements of central government.

In the interview with *Vek* newspaper, M. Rakhimov said:

The reforms, which are being implemented today by the center, cannot be unanimously supported. On one side, Vladimir Putin says that “things should be done the way Murtaza [Rakhimov] does them, then there would be no questions,” on the other hand, he acts in a completely different manner.¹⁸

The ten-year anniversaries of the Declaration of the State Sovereignty of Bashkortostan as well as the same event in Tatarstan became a matter of dispute for the federal authorities and the republics. Moscow considered these events as ordinary activities for celebration of the national holidays of these republics and sent to Ufa and Kazan its “routine” greetings. However, for the population of the sovereign republics, they were not just an ordinary holiday but a symbolic event. Its importance can only be appreciated by evaluating the entire scope of contradictions, documents, and facts in the last decade of federal relations. Keeping in mind the diversity of approaches to the celebration, the republics of the Russian Federation attempted to use the holiday to analyze the complex dynamics of federalism and federal relations in the 1990s.

The words of the President of Russia about the “competent federal state” were met with positive responses by real supporters of federalism in Russia.

At the beginning of the 1990s, Russia had entered a long period of transition. Its main characteristic was the search for optimal interaction of ethnic as well as economic and territorial aspects in the construction of a federal state. It had to go through a mass of legislation of all levels, hardships of state-making practices, and piles of political schemes, which present serious obstacles to federalism. National questions and the

development of the principle of federalism require the account of trials and errors in these matters and, equally important, utilization of the experience of foreign federations in this sphere.

Every constituent part of the Russian Federation has independently determined its system of power in accordance with the bases of the constitutional order and general organizational principles for the executive and representative bodies of power defined in the federal legislation. Any specific features of the regions, including ethnic and religious features, could be reflected in the power system.

The Constitution of the Russian Federation states that:

The federated structure of the Russian Federation shall be based on its state integrity, the uniform system of state power, delimitation of scopes of authority and powers between the bodies of state power of the Russian Federation and the bodies of state power of the subjects of the Russian Federation, equality and self-determination of the peoples in the Russian Federation.¹⁹

Equality of the peoples and their self-determination is one of the foundations of the federal structure of Russia. Self-determination is interpreted by the Constitution in strict accordance with the modern international law and specifically with provisions of the Declaration of the Principles of International Law, adopted by the General Assembly of the United Nations on 24 October 1970. The Declaration states that:

self-determination should not be performed with separatist intentions and at the expense of territorial integrity and political unity of the sovereign states. On the other hand, if people set up a body, which officially represents them and serves public and legal purposes, then all coercive actions, which hinder the process of self-determination, may be considered as violating the principles of noninterference and sovereign equality of all states.²⁰

The state ethnic policy is based on the principles of the Constitution of Russia and generally recognized norms of the international law. Policy that concerns interethnic and federal relations is expressed in a system of federal laws, laws of the constituent parts of the Russian Federation, and power delimitation treaties between the federal government and the bodies of state power of the constituent parts of the Russian Federation. Ethnic policy can be a consolidating factor only if it would reflect the entire diversity of the interests of the peoples of Russia and provide definite mechanisms for their co-ordination. This is stated in the Concept of National Ethnic Policy of the Russian Federation, which has been adopted by President Yeltsin's decree on 15 June 1996.²¹

The national question is closely tied with the problem of sovereignty. Theoretical bases for this problem were being developed at the beginning of the last century throughout the world and, particularly, in Western Europe.

In the early 1920s, European countries were actively discussing the idea of forming the United States of Europe. An all-European federation, as it has been noted at that time, was an ideal of “many intellectual people of Europe and the only way to overcome wars and all evil.” According to the experts of that time, the formation of the federation without undermining the sovereign principle of the national state is feasible both from practical and legal points of view.

Professor Sadri Maksudi Aarsal, a member of the Turkish Parliament and Constitutional Committee and the most active supporter of the all-European Union, in 1920 presented an address to the participants of the European International Forum on the problem of recognition of the sovereign principle of a federal state and the constitution of the European Federation. He criticized those who advocated for “abandonment of sovereignty,” “renunciation of the sovereignty of nations,” and “alienation of sovereignty in favor of the federal state.”²²

According to Maksudi, sovereignty was the foundation of Roman public law and is the guiding principle for lawyers in the structure of the state. One can say that European public law is entirely based on the ideas of state sovereignty.

The principle of state sovereignty has been an infallible criterion for all lawyers, not only in relations between independent states but also in relations between the state and its constituent parts. Maksudi wrote that sovereignty is called on to play an important role in the future, when the necessity for legal regulation of international relations would be evident.

According to Maksudi, it would be a mistake to believe that a certain principle of sovereignty would become a historically outdated term. This error is caused by the lack of understanding of the governing principles in law. In the view of most of the scholars of public law, the state is a legal entity, which represents the entire nation. As a legal entity the state is the subject and bearer of the supreme authority, which is called “sovereignty.”

The state does not recognize any other authority inside or outside of the country, which supports its sovereignty and would be superior or equal to the state. The supreme power of the state (sovereignty), manifested inside the country in relations with the constituent parts of the state, is called “internal sovereignty.” It consists of the right to give orders to all residents on its territory. The power of “external sovereignty” is expressed in relations of the sovereign state with other countries. In this case it consists of an exclusive right to represent the nation (state) and conclude various treaties and mutually beneficial agreements with other countries.

Bodaine, who was the first to define the essence of sovereignty, thought that sovereignty is the supreme power freed from all laws.²³ Sovereignty is the right of the state to command, adopt laws, and enforce observance of these laws. Sovereignty is a set of the branches of power (legislative, executive, and judicial).

In the above context, the sovereignty of the Russian Federation in relation to the republics-constituent units of the Russian Federation is indisputably greater since it constitutes the supreme power of a federal state. Part of this sovereignty is transferred by the state to the constituent part of the Federation in accordance with the Constitution and bilateral treaties. This part of sovereignty cannot be alienated arbitrarily, without the consent of the other party.

A distinguished European theorist of sovereignty criticized his opponents for “abandonment of sovereignty,” renunciation of the sovereignty of nations,” and “alienation of sovereignty in favor of the federal state.” He considered this practice to be unacceptable. Why, then, do sovereign republics (states) at the end of the same century demonstrate their readiness to abandon sovereignty and recognize the right of federation to “alienate sovereignty in favor of the federal state”?

The Preamble of the Federative Treaty contains a provision stating that the state authority of both sides take guidance from the Declaration of the State Sovereignty of the Russian Federation and declarations of the state sovereignty of the republics within the Russian Federation.

For instance, the Republic of Tatarstan as a state-constituent part of the Russian Federation is united with the Russian Federation by the Constitution of the Russian Federation, Constitution of the Republic of Tatarstan, and the Treaty. These three ground-laying legal documents regulate the relations of Tatarstan and Russia.

The Constitutional Court of the Russian Soviet Federal Socialist Republic, succeeded by the Constitutional Court of the Russian Federation, on 13 March 1992 adopted a resolution on the constitutionality of the Declaration of the State Sovereignty of the Republic of Tatarstan. It noted that the

Constitutional Court of RSFSR understands the desire of the multinational people of Tatarstan to develop and strengthen the state system of the republic, which was reflected in the Declaration of the State Sovereignty of the Republic of Tatarstan. The Constitution of the Russian Federation, adopted in December 1993, has not abolished these principal humanist and democratic principles, on the contrary it only reinforced them.

In order to implement the decisions of the Constitutional Court, and in accordance with the law on organization of legislative (representative)

and executive bodies of power of the constituent parts of the Russian Federation, several regions initiated an elimination of the existing contradictions in constitutions and legislation. This work was started in Bashkortostan and Tatarstan where a special conciliatory committee has been set up in co-operation with the Volga federal district. Regulations on conciliatory procedure were signed by the chairman of the State Council of Tatarstan, F. Mukhametshin, and the plenipotentiary representative of the President in Volga federal district, S. Kirienko. The committee, composed of fourteen experts, has reviewed forty-seven normative acts of the Republic of Tatarstan which contradict federal legislation. All disputed laws have been divided into four groups. In the first group, there were documents which could be included into federal legislation. According to R. Khakimov, the Counselor to the President of Tatarstan, fifteen laws of the republic could provide a good basis for federal legislation.²⁴ Among such model laws, S. Kirienko names the Land Code of the Republic of Tatarstan and the law on the state of emergency.

The republic is ready to defend some of the laws (in the second group) in court after independent legal advice. Another group of laws is concerned with the exclusive powers of the republic and, therefore, does not require unification. The fourth group includes the laws which the republic itself is willing to harmonize. The conciliatory work of this kind is typical for a transitional period. This period, in turn, should not have a definite term, since consensus in a democratic state is a complex and not easily accomplishable task. However, the very fact that all sides can agree in approaches to legislative problems and demonstrate good will speaks well for the great potential of a federal state.

Revision of the entire range of legislative acts and definition of approaches of the different sides to this problem allowed the committee to single out different types of contradictions.²⁵

Let us sum up the problems in regional legislation, which the regions had at the beginning of reform. For instance, in the North Caucasus area, the constitutions of Dagestan, Ingushetia, and North Osetia have provisions about their sovereignty. Kabardino-Balkaria instituted the supremacy of the constitution of the republic over the federal constitution. Constitutions of Adygeia, Dagestan, Ingushetia, and North Osetia declare the supremacy of their own legislation with regard to the national wealth, property on land, the mineral resources, water, forest, flora, and fauna on their territory. Adygeia and Ingushetia assumed the right to declare an emergency state. The Security Councils of Ingushetia and North Osetia, in violation of the federal legislation are entrusted to protect the sovereignty, independence, and territorial integrity of their republics. Constitutions of Adygeia, Dagestan, Ingushetia, North Osetia, and Kabardino-Balkaria contained provisions about the appointment of heads of the courts, their deputies, judges of supreme and arbitrary courts of the republics, as well

as district and city courts, which contradict the Constitution of the Russian Federation. The same republics declare their absolute power to conduct international and foreign economic relations. The legislation that regulates the elections in the North Caucasus republics also in many ways contradicts the Fundamental Law.

After the ruling of the Constitutional Court of the Russian Federation about bringing regional legislation and constitutions into accordance with the federal norms, the republics took certain measures for harmonization of their legislative base. However, the practice shows that to expect that this work would be completed on time, i.e. by the middle of 2001, means to not understand the actual character of the contradictions in the regional legislation.

For instance, on 23 June 2000, the parliament of North Osetia submitted to the President, A. Dzasokhov, a law on amendment of the Constitution of the republic (adopted in November 1994) in order to bring it into accordance with the Constitution of the Russian Federation and federal legislation. This draft law was prepared by a group of lawyers and politologists headed by the President of the republic. Already, on 28 June 2000, V. Kazantsev, the plenipotentiary representative of the President of the Russian Federation in the federal district, thanked the leadership of North Osetia for “amending the legislation of the republic in accordance with requirements of the new government of the country to all constituent parts of the Federation.”

The Republic of Ingushetia was not that obedient and started a “war of laws.” In March 2000, the State Duma of the Russian Federation declined the draft federal law on “Amending the Federal Law on the Prosecutor’s office of the Russian Federation” proposed by R. Aushev, the President of Ingushetia. The draft law proposed to widen the powers of the constituent parts of the Russian Federation for appointing prosecutors in the regions. In Ingushetia, this proposal was motivated by the fact that the appointment of the heads of the law enforcement agencies is a power which is shared between the constituent parts of the Federation and the federal government. The State Duma disapproved of this opinion, noting that “the authors of the draft project made an attempt to decentralize the unified system of the Prosecutor’s Office of the Russian Federation. Its main feature is submission of lower-ranking prosecutors to superior ones and to the Prosecutor General of the Russian Federation.” This is at least an odd conclusion, since one Criminal Code of the Russian Federation is valid on the entire territory of the Federation and prosecutors are not free to interpret it. Therefore, the decision of the State Duma presupposes the subjectiveness and libertarianism of the prosecutors or their non-submission to the central government in case their candidatures would be co-ordinated with the leaders of the particular regions. It would be natural for heads of the courts and prosecutors to be familiar with the local

specifics and ethnic traditions, and take them into consideration at all stages of judicial procedure. Vladimir Putin suspended Aushev's decree, which permitted local financial bodies to collect debts of the legal entities for gas and electricity payments, and resolution of the government of Ingushetia, which restricted the registration procedure and limited the right for drawing in a foreign workforce. The Ministry of Justice pointed out the unconstitutionality of polygamy and demanded the abolishment of President Aushev's decree on this matter. Federal government also abolished Aushev's decree on measures that regulate migration processes in the republic. Commenting on this decision, President Aushev said that “he once again became confident that the federal center, while implementing the vertical line of power, has very little understanding of what's going on in the regions.”²⁶ The relations between Ingushetia and Moscow worsened after the scandalous failure of the State Duma deputy's elections in Ingushetia.

An equally complex situation evolved in 2000 in Karachaevo-Cherkesia. It is known that a section of Cherkes leaders hid demand restoration of Cherkes autonomy through secession from the republic. The agreement reached between the two leaders of the republic, Vladimir Semenov and Stanislav Derev, can no longer serve as a factor of stability. Viktor Kazantsev, the plenipotentiary representative of the President in the federal district, suggested the institution of the position of the first deputy of the head of Karachaevo-Cherkesia, and appoint an ethnic Russian to this post, while the chairman of the government would be an ethnic Cherkes. However, some observers point out the fact that attempts to regulate the ethnic origin of the state officials would contradict the Constitution of the Russian Federation. This can only be done through a discreet agreement. On the contrary, public opinion in the republic considers Kazantsev's proposal a factor of stability. It is hard to disagree with this conclusion, since world experience of federalism speaks about the effectiveness of such an approach in the situation of ethnic or linguistic differentiation.

The attempt to realize the “unalienable right to ethnic and national self-determination” was also made in Kabardino-Balkaria. Certain forces were trying to establish two separate republics – Kabarda and Balkaria – by singling-out the latter from the existing constituent part of the Federation. Balkars constitute less than ten percent of the population of the republic, where as Kabardins and Russians make up 48 percent and 31 percent respectively. Already in 1991 the Congress of the Balkar people declared the partition of the republic into two constituent parts of the Federation. However, according to the result of a 1994 referendum, the parliament of the republic adopted a law about the indivisibility of the territory.²⁷ On 18 November 1996, the National Council of the Balkar people (300 members) once again declared the independence of the Balkar Republic. Later it became apparent that these 300 people have not been delegated

by anybody. Even if they had authority delegated to them by the Balkar people, this matter is a subject for consideration by the government of the republic. Nevertheless, after careful consideration of the problem, one may see that Balkaria is not sufficiently represented in the administrative bodies of Kabardino-Balkaria. Thus, both Karachaevo-Cherkesia and Kabardino-Balkaria have unequal ethnic representation in parliaments. The way to solve this problem is obvious: the authorities should pay more attention to the interests of various groups of the population in governing bodies.

Let us compare this situation, for instance, with the experience of Belgium. The four stages of reforms in the last twenty years in this country were meant to overcome the one-and-a-half-century-long opposition between the two population groups: French-speaking Walloonians and Dutch-speaking Flemish.

Belgian journalist and sociologist Andre Mean made an attempt to trace back the origins of the conflict. He writes:

The problem of relations between the communities is as old as the people who live on this territory. In 1840 the Flemish movement was born. It started to demand redress in favor of the Flemish community. A Walloonian movement did not exist at that time, it appeared only at the end of the 19th century. At first Flemish demands have been limited entirely to linguistic issues but later they acquired socio-economic aspects. At that time the Flemish region was dominated by French-speaking bourgeoisie. With time enmity to this bourgeoisie usually turned into enmity to the French language.²⁸

Today Belgium is confronted with the consequences of this phenomenon.

Therefore the dominant factor in the development of federalism in Belgium is, first of all, linguistic, and only to a certain extent political (party) identity. Economic factors are only an indirect cause.

The most notable is the fact that the process of the reforms has been initiated by the Walloonian region, i.e. the French-speaking south of the country. Public opinion in the south favored independent economic and social development. The Walloon region started a restructuring of its economy.

Regardless of the basic motives for the federalization of the country, which is trying to implement changes and preserve the constitutional rights of the citizens, the experience of Belgium in the transition from a unitary state to a federation is a unique phenomenon and should be carefully studied. Special attention must be given to the fact that there was a relatively long transitional period, in which all stages of constitutional reforms have been realized. These reforms are still in development.

The experience of Belgium is unique in its dynamics because evolutionary transition toward federation was taking place not in the distant history but mainly between the 1970s and the 1990s. At first, constitutional reform was implemented. It streamlined the legislation concerned with various communities within the country. Linguistic groups became represented in the government and parliament. Administrative and territorial units received a large amount of autonomy. Transition from a unitary state to federalism had been initiated.

In many ways, Belgium was a model of federal reform in Europe, and served as an example to many federal states. The next stage of reform was started in the summer of 1988 when constitutional amendments, which widened the powers of the communities and the regions, were adopted. They provided for representation of the communities in the executive bodies of power and specified the borders of the electoral districts corresponding to language differentiation.

Russia, too, has its own experience in ethnic representation in the republics, i.e. the practice in Soviet times when the second person in the Communist party leadership in the republic was not a native of that region (he or she was a resident of Moscow). Returning to the situation in Karachaevo-Cherkessia, we must note that politicians in the republic need to show common sense, since representation of Karachaevians in the bodies of power in the republic is already beyond all acceptable norms.

Problems in Adygeia are predominantly concerned with an infringement of the rights of the Russian population, as it is asserted by the opposition. However, the leaders of the republic demonstrate their loyalty to Moscow and, because of that, the ethnic conflict is kept under control. In this republic there is a need to amend the electoral legislation, particularly the most controversial provisions about the multi-mandate electoral districts and the possibility of creating a bicameral parliament. This problem was still pressing on the eve of the 2001 elections, and the principle of equal ethnic representation in the bodies of power was still being violated. The need for new electoral laws in Adygeia is urgent. The experience of Belgium, where the problems of representation of linguistic and national communities in the parliament of the country have been successfully resolved, is of particular interest for Adygeia.

The situation in Dagestan is characterized by the fact that its legislation had the most contradictions to federal norms. Besides, the leadership of the republic stood up against the reform of the Federation Council, arguing that only the leaders of legislative and executive branches of power can represent the interests of their republic. According to the leaders of this republic, Dagestani understand that the Federation should live in accordance with common laws. For instance, if *wahabism* were outlawed in Makhachkala as an extremist movement, and the federal government would have supported this decision, then, according to Dagestani,

Russian laws on this matter should be brought into accordance with the laws of the republic and not vice versa. The same approach to regional legislation is taken by many other republics. On 22 September 2000, the People’s Assembly of Dagestan amended the Constitution of the republic and several laws harmonizing them with the federal Constitution and legislation. The provisions allowing the suspension of decisions of the federal government which contradict the interests of Dagestan have been withdrawn from the Constitution of Dagestan. Age qualification for the head of the State Council was lowered from thirty-five to thirty years, and the ten-year residential qualification was abolished. The State Assembly of Dagestan proposed to Moscow the inclusion of an added provision into the draft law on states of emergency. The provision was for the right of the constituent parts of the Russian Federation, in exceptional cases, to introduce a state of emergency in their territory or in particular areas promptly informing the President of the Russian Federation and the State Duma. The republican draft law on elections for the heads of administration was supplemented by a provision for the right of any citizen to be elected during the session of district (city) assembly, regardless of whether he or she is a deputy of this representative body. Another proposal for this draft law was concerned with establishing multi-mandate national–territorial districts. In contrast to the previous laws, this norm is more democratic and “more in line with the federal law.” The provision, stating that elections of the deputies cannot be performed with only one candidate running for the position, was also included in the law.

Canadian scholar Ronald Watts writes:

Regional divergences of political outlook and interests are typical of all federations: that is usually why they adopted “federation” as a solution in the first place. But a number of factors may sharpen such differences. Among the sharpest divisive forces have been language, religion, social structure, cultural tradition and race.²⁹

The purpose of a federation is not only to settle the arising difficulties but also to preserve regional identities within a framework of a common federal structure.

The function of a federation is not to eliminate internal conflicts but, rather, to manage them in order to harmonize regional interests and to even out contradictions. The face of a federation is determined by the harmony of federal interests and regional features, and by diversity of the constituent units of the federation.

R. Watts singles out four groups of problematic features characterizing the asymmetrical federation. In the first group, he includes considerable difference in the size of the territory, population, and living standards of particular constituent units of the federation. These factors may be

accompanied by an attempt to re-divide the territory and increase tension among groups of the population.

The second group is comprised of problems which arise when the current system of delimitation of powers does not meet the expectations of the autonomies seeking self-identification.

The problems of the third group appear in the situation when a constituent unit, which has sufficient power and influence in the federation, actively participates in all institutions and greatly affects the solution of its own as well as federal problems. This type of asymmetry may present a danger to the federation since controversy with other members of the federation may grow. This situation is particularly dangerous when the number of constituent parts of the federation is relatively small.

The fourth group includes asymmetric federations where there is a problem of common language for the multinational society, and where it is difficult to provide guarantees against the discrimination of particular ethnic groups.

Despite all the enumerated problems, preservation of unity and integrity of the federation is a strategic purpose of any federation. At the same time, the prestige and authority of central government should be strengthened. The federal government should guarantee constitutional order and eliminate the disintegration of the country. The alternative strategy for the federal government is to elaborate plans and programs, which would provide for a balance of interests of all sides. This is especially important when there is a danger of secession of a constituent unit from the federation. Asymmetry and the development of asymmetrical relations should not be the cause for the break up of the country. Neither center nor asymmetrical regions can be interested in this.

Distribution of powers and jurisdictional subjects in any federation is predetermined by the interaction of various factors, which bind the federation together or, on the contrary, tear it apart because of geographic, historic, demographic, economic, ecological, ethnic, cultural, linguistic, and other distinctive features of its constituent parts. Diversity means asymmetrical development and a large degree of autonomy and independence of the territories. Common goals and tasks of the constituent units of the federation strengthen the role of the central bodies of power. The federal government is interested in developing symmetrical relations by providing equal opportunities for all constituent parts.

At the end of the century, dramatic events evolved around the presidential election in the United States. The voters could not answer the main question – who will be the next President of the most democratic (in the eyes of many people) country in the world? The answer had to be searched for first in the court of the State of Florida and then in the Supreme Court of the United States. This incident made many people in Russia believe that the elections of the President of the USA, the matter

of, as it seemed, exclusively federal jurisdiction, suddenly was “sold off” to the Supreme Court of the State of Florida. And the fate of the President in the end was to be decided on the level of the state. The historic session of the Supreme Court of the USA, which took place on the first day of December 2000, was an anthem song to federalism in the United States. Nine judges of the Supreme Court almost unanimously supported the fact that the Supreme Court of Florida had a full right for an independent decision on whether to have a manual recount of the ballots and determine the future of the presidential candidates. The results of the recount are well known. But the key point in this story is that, in a federal state, the court recognized that elections of the President of the country within a particular state are a matter of state and not federal jurisdiction.

Nine judges listened to the arguments about the right of states and state courts to resolve the disputes concerned with the elections and tried to give an answer to the question of whether the constitution allows to determine the fate of the President of the USA on this level.

Hundreds of people, who gathered in front of the crowded court building, were waiting for a decision on the appeal of Mr. Bush’s advocate, who protested the right of the Supreme Court of Florida, which, in his opinion, exceeded its powers by prolonging the term needed for the manual recount of the votes.

The leading advocate of Mr. Gore, Lawrence Tribe stood up in support of this right, thanks to which the already small gap in the number of votes between the candidates became even smaller. The results of the elections will depend on how the 25 members of the Electoral College of Florida would vote.

By posing strict questions to the advocates of both sides, judges Steven Bryer, Anthony Scalia, Sandra Day O’Connor, David Sauter, as well as the principal judge William Ranquist, doubted the right of the Court to interfere in the struggle around the presidential elections.³⁰

The balance of interests in the implementation of the main principle of federalism, which is formulated as “unity in diversity,” requires a balance of mutual independence and interdependence of federal and regional governments.

The desire to balance the interests and respect for interdependence helps to strengthen the unity of the federation according to the model of “co-operative federation,” where all its members are working to solve common problems and provide for the common interests. However, according to German scholar R. Scharf, this approach may lead to a deadlock situation or a so-called “joint decision trap.” In this situation, the

autonomy and freedom of regional governments is limited by joint decisions, which are adopted in favor of the federation. The asymmetry is being sacrificed to the symmetry! According to Scharf, this is a manifestation of “a federalism of the executive bodies of power.”³¹

Usually, two types of asymmetry are distinguished – political and constitutional. The first is characterized by differences in the size of the population, territory, economic situation, natural resources, and general well-being of the people in particular constituent parts of a federation. Constitutional asymmetry is defined by its powers listed in the constitution, which make it asymmetrical. Political asymmetry is often a cause of instability and leads to competition and controversies among the regions. This is especially true in cases when one of the constituent parts of the federation occupies a major part of its territory and dominates over the other regions. History provides many examples of this: Prussia, which prior to 1930 has been a part of German confederation, Eastern Pakistan before its secession from Pakistan, the Czech Republic in the former Czechoslovakia, the Flemish region in modern Belgium, Ontario and Quebec in Canada, the residence of 62 percent of the total population, or Australian states of New South Wales and Victoria, where about 60 percent of the population are concentrated.

Experts subdivide constitutional asymmetry into three levels. The first level is predominantly defined by limitation of the entire scope of constitutional powers given to the constituent units in the framework of federal relations (examples of weakening constitutional powers in India). The second level is the strengthening of the constitutional rights of the constituent unit and particularly of the regional autonomy as happened in Malaysian Borneo. The third level of symmetry appears when constitutionally equal constituent units are given a right to transfer certain powers from one body of power to the other based on treaties and agreements. The last example is the most typical for the Russian Federation.

The legislative system of a federation presumes the possibility for the co-existence of the federal constitution and constitutions of the constituent parts of the federation. This predetermines legal collisions. Granting to the constituent part the right for constitutional regulation, which reflects its historical, ethnic, and cultural traditions as well as its political role, is evidence of healthy development of a federation.

Nationalism and separatism, to a greater or lesser extent, are present in all federal states and yet common sense prevails in most of the cases.

In Russia today, there are no gross violations of the rights of ethnic groups but the general problem of securing and maintaining human rights continues to exist. Actual inequality of people, the inability of the state to provide economic and social security both on federal and regional levels, the vestiges of a totalitarian past in the work of some government institutions, the lack of opportunity for the citizens to influence the activi-

ties of the state – all this prompts the people to oppose the existing system in all accessible ways. The fact that nationalism and separatism are already worn out forms of defending people’s rights should remove fears from those in power, not only in the center but also in the regions. The genies of separatism and nationalism provoked by collisions in interethnic relations and often excited by the authorities in their euphoria to fight against federation, is a real danger for the federal center and political elite in the regions. Underdeveloped civil society in Russia equally aggravates separatist and authoritarian tendencies. Therefore, the most effective way to oppose separatism is not to fight against it but to eliminate its causes, which shouldn’t be searched for in historical conflicts of peoples and ethnic groups. The causes of today’s opposition in federal relations are not in the distant past but rather in the behavior of modern politicians, and errors and misjudgments of power, which is trying to resolve interethnic problems by applying pressure and force (from both sides). The crisis situation in the Trans-Caucasus republics was initiated not in the distant past but in the most recent times under guidance of the current generation of political and national leaders. Why then are the ways to stability not being found?

According to Sergei Kirienko, from a legal point of view “not a single region within the Federation does have full sovereignty. The argument is whether the treaties signed between the constituent part of the Federation and the Russian Federation are ‘international?’” Kirienko believes that not one constituent part of the Federation is a subject of international law. If suddenly, for one second, somebody would suppose that the treaties are “international,” then they would become valid only after being approved by the State Duma, which never happened. The type of treaties did not envisage such procedure. The integrity of the state is not even being discussed. During negotiations with the leadership of Bashkortostan, Kirienko repeatedly emphasized that financial relations will be built according to the new rules and the republic will not have its special status with regard to taxes as it has been before. The authors of the ground-laying document for the work of the government disregarded the problem of extreme polarization of social groups in Russia. The unified income tax rate proposed by the government would only widen the gap in the living standards of the population and would set the country of the poor and the country of the rich far apart. N. Rimashevskaja asserts that the regressive scale of unified social tax would have the same consequences. Poverty, which has penetrated even the most prosperous regions, cannot be eliminated by destroying the current interbudgetary relations. Many refugees in various regions contribute to still greater marginalization of large social groups.

Those in power suppose that the breakdown of the administrative system would solve the social problems of the people. But if the regions

were to receive only 40 percent of the tax base, will they be able to raise the living standards of the citizens? The central government, as always, would be too busy to be concerned with the individual marginals of Russia.³²

According to the plenipotentiary representative of the president in the Volga district, one has to be very tolerant and careful with the national question. At the same time, tolerance and consideration should extend to all people living in the district and not just ethnic elites or the “title” population in a particular republic. “Let us pose a question,” says Sergei Kirienko:

should all Tatars have the right to preserve their national way of life and advance their culture or only the ones living in Tatarstan? Who will protect national and cultural interests of the Tatars living in Bashkiria, Samara, Viatka, and Mishar Tatars of Nizhny Novgorod? For this reason one of the tasks of our work will be extended practice of “stitching the district together” according to national and cultural parameters over the administrative borders.

Developing this point further in his address to the deputies of the Kurultai of Bashkortostan, Sergei Kirienko emphasized that “the model of national state is gradually becoming obsolete.” This is a very sad observation of a politician whose opinion has weight in society and who bases his comments on evaluations coming from the Kremlin.

Federal relations in Russia are becoming a new sphere of diplomatic art especially when it comes to the “taming of disobedient regions.” A good example of this was Sergei Kirienko’s visit to Ufa, the capital of Bashkortostan. President Rakhimov qualified this trip as an “official friendly visit.”³³

Sergei Kirienko came to Ufa in order to ease the tension that had built up for several months around the adoption of the new constitution of the republic. Bashkiria was not inclined to streamline it with the federal Constitution. The President’s representative postponed his visit many times, showing that he understands the supremacy of the Constitution of the Russian Federation as an accepted definition and indisputable fact.

In Bashkortostan, new Russian passports were not being issued for a long time. Local departments of the Ministry of Internal Affairs obeyed the decision of the Kurultai, which required this procedure to be halted since, according to the deputies, passports issued in the republic should have inserts in Bashkir language and mention the ethnic origin of the bearer.

The federal district took strict control over all appointments of federal officials in the region. Not a single official can be appointed without the approval of the chief federal inspector of the district. Today the con-

stituent parts of the Russian Federation only have to hope that bilateral treaties will be valid for some time, but only with regard of provisions, which do not contradict the federal Constitution.

Russia's principal resource is its people. The role of the intellectual potential of the multinational people greatly increases at times of social change and crises. Any loss of human resources, regardless of the reason, is destructive. Ignoring this fact imposes a threat to the national security of the Russian Federation. Poverty, unemployment, economic and social instability, and a collapse of the hopes and plans of the people reflect the impoverishment of the population. As a result, a broad layer of destitute marginals emerges in various strata of the society. Regretfully, the new government has not yet proposed a real program against poverty.³⁴ Such programs should be elaborated by implementing federal programs in the regions of the Russian Federation. Regional stability and self-sufficiency are the main factors in campaigns against the pauperization of the population.

V. Rimskii, the head of the sociology department of INDEM Fund, in his article entitled, “The New Development Stage of Russian Federalism,” where he estimates dangerous tendencies caused by hasty reforms in state administration, writes:

The reforms of the formation principles and composition of the Federation Council would decrease the importance of the upper chamber of the Russian parliament. Removal of the governors from decision-making on the federal level may increase the danger of separatism and secession of the regions or even entire federal districts from the Russian Federation.³⁵

According to Rimskii, it wouldn't necessarily be a full secession. Rather, it could happen only with regard to particular functions of state power. However, the consequences even in this case would be destructive for the state. It would be enough to imagine the division of the Russian Federation into independent military districts, which would not co-operate with each other in drafting the conscripts or other matters of state security. Another possible scenario may be the division of the banking and finance system and introduction of separate monetary units in the territories of the federal districts.

The probability of this development of the situation is strengthened by the fact that the federal districts already have some attributes of a state: administration of the regions in these structures is limited to the district with no direct access to the federal center. After the reform was completed, every district would have its own prosecutor's office, law enforcement agencies, and, possibly, other power structures. The actions taken by the federal districts in order to implement the above-mentioned innovations do not

strengthen the federation and, instead, increase the danger of break up of Russia into smaller state formations. It is well known that “separatism contradicts the values of the rule-of-law state and the interests of the peoples.”³⁶

It should be particularly noted that conditions for separatist tendencies are created by poorly considered decisions of the central government and not by the special attitudes of particular constituent parts of the Federation. Neither legislative collisions, nor treaty practice or the very fact of symmetry of the constituent parts of the Federation caused as much damage to unity and integrity of the state as did the campaign for strengthening “the vertical line of power” and widening the “dictatorship of law.” The authorities of all levels should understand that, at the current stage of federal relations, all attempts to introduce full control of the regions by the federal power are doomed to failure (if, of course, the country would not shift from democracy to a totalitarian regime).

Principles of federalism determine the type of ethnic policy which should be directed toward strengthening stability in interethnic relations and advancing democratic institutions. Citizens of multinational Russia, who are tired of social and economic chaos and flag-waving patriotism dictatorship, of ethnocentrism and political games of national elites, are waiting for stability and equilibrium in the federation. The times call for national concord in Russia.

Lament for the Russian Republic

Recognizing the right of people to self-determination, one cannot deny this right to the Russian people. Regardless of anybody’s desire, the question about the right of Russian people to reunite in one state would sooner or later be posed and in some way resolved. If not during the life of this generation then during the life of the next one. This is obvious.

Gennady Ziuganov, Leader of the Communist Party of the
Russian Federation

By the middle of the fifteenth century, during the reign of Ivan III (1440–1595), the nucleus of the Russian national state had been formed. The authority of the Great Prince of Moscow extended to a territory of 430 square kilometers populated by five million people. Under Vasily III (1479–1533), the collecting of the Russian lands around Moscow came to its end. His successor, Ivan IV (1503–84) inherited a great country, which extended from the Barents and White Seas in the north to the Don and Dnepr Rivers in the south. Its area at that time was 2.8 million square kilometers with a population of 8 million. Even back then, the problem of the territorial division of the Russian state for purposes of effective administra-

tion was an urgent matter. The old territorial division meets the requirements of a centralized administration.

In 1561 *cheti* (quarters) were established in Novgorod, Vladimir, Kostroma, Galich, and Ustiug. Their main function was the collection of taxes. In the seventeenth century, during the reign of Alexei Mikhailovich (1629–76), *prikazy* (departments) were set up. Some of them administered certain territories, e.g. the Kazan Palace Prikaz dealt with Kazan, Astrakhan (lands incorporated into Russia under Ivan IV), and the Volga region. The functions of *prikazy* gradually expanded. Radical administrative and territorial reform was implemented by Peter the Great (1672–1725).

In 1708, Russia was divided into eight *gubernias* (Saint Petersburg, Moscow, Arkhangelsk, Smolensk, Kiev, Kazan, Azov, and Siberia). Soon they were supplemented by Nizhny Novgorod, Astrakhan, and Riga. Later, the *gubernias* were split into smaller divisions. This reform was completed during the rule of Catherine the Great (1729–96). With the expansion of the Russian Empire, the number of *gubernias* grew (with the incorporation of Poland in 1795, Finland in 1809, and the development of Siberia and the Far East). The governors had a full scope of state authority. The administrative division had a three-fold structure: *gubernias* were subdivided into *uezds* headed by *kapitan-ispravnik* (captain-inspectors); *uezd* was divided into *volosts* administered by *zemskii uchastkovyi nachalnik* (local district heads). Nobility councils were assembled on the *gubernia* and *uezd* levels; *volost* assemblies represented the interests of peasants.

By October 1917, there were eighty-one *gubernias* and eighteen *oblasts* in Russia. Out of this number, today there are thirty-nine *gubernias* in Russia, twenty-five in the CIS and Baltic States, and seventeen in Poland and Finland. Out of eighteen *oblasts*, only half are in Russia today.

As a result of the break up of the Great Empire, a large part of the Russian population now lives outside Russia. There is a significant share of the non-Russian population in several regions of the country that now forms autonomous national and territorial units. All this prompts a certain part of society to pose the question about establishing the so-called Russian Republic.

The need to set up the Russian Republic is motivated by a desire to protect the interests of Russians living both in the great spaces of the country and in the regions where, possibly, a majority of the population is of other ethnic origin. “When we think about the most distinctive features of the Russian mindset,” writes Kliuchevskii, “we are confronted with the fact that it is so diverse and yet so incomprehensibly uniform that one has to think of another more encompassing term to define it – the Great Russian.” Russian historians have precisely described this phenomenon.

Nature often laughs at the most careful calculations of the Great Russian; the changes of the climate and land does not justify his

modest expectations. Being used to such deceptions the cautious Great Russian in a careless manner likes to choose the most hopeless and inconsiderate decision counterpoising his odd audacity to the odd behavior of nature. This inclination to tease fortune and play with chance, is the Great Russian *avos*.³⁷

The Great Russian is confident in one thing – one has to value the hot summer work day since nature gives so little favorable time for work on land, and the short Great Russian summer is made even shorter by unexpected stormy weather. This prompts the Great Russian to hurry in order to accomplish much in limited time, leave the field on time, and rest during winter and autumn. This is how a Great Russian got used to concentrating his forces for a short time and working quickly, and then being passive during the long winter and autumn inaction.

There are no other people in Europe like the Great Russians who would be able to concentrate their labor for such a short period of time. And nowhere in Europe will we find people who would be likely accustomed to steady and uniform labor to the same degree as the Great Russian.

The way in which Great Russians settled was predetermined by the resources of the region. Life in solitary villages remote from each other and lack of communication did not prompt the Great Russians to form large co-operative unions. The Great Russian did not work in the open field in sight of everybody, as did the inhabitants of the Southern Rus'. On the contrary, he struggled with nature in solitude, in a thick forest with an axe in his hand. This was silent hard work on the environment, on the forest or field but not on himself and society, not on his own feelings and attitude to people. This is why the Great Russian works better alone, when nobody watches him, and it is hard for him to become accustomed to co-operative action. He is very closed and careful, even shy, not sociable; he always feels better when alone. He feels better at the beginning of any venture, when he is not certain about the success and about himself, and he feels worse toward the end of the business, when he has already achieved some success and attracted attention. Uncertainty excites him, while success depresses the Great Russian. It is much easier for him to overcome an obstacle, danger or failure, than to withstand success with dignity; it is easier to do something great than to live with an idea of personal greatness. He belongs to the type of intelligent people who turn stupid when their intelligence is recognized. In other words, the Great Russian is better than the Great Russian society.

Probably, every nation naturally perceives and implements into

its character only certain traits of its environment. This creates different national characters and mindsets in the way similar to the way in which various color perceptivity produces a diversity of flowers. Likewise, people perceive their life and environment in a certain way and both are refracted to a certain degree in their conscience. The impossibility of predicting or imagining a plan of activities and working toward a set goal have influenced the mindset and the manner of thinking of the Great Russian. Life's accidents and unevenness taught him to reflect more on past events, rather than to consider the future, to look back rather than forward. In the fights against sudden snowstorms and thaws, with unexpected August frosts and January rains, he became more cautious than prejudicial. He learned to notice the causes, rather than to state goals, acquired the skill to sum up the results and draw estimates. This skill is what is called “back mind.” The habit of hesitating and maneuvering on the uneven path between the accidents of life produces an impression that the Great Russian is often not straightforward and that he is insincere. The Great Russian often thinks in two ways, and it seems that he has double standards. He always goes directly to the target, which is not always clearly defined. However, while going, he is looking to the sides and his manner of walking seems very deviant and fluctuating. The Great Russian proverbs say: *one cannot break the wall with the forehead, only birds fly straight*. The environment and fate taught the Great Russian to go to the straight road through adjacent ways.

The Great Russian thinks and acts in the way he walks. Truly, what can be more curved and winding than a Great Russian country road? It looks like the track of a snake. Try making shortcuts – you will only lose your way and come back to the same winding path.

This is how, according to V. Kliuchevskii, the landscape of Great Russia influenced the way of life and the mindset of the Russian people.³⁸

The calls to establish the Russian Republic are based on the idea that Russia is a state for Russians. A certain part of society believes that the Russian Republic should be established in place of the Russian Federation, or that “Russian regions” of the Russian Federation should form an independent entity – the Russian Republic. Instead of splitting the nation into fifty or sixty parts, a single unitary Russian Republic should be established. “In this case the problems of unequal status of the constituent parts and self-determination of nations would be successfully resolved.”³⁹

Vladimir Lenin, in his article “The Right of Nations to Self-Determination,” published in 1914, wrote:

Carried away by the struggle against nationalism in Poland, Rosa Luxemburg has forgotten the nationalism of the Great Russians, although it is this nationalism that is the most formidable at the present time. It is a nationalism that is more feudal than bourgeois, and is the principal obstacle to democracy and to the proletarian struggle. The bourgeois nationalism of any oppressed nation has a general democratic content that is directed against oppression, and it is this content that we unconditionally support. At the same time we strictly distinguish it from the tendency toward national exclusiveness; we fight against the tendency of the Polish bourgeois to oppress the Jews, etc., etc. . . . We stand for the recognition of the right to secession for all; the appraisal of each concrete question of secession from the point of view of removing all inequality, all privileges, and all exclusiveness.

Lenin further speaks of the privilege of the Great Russian nation:

Let us consider the position of an oppressor nation. Can a nation be free if it oppresses other nations? It cannot. The interests of the freedom of the Great-Russian population require a struggle against such oppression. The long, centuries-old history of the suppression of the movements of the oppressed nations and the systematic propaganda in favor of such suppression coming from the “upper” classes has created enormous obstacles to the cause of freedom of the Great-Russian people itself, in the form of prejudices, etc.

The Great-Russian Black Hundreds deliberately foster these prejudices and encourage them. The Great-Russian bourgeoisie tolerates or condones them. The Great-Russian proletariat cannot achieve *its own* aims or clear the road to its freedom without systematically countering these prejudices. In Russia, the creation of an independent national state remains, for the time being, the privilege of the Great-Russian nation alone.⁴⁰

Here it would be very appropriate to recall Leonid Brezhnev’s statement at the presentation of the new Constitution of the USSR to the Plenum of the Central Committee of the CPSU in 1977. The Secretary General noted that it would be right to substitute the multinational diversity of Russia with the term “Soviet nation.” This approach was a continuation of Lenin’s ethnic policy.

With regard to the great-power chauvinism, Lenin specifically writes:

an abstract presentation of the question of nationalism in general is of no use at all. A distinction must necessarily be made between

the nationalism of an oppressor nation and that of an oppressed nation, the nationalism of a big nation and that of a small nation.

With respect to the second kind of nationalism we, nationals of a big nation, have nearly always been guilty, in historic practice, of an infinite number of cases of violence; furthermore, we commit violence and insult an infinite number of times without noticing it. It is sufficient to recall my Volga reminiscences of how non-Russians are treated...⁴¹

“That is why internationalism on the part of oppressors or ‘great’ nations,” Lenin writes further, “as they are called (though they are great only in their violence, only great as bullies), must consist not only in the observance of the formal equality of nations but even in an inequality of the oppressor nation, the great nation, that must make up for the inequality which exists in actual practice.”

According to Lenin, nothing holds up development so much as national injustice; “offended” nationals are not sensitive to anything so much as to the feeling of equality and its violation, if only through negligence or jest – to the violation of that equality by their comrades.

Showing his fidelity to the ideas of national equality, Lenin at the same time is ready to fight all manifestations of nationalism: “one cannot reach this goal without combating nationalism of every kind, and advocating for equal rights for all nations . . . We proletarians declare in advance that we are opposed to Great-Russian privileges, and this is what guides our entire propaganda and agitation.”⁴² Precisely this wording of Lenin comes to mind when we look at the provision in the Russian Constitution of 1993 that declares the equality of the constituent parts of the Russian Federation among each other and in their relations with the federal center.

Stalin thought that membership of the autonomous republics directly in the USSR would destroy the RSFSR and “obliges us to create a new Russian republic and single out the Russian population of the autonomous republics to form the Russian republic.” During this process, many republics, thought Stalin, “would have to rearrange their territories; this would complicate the organizational reform.”⁴³

A natural question came up: do republics need a strong center? They advocated for independence, but only to a certain extent. The republics wanted political independence while, at the same time, they called for a strengthening of economic ties, i.e. economic assistance and support. Stalin used this contradiction to his advantage. Distribution of powers and finances in the end was based not on treaties but on the all-union plans. As a result, regions reconciled with centralization. A. Vdovin, V. Zorin, and A. Nikonov assert: “Despite formal recognition of Lenin’s federalization idea by the Central Committee of the party, in practice Stalin’s idea of autonomization was implemented.”⁴⁴

The Russian question attracts the attention of many politicians in modern Russia. This problem is best described in the program documents of the “Spiritual Heritage.” At the same time, it is obvious that the answer to the “Russian question” worries not only politicians and scholars but also ordinary citizens. People with posters at the entrances to the State Duma and Federation Council periodically remind one of this problem. According to the leaders of the “Spiritual Heritage” and, probably, the supporters of the Communist Party, the break up of the Russian ethnos, its forced split, and Russian ethnic minorities that emerged in the formed union and autonomous republics (often their share in the population is as high as 50 percent) may have catastrophic consequences.

Many national politicians associate the development of federalism only with Russia. Yet at this stage it can be a universal solution for ethnic conflicts elsewhere in the former Soviet Union. Establishing a federal state is urgent not only for Russia but also for the Ukraine, Georgia, Moldavia, and Kazakstan.

The situation in these cases should develop according to the principles of democracy and not nationalism. Power pressure up to the point of a military confrontation, as happened in the Georgian–Abkhaz conflict, will not lead to assimilation of ethnoses of any significant size, to say nothing about more powerful communities that historically settled on various territories in the post-Soviet space.

This type of ethnic policy may include the possibility of establishing a common economic space that includes “transparent borders” and other attributes of so-called “tolerant sovereignty” (“Spiritual Heritage” probably means “limited sovereignty,” a term used in federalist scholarship). The key role in this process will be played by a considered and well-grounded policy of Russia. Especially important is that this would allow a solution to the problems of the Russian community outside Russia based on democratic procedures and not on great-power chauvinism.

A. Podberiozkin asserts that, by implementing this policy, the Russian state would declare the unity of Russians and all other peoples of Russia, regardless of their residence state, and give them equal civil rights with the citizens of Russia. Russia will seek to ensure that other post-Soviet states would have provisions in their legislation for the federal set-up, historic bilingualism, double citizenship, social guarantees, political, economic, cultural, and educational support of Russian communities, autonomies, and businesses. There should be a prompt and rigid reaction to any attempts to oppress or infringe on the rights of Russian communities. This is the policy Russians outside of Russia expect of their native country.

Podberiozkin believes that Russia, which is looked upon by Serbs, Ukrainians, Belarussians, and Slovaks as the country that decides the future of the Slavic world as a country that is still called the “engine of the

CIS,” not only does nothing to strengthen the unifying tendencies, but also does not have any idea about what should be done. The adherents of the Russian national idea are positive that the main efforts in counteraction against interventionist plans should be concentrated on strengthening the Russian state, national culture, education, spiritual values, and, of course, advancing science, economy, and finances. Supporters of the “Spiritual Heritage” advocate for a self-sufficient national economy and finances. They consider them to be as important as culture, education, and spiritual values.

The final goal of the “Spiritual Heritage” is to establish an empire of Eastern Slavic nations as a result of natural rapprochement and the unification of many peoples and even their primary state formations, whose “fate” is to live together in one state.

Vladimir Shumeiko, former Chairman of the Federation Council, has his own opinion about the “Russian question.” He asserts that, because of various historic, demographic, geographical, economic, military, and political causes, only Russia can become a nucleus of the new system of states on the territory of the former USSR. He is positive that “strengthening the central power of the state is necessary for implementing reforms within the Russian Federation in order to prepare it for its usual and at the same time new historic role of the unifier. The start point, in my opinion, should be a reduction in the number of constituent parts of the Federation by merging them.”⁴⁵

Thus, the suggestion is to “decide the Russian question” by strengthening the central power and merging the constituent parts of the Russian Federation. Of course, there is nothing original in this, since unitarianists propose the same method for the solution of many problems. For some reason the former Chairman of the Federation Council supposes that the problems of the Russians, who constitute 85 percent of the population, can be resolved by power measures. What methods for the construction of the federal state does V. Shumeiko propose? He is strictly against official recognition of the Russian nation as the state-forming one. (He is a real internationalist!) Shumeiko proposes forming “Russian republics” within the Russian Federation by establishing governor-general districts (here Shumeiko even surpassed radical Zhirinovskii with his idea of “gubernization”). This process should be started in frontier territories, for instance, by establishing the Far East Republic (East Russian governor-general district) on the current territories of Primorie and Khabarovsk Krai, Amur and Magadan Oblasts, Kamchatka, Sakhalin, and Jewish Autonomous Oblast. After that the process of formation of the “Russian” republics should gradually move toward Moscow.

Russia is so lucky that V. Shumeiko was not able to realize his plans while he was the Chairman of the Federation Council! One doesn’t have to be a political expert to see the great-power chauvinism in his proposals.

Not everybody in Russia is ready to distinguish terms “*ruskii*” and “*rossiiskii*” (“[ethnic] Russian and “of Russia”), i.e. ethno-cultural and civil qualities of the nation, but people who are involved in the making of the federal state should be familiar with the principles of federalism for a multinational state.

Canadian scholar M. Molchanov writes on this matter: “Discussions on the topic ‘civil or ethnic/linguistic society’ are always present in the Russian patriotic press. Their content demonstrates a certain degree of archaic traits of Russian public conscience.”⁴⁶

According to the Unity Act of the Russian People adopted by the Second Universal Russian Congress on 3 February 1995, ethnic communities possess “an indivisible ethnic, i.e. limited sovereignty” and have a right to be reunited in one state through peaceful modification of the state boundaries. N. Narochitskaia, the co-Chairwoman of the Universal Russian Congress, explains that “reunification” does not necessarily mean restoration of the pre-revolution territory and the setting up of the Russian state; it rather means the right of the parts of the Russian people to re-assemble together.⁴⁷

The danger of such reasoning in today’s Russia is obvious. It is enough to imagine how implementation of these ideas would affect the actual international policy. Nobody would voluntarily surrender their territory, and a peaceful gathering of the Russian people would bring nothing but new social conflicts. Growing Russian migration, which is already very intense, would increase unemployment, aggravate the housing problem, raise the level of social instability, and cause major social upheavals.

Rejection of the idea of singling out a separate Russian Republic within the Russian Federation is necessary, not only for the preservation of peace and accord in the society, but also for better protection of ethnic Russians in the CIS countries and in the national republics of the Russian Federation.

There are many proposed models for the state system of the Russian Republic. One of them was suggested by politologist E. Ikhlov. He writes:

The way out from this constitutional schizophrenia could be a revision of the general model of our state. First special laws on secession (and entry) from and to the Russian Federation and democratic transformation of the constituent parts (alteration of their status and borders) need to be adopted. The new state model should be based on the actual system of relations and self-identification of the people of Russia. Depending on the level of development and integration into the idea of “Russianness,” the parts of the country would constitute three status levels:

- 1 Unitarian nucleus – the Russian Republic, i.e. an amalgamation of krais, oblasts, and purely nominal *national formations* in which a low level of social and economic life prevails. The level

- of self-government here would be similar to that of departments in France or counties in Great Britain;
- 2 The federal part – a constitutional union of regions with a level of development and ethnic and culturally unique features sufficient for the “burden” of a half-sovereign state system, i.e. “states” with full rights. For instance, City of Moscow, North West, Middle Volga, Far East, Urals, and the territory of the Siberian Accord. Naturally every vote of these true subjects – “states” – would have much more weight in the administration of the Federation than it has today. . .
 - 3 Conventionally confederated part, i.e. the states that voluntarily entered the common “Russian” or “Eurasian” union with a status of dominions of the Russian Federation . . .⁴⁸

The above project is so eclectic, forced, and remote from the actual development of interethnic and federal relations in Russia that it would not be expedient to consider it a serious plan for the political reform of the state. Obviously this approach is destructive for the Russian Federation. However, this point of view is a part of the spectrum of opinions on the future of the regions and constituent parts of the Russian Federation, and it should not be disregarded.

It would be necessary to draw attention to the very fact that the advocates of the Russian national idea often resort to statements close to ideas of chauvinism and ethnic superiority, without even being aware of it. Well-known analyst I. Grankin states:

So far, with the silent consent of Russians, first of all, the ones in administrative positions in the power structures and influential public movements, the “parades of sovereignty” continue to unfold on the vast territories of the Russian Federation. It would not be hard to predict the outcome. The lessons of the break up of the USSR are well remembered by people. In addition, the example of the Chechen Republic that speaks that “the process has been started.” It clearly demonstrates that at all times nobody took into account the interests of the weak people. Only Russians, as history shows, are an exception. They constantly helped other peoples to survive and tell the world community about themselves. But now it is time to think about our own survival, our place in today’s life in Russia and in the world in general. If Russians would wish to be in a privileged position and that [other peoples] would wish to co-operate with them and advance the country together by maintaining its integrity, they [Russians] should seek to be strong, educated and prosperous. Then other peoples would seek to live together with them.⁴⁹

In certain periods of Soviet history, the Russian national question was a negative term with features of *russophobia*. According to Soviet ideologists of the 1930s, it contradicted the doctrine of internationalism. The latter, in turn, was oriented toward the elimination of ethnic differences and in essence was a national–nihilist and natiophobic doctrine.

The Russian nation, because of its large numbers and internal stability, excited major apprehension among internationalists. Bolsheviks could not ignore *russophobia* as a part of their national character and, therefore, they had to cover it up with internationalism. Moreover, in certain circumstances they had to recognize *russophobia*, yielding to the national feelings of Russians and use Russian nationalism to achieve their goals, especially in order to restrain excessive nationalistic claims of other nationalities. Among Soviet patriots of the 1930s, *russophobia* had not only a moral and ethical, but also a social and psychological dimension.

Self-identification of Russians in new historical circumstances, which in essence is an ethnic process, constitutes a movement of the ethnos toward ethnic self-consciousness. In certain conditions, however, ethnic self-consciousness inevitably transforms into nationalism, i.e. deformed ethnic self-consciousness with an overestimated perception of particular traits of the “native people” as well as inadequate understanding of other peoples. Nationalist ideology is meant to justify protection of the interests of one people at the expense of other people or peoples. The introduction of nationalism into political practice leads to interethnic conflicts, which are so numerous on the territory of the Russian Federation today.

Politicians and national leaders of the new millennium should do everything possible to protect the interests of Russians as well as the interests of other peoples of Russia. This should be done in such a way that the virus of nationalism does not find a nutritive medium in a democratic federal state of Russia.

Federalism, great power centrism, and ethnicity:

pro et contra

Russia is the heart of a particular European civilization which, not being separated by impenetrable boundaries from other civilizations, makes a unique world that combines Eastern Christianity and Islam and has its own spiritual values, which are reflected in the great literature and scholarship.

Egor Stroev, Chairman of the Federation Council

The grounds for an ethnocentrist policy in Russia have been laid throughout the entire history of a multinational Russian state. At the same time, the administrative and territorial division of Russia, as always, was meant to maintain a centralized administration, depriving peoples and ethnic

groups from the right to develop fully within the boundaries of their ethnic territories. Therefore, it would not be right to speak of ethnocentrism and ethnocracy in autonomous national territories of the Russian Empire.

The phenomenon of ethnocentrism could appear only when the national elite gained access to the instruments of power, which allowed them to administer all spheres of life: politics, economy, science, and culture.

Manifestations of the great-power chauvinism in Russia are not few in number. But examples of ethnocracy in the national republics of the Russian Federation are also numerous. The regime that legitimizes privileges to certain ethnoses and discriminates against others can be stable only with the support of a substantial part of the national electorate. This very factor forces the national political elite to create special schemes for electoral legislation in their republics. “Title” nationalities constitute a minority of the population in a majority of the national republics of the Russian Federation. For this reason, politicians and PR experts elaborate special schemes and electoral technologies in order to bypass the traditional democratic principle, which states: “one person – one vote.”

An ethnocentrist approach to social policy is also antidemocratic. The ruling elite make attempts to secure all types of privileges for their ethnos *de jure* and *de facto*. The losing side here is not always Russian; often it is other ethnic minorities (although sometimes they are greater in number than the “title” nationality). Additionally, the factor of nepotism is also present in some regions – key positions around the leader are often occupied by his or her relatives.

Ethnocratic forms of government inevitably contradict the fundamental principles of equal civil rights. For instance, there are cases when there are restrictions on acquisition of citizenship by people of “non-title” nationality. The formal ground for this could be insufficient knowledge of the history of the state or residential qualification. Sometimes the ruling elite pays more attention to traditions and the social culture of the dominant ethnos than to the law.

Obviously, in a democratic society, effectual legislation should be based exclusively on the principle of equality of all citizens before the law, regardless of their ethnic origin. All attempts to introduce norms that are not stipulated by the civil legislation or grant special privileges to the representatives of a particular ethnic origin at the expense of the other, should be regarded as encroachment on the legal rights of the citizens and should be subject to legal prosecution.

An ethnocentric interpretation of the cultural policy supposes cultural domination of the “title” ethnos. The ethnic elite who have access to the state power are trying to mobilize traditional (folklore) ethnocultural resources, which are used as differentiating factors. The ruling national

elite gives financial support first of all to national writers and poets who write in the “title” national language.

A democratic interpretation of the cultural policy presumes, first of all, propagation and distribution of the masterpieces of the world of professional culture and art, and the emphasis should be on professionalism. This should not mean discrimination against the national folklore arts. In a democratic society, this layer of folk culture exists in a natural way. It is not being enforced as a compulsory national culture. Optimal conditions for the development of traditional culture are provided by the Institute of National and Cultural Autonomy (NCA). In the NCA, ethnic culture is reproduced on the level of ethnic communities. The state financially supports cultural events of particular ethnic groups while, at the same time, keeping a certain ethnocultural balance.

Problems of the language policy are resolved by granting the language of the “title” ethnos the status of the official language on the territory of the national administrative unit. A majority of national republics of the Russian Federation have laws about the official language that proclaim languages of the “title” nationalities the “official state languages,” together with the Russian language. These laws usually have subsidiary legislative acts listing official positions that require knowledge of the two official languages by the applicants. This linguistic requirement is a vivid example of social and political discrimination against “non-title” nationalities. There are attempts to use language as an instrument for demographic policy in order to force out undesired ethnic groups from particular territories. Language barriers also allow ethnic nomenclature to regulate migration flows. By organizing school education in the native language of the places of residence, actively implanting the appropriate literature, and organizing folk events, radical national patriots seek to establish self-governed enclaves, thus violating the conditions of national and cultural autonomy. The national intelligentsia that forms and inspires national ideology doctrine is interested in having a monopoly over the “consumers” of its intellectual products. The bearers of the “national idea” are trying to use administrative methods to widen their actual and potential spheres of influence. Language in the republics of the Russian Federation is considered to be a national symbol and an instrument for ethnic mobilization, and it is regarded as a special ethnic value.

The democratic approach to language issues is defined by recognition of the fact that the existence of any language is characterized first of all by its role in communication and spread of information, both within the ethnos and among ethnic groups. Language is the means of communication and not an instrument for political or cultural expansion.

The differentiating role of the national languages is also clearly manifested in the religious aspect of ethnic policy. Particularly we must note

the danger of Orthodoxy becoming a state religion and active penetration of the Russian Orthodox Church into government structures. Such tendencies cause a predictable reaction in the regions with dominant non-Russian populations. This can provoke new conflicts in interethnic relations and would further polarize the society along ethnic lines. V. Filippov, who thoroughly studied ethnic policy, notes:

Democratic ethnic policy is based on the recognition of the right of any citizen to profess any religion or to profess no religion. The church is separate from the state, and no religious system can claim the role of an official ideology on either the level of the Russian Federation or the level of its constituent parts. Only a consecutive implementation of these general democratic principles can eliminate the negative influence of the religious factor on the ethnopolitical processes in our country.⁵⁰

Under ethnocratic schemes of ethnic policy in the multinational communities, the ruling ethnic elite often resort to open or concealed psychological pressure on the population in order to keep the status quo and preserve the dominant position of one of the ethnoses.

Formulation of the democratic concept of the ethnic policy requires special legislative provisions both on federal and regional levels, which would officially outlaw propaganda of ethnic strife. The appropriate provisions in the Criminal Code of the Russian Federation need to be concretized, and criminal prosecution should be introduced for violation of the ethnic equality of the people and granting special privileges according to ethnic origin. The division of peoples into “title” and “non-title,” “large” and “small,” “elder” and “younger” brothers should be withdrawn from political practice. Ethnicity, and all that is connected with it, should be the private matter of an individual. Ethnic origin cannot be a reason for superiority of an individual, for ethnic origin is not his or her own personal merit. To put oneself above the others only because of affiliation with “large” or “small” or any other “special” kind of ethnos is the same as to be proud of one’s birthday being not on Tuesday, but on Wednesday or, still better, on Saturday...

Arbakhan Magomedov writes:

One of the powerful initiating factors for the regionalization of Russia was the factor of ideology, culture, and civilization. The phenomenon of regional political ideologies could appear on the grounds of localization of economic and political interests of the local elite within their communities. The latter [communities] give them space for their historic creative activity and ideological expansion.⁵¹

With the break up of the USSR, nationalistic movements became active in practically all national regions of Russia. But, in striving to secure their ethnic and national ideals, many representatives of the regional political elite could hardly combine the interests of their regions with the interests of the country in general. Having respect for the desire of the regions to “take as much sovereignty as they would be able to use,” one has to be critical about the position of certain leaders who lost their points of orientation within the multinational Russia and sought an exceptional status for themselves. The stratification of society in Russia into many sub-national structures has become a real problem. In many instances, it has reached a point of termination of social and political relations, and the rejection of moral and ethnic obligations. In certain cases, “national” groups of the population not only did not advance to a new level of national self-consciousness but, also, lost their identity as citizens of one state. Elza Bair-Guchinova, a scholar from Elista, writes that in the person of Kirsan Iliumzhinov (President of Kalmykia) the people of Kalmykia saw a hero – an intelligent, strong, and almost all-powerful leader who can unite all Kalmyks and lead his people to prosperity. At the time of his first presidential elections, Iliumzhinov was viewed by people as a messenger of God, close to a Messiah. The new times demanded a new hero equal to the heroes of the national “Jangar” epic.⁵²

The ethnocentrism of some constituent parts of the Russian Federation prompts new theories for establishing the Russian Republic. The development model of the national sovereignty in Kalmykia is worthy of special attention. According to *Literaturnaia gazeta*, at the present time there are only twenty-seven deputies in the Parliament of Kalmykia (instead of the 130 elected in the early 1990s). Only four out of the forty ministries were left by the mid-1990s. The President of the republic himself appoints all ministers, one-third of the deputies of the Republican Parliament, and heads of the territorial units. In the same way he decides who should manage enterprises and banks. Isn't this an optimization of the administrative system? On the contrary, these practices reflect the negative tendency typical for some regions in the process of strengthening *sovereignty*.

This is how *Literaturnaia gazeta* comments on social development in Kalmykia:

This doesn't mean that the number of bureaucrats has been reduced, since instead of former 40 ministries, 57 “apparatus” have been established. The only difference is that all employees have almond-shaped eyes (100 percent in the presidential administration; 76 percent in the central administration apparatus; and 46 percent of the rest of the residents of the republic). At Elista University, one of the most prestigious in the Federation, 81 percent of the students are Kalmyk. Sixteen out of eighteen banks

of the republic are headed by a representative of the “title” nation. This is a major ethnic disproportion since the population is composed of 45.4 percent Kalmyks and 39.3 percent Slavic peoples. The result is a slow but steady outflow of Russians from the republic (according to *Nezavisimaia gazeta*, 2 percent per year).⁵³

It is hard to disagree with some politologists and experts who note that political leaders and ruling groups in certain national regions (and some territorial ones, too) became advocates for the expectations of the local population, giving rise to the myths about collective destiny of the people. At times of crisis, the importance of the national idea grows and people become more aware of their ethnic and cultural roots. For this reason there is a major shift in the values of society. Intensifying ethnic self-identification does not always lead to self-determination of peoples, but almost always excites the sleeping national ideology potential. As a result, broad masses develop a perception of an ideal leader who fits the marginal character of the time. In the setting of a decentralized state, the regional elite of Russia developed their own socio-political models: “Ulianovsk,” “Nizhny Novgorod,” “Tatar,” “Bashkir,” “Kalmyk.” In the first half of the 1990s the local reforms were intended to counterbalance the development model elaborated by the central government. Various regional world outlooks proposed to the people were perceived as innovative and stabilizing, based on ethnic, cultural, and historical features of particular regions. It would be enough to recall the statement made in 1994 in Kazan:

Tatarstan without a national idea, a national goal, in the end would be perceived by the outside world as a separatist administrative and territorial unit, a part of one whole, i.e. of Russia. Tatarstan inspired by the national idea, united for the national goal despite all external and internal obstacles on the way to this goal would tell the world community about itself as of historically stipulated and legitimate state formation.⁵⁴

The ethnic process is a process of formation and modification of the ethnic self-consciousness. Every specific historic type of ethnic community has its own unique way of self-identification; some ethnic characteristics have major importance and form the entire system while other factors gradually wane. In the ethnic worldview, the “native land” should be safeguarded from other territories by its state system. The state system, in turn, is called upon to maintain domination of the state-forming (“title”) nation both in number and social role. The indispensable attributes of the national self-consciousness are “native language,” “native gods,” and

“tradition and faith of the ancestors.” There are also adjectives describing the national character of the people, usually in comparison with their neighbors.

Ethnic self-consciousness, being the essential attribute of the ethnos, may grow into nationalism under certain conditions. Nationalism is a deformed ethnic conscience with inadequate perception of some features of its own as well as those of other peoples. Nationalist ideology is meant to justify satisfaction of the needs of one people at the expense of the other. All nationalist doctrines, which lead to ethnocentrism, have the following points: territorial claims (or memories of the former boundaries), arguments in favor of demographic domination of the native people, economic development schemes for the native people, and a list of the most prestigious social niches for their own people. The national language becomes a fetish, the exceptional importance of the native culture in the context of the world culture is stressed, the national religion is made absolute, and native people become “God-chosen” and their role in history is equal to that of Messiah. In the end there is a discreet or open fight between the different ethnic groups for the right to control resources in the broadest sense of this term.

Implanting nationalist ideology into political practice usually leads to ethnic conflicts.

It is the federal structure of the country and rights of the constituent parts of the Federation that produce a major divide in the approaches of the elite in the national republics and other constituent units. Many republics of the Russian Federation, despite the fact that “title” nations do not always constitute a majority in their regions, consider their territory a home country as opposed to oblasts, which are viewed by the local population only as parts of the one large country. The ethnic values which make republics of the Russian Federation unique have become a factor for isolation from the Russian oblasts. The elite of the “title” ethnic groups are often very rigid about their status, first of all, because the idea of *gubernization* of Russia does not suit them. The defensive ideology of the “national” elite and the ethnization of political institutes in the republics were a response to attempts to structure the state system in Russia on a territorial basis.

Perception of republics as “home countries” of the ethnic groups supports the fact that “national” elites are interested, first of all, in promoting their own ethnic, and not civil or political party interests.

The elite of certain republics maintain an ideological policy that defines the “title” nation as the only heir of all achievements of the ethnos in the past. The elite pay much attention to their nation’s history and the history of its integration into Russia and try to interpret all particularities of its ethnic and political development within the Russian Empire to their advantage.

The historic traits used by the elite in the “national” constituent parts are an expression of ethnic and regional self-consciousness. One of the most vivid manifestations of this self-consciousness was a statement by one of the leaders of Kalmykia:

Our political “plus” is that we have preserved the stability of the situation. And our desire is that, by using this advantage, [we can] make a little Switzerland of our republic, a zone for attraction of foreign capital, so that this capital will enter the Russian economy and Russian business. But we are not allowed to do this.⁵⁵

Another important point by the above-cited fundamental work by A. Magomedov, worthy of attention of any federalist, was made on the problems of regionalism. The author notes that the structure of ideology of the Tatar and Kalmyk elite has a limited nationalistic factor. Therefore, it gives grounds for constructive solutions that involve political and diplomatic innovations (“The Hague Initiative,” “global federalism,” “offshore zones,” “economic and legal oasis”). This also includes improvement of the framework of treaties and unions, in addition to institutional support for the new initiatives. These possibilities are real in Tatarstan and Kalmykia because many leaders in these regions are very balanced and sober-minded, and distance themselves from radical attitudes.

The following example is very typical. While in Chechnya after Dudaev’s coming to power, a universal arming of the population was underway. In contrast, in Kazan on 17 October 1991, the President of Tatarstan issued a decree “On the Prohibition of Formation and Operation of Public Military Organizations and Armed Units on the Territory of Tatar SSR.”⁵⁶ This decree from the very beginning put a stop to all uncontrollable situations.

Realistic and pragmatic politicians restrain the ambitions of the radicals by channeling them in a rational direction.

A study of public opinion in the regions, conducted by a research group headed by L. Drobizheva, demonstrates that the idea of “nationalism” (not in its radical form of secession, but in a form of real federalism with some elements of confederation) is shared by more than half of the Tatars living in the republic. About 30 percent of them are ready to make certain sacrifices, except for war, in the name of sovereignty, which in the first half of the 1990s found support among 1 to 2 percent of Tatars. This means that the opinion of the extreme radicals was shared by an insignificant minority of the population. In the meantime, the policy of economic regionalism was supported by 62 percent of Tatars and 40 percent of Russians. Thus the political elite of Tatarstan has real political support of the population on this matter. Tatarstan’s leadership was consistent in implementing many sovereign ideas and, at the same time, avoided the conflicts

within the Federation. The main policy line was to realize the rights that were acquired with the signing of the bilateral treaty with the federal government.

The ideological concepts developed today in Tatarstan state are: “The people of Tatarstan are a nation,” “Tatarstan is a sovereign state associated with the Russian Federation in accordance with the Treaty.” The term “people of Tatarstan” implies the existence of civil society in the republic, i.e. association of people as co-citizens. The strategy of Tatarstan’s elite is to protect the interests of the Tatars, but not at the expense of other nationalities. L. Drobizheva notes that, in contrast to politicians of other republics, in Tatarstan they do not say that there is no “nationalism” [in the republic]. Here the elite are familiar with the meaning of this term. In the world of scholars this type of nationalism is called “liberal.”⁵⁷ Of course, Tatarstan might have some elements of ethnic radicalism, which has certain support in the region. From time to time, local national-radicals warn Shaimiev about it. One of them compared President Shaimiev with Akela, a character from “Maugli”: “If Akela were to miss the target, the entire mechanism of radical opposition, with its property, finances and the mass media, would start revolving and wipe out the ruling party.”⁵⁸ The main danger for the politicians who embark on the road of protecting the ethnic interests is that, in order to preserve their elite status, they would give up the principles of federalism and stop their work on strengthening the Federation or, on the contrary, take the radical way, which could destroy Russia from within.

In his work, “Eighteenth Brumaire of Louis Bonaparte,” Marx discusses the theme of betrayal of principles. He uncovers the internal “inevitability of defeat, which sooner or later reaches the republican who is afraid of the republic, a democrat who is afraid of real democratic movement, and a revolutionary who is afraid to lead his struggle for the revolution until the end.” If we look back to the situation in Russia in the 1990s, we will see a historic parallel: we had republicans who tried to enforce the republican constitution using authoritarian methods and democrats who were afraid to take power and lose face.

Michael Intelligator, the vice-president of the American Economist Union wrote in his article in *NG-Politekonomia*: “The future development of Russia can undermine international stability: today, depending on what future awaits Russia, the situation can be compared to the temporary ceasefire between the first and second ‘Cold Wars.’ No one can definitely predict the future of Russia.”⁵⁹

One of the possible scenarios is the establishment of an authoritarian regime. Another scenario could be a further break up of Russia, chaos, and anarchy.

The question often arises of how the Germans, a civilized and educated nation, could allow Hitler to come to power with his clear plans for war

and genocide. The answer is simple: desperate people take desperate steps. The same can happen in Russia, which today restores Soviet symbols in the name of the social accord – the red flag for the army and old Soviet Aleksandrov’s anthem with new verses for the democratic Russia. The State Council, which apparently consists of responsible politicians, allowed the blow-valve for the ideological poison to open under the pretext of strengthening patriotism, which is supposedly so much needed for Russia. Involuntarily one thinks about the corporate character of any power. Power of any kind struggles for survival by preserving the state system and the state symbols, initiating discussions about the supreme interests of the state, and about principles and symbols that unite the nation. All this can only be called an ideological attack.

Federalism, Great Power Centrism, and ethnic policy are closely related ideas. Only a nationwide balance and equilibrium of federalist principles that safeguard the unity and integrity of the multinational state and provide its people with the full scope of democratic liberties for advancement of their ethnicity, would ensure peace and stability in the Russian Federation and be “the moment of truth” for all levels of power and the entire commonwealth of citizens of the Great Russia.

POSTSCRIPT

It seems that, today, people of Russia should have no grounds for calling themselves “Great Russia.” We have lived through a full bankruptcy: ideological, cultural, technological, psychological, and moral. Now we are in solitude. CIS countries, the former members of the “new historic entity” under a sound name, “We, the Soviet people,” have gone down what may be a thorny but still their own path. The states – former countries of “the people’s democracy” or, as they are now called, East European countries – are promptly building a visa “iron curtain” on the borders with their former COMECON partners. Terrorism and technological disasters, as though competing with each other, break into lives of the innocent people, fill television screens, frightening and discouraging the population. The war in Chechnya, if not lost completely, then not won either. Moral values and ideals are lost in many ways. The Communist moral and ideals of the old Lenin and Stalin Guard are left in history, and there are no new ideals which would replace them. Poets and writers are dumped into the dustbin of history. Triviality and tastelessness filled life, which has little room for classical art and literature. Commercialization of human relationships has reached a grand scale. The great criminal revolution has become a reality. Russia entered the new millennium with no clear goals for state construction, no definite principles for ethnic accord, or firm conditions for federal development. The existing Constitution of the Russian Federation is constantly being violated by all parties and attacked both on the left and on the right.

The question, “Where are you going, Russia?” is also a question about what is ahead of Russia: is it the break up of the country or national rebirth?

One of the possible scenarios for the future, as predicted by some political analysts, is the “establishment of an authoritarian regime.” Another possibility is further break up of Russia, chaos and anarchy.

Of course, it is not yet too late to find protection against totalitarianism. But the external factor has to be considered as well. Some politologists forecast that the world is on the verge of a new “Cold War” between Russia

and the West. The advent of republican George W. Bush to power, which coincided with the beginning of Putin's presidency, could increase confrontation between Russia and the United States. Bush is a Texan republican. Putin hardly can be considered a democrat. The simultaneous advent of these two people to power creates a new geopolitical situation in the world. It is a situation of open confrontation, new spiral in the armaments race and "star wars," which would inevitably lead to a reduction of the role of public democratic institutions.

In this new situation the state integrity of Russia will be strengthened, and democracy and federalism will lose their influence.

If no urgent measures are taken, Russia may face the fate of the Weimar Republic: the collapse of the Soviet Empire, breakdown of the economy, industrial depression, disappearance of the middle class, and sharp marginalization of the population.

The Russian Federation took the road of democracy and federalism being resurrected like a phoenix from the ashes of the Soviet Empire. But here the Great Power pathos should end. Democracy and federalism of the 1990s were an invasion of the oligarchs. Nobody would be able to explain to an ordinary Russian citizen how many democrats turned out to be the richest people of Russia. Politics is a dirty business, but facts demonstrate it is also very profitable. But what does it have to do with democracy?

Society now has a need for security of freedom, personal dignity, human rights, and protection of the interests of the ethnic minorities. Former Soviet people now long for true and not demonstrative freedom of religion. It is not the same "freedom of conscience, which power shows during festive services in the Orthodox churches but the faith that gives hope to millions of Russians, who have nothing but hope and faith."

The Great Russia, regrettably, at the present stage of its development, rejected the way of "Catherine's voltairianism." According to one analyst, we will not escape "Peter's meat-grinder after Narva surprise." After the terrorist act at the Pushkin Square in Moscow, the "Kursk" submarine accident, and the fire at Ostankino TV tower, people have lived through a shock. But after the shock, people see things clearly. The country entered a new state. There is a danger of losing much more. This time the stake is democratic human rights and liberties. And yet, Russia still has a choice. History will show what it will be.

NOTES

FOREWORD

- 1 Stalin, J.V., "Marksizm i natsional'nyi vopros [Marxism and the National Question]," *Collected Works*, Vol. 2, p. 295; "Natsional'nyi vopros i Leninizm [The National Question and Leninism]," *Collected Works*, Vol. 11, p. 336.

INTRODUCTION

- 1 Constitution of the Russian Federation, Preamble.
- 2 Andreev, Daniel, *Roza mira [Rose of the World]*, Moscow: Prometei, p. 10.
- 3 Stalin, J.V., "Marksizm i natsional'nyi vopros [Marxism and the National Question]," in *Collected Works*, Vol. 2, p. 295; Stalin, J.V., "Natsional'nyi vopros i Leninizm [The National Question and Leninism]," *Collected Works*, Vol. 11, p. 336.
- 4 Dzhunusov, M., "Natsiia kak sotsial'no-etnicheskaia obshchnost' liudei [Nation as a Socio-ethnic Community]," *Voprosy istorii*, No. 4, 1966.
- 5 Tishkov, V., "Kontseptual'naia revoliutsiia natsional'noi politiki v Rossii [Conceptual Revolution of the National Politics in Russia]," *Federalism*, No. 3, 1997.
- 6 Valentei, S., *Federalizm: rossiiskaia istoriia i rossiiskaia real'nost' [Federalism: Russian History and Russian Reality]*, Moscow, 1998, p. 33.
- 7 Chichanovsky, A., *Za chertoi poliota (natsii i narody posle razvala SSSR) [Beyond the Horizon (Nations after the Collapse of the USSR)]*, Moscow, 2000, p. 6.
- 8 Nietzsche, F., *Collected Works in Two Volumes*, Vol. 1, Moscow: Mysl, p. 441.

I STATEHOOD LEGACY

- 1 The French word "*etatism*" is relatively close to the Russian *derzhavnost'*.
- 2 *Nezavisimaia gazeta*, 18 October 2000.
- 3 Kostomarov, N., *Russkaia istoriia v zhezneopisaniiakh ee glavneishikh deiatelei [Russian History in Biographies of its Leaders]*, Moscow: Mysl, 1993, pp. 5–6.
- 4 Kliuchevskii, V., *Istoricheskie portrety [Historical Portraits]*, Moscow: Pravda, 1990, pp. 4–41.
- 5 *Bascaque* – a representative of the Mongol–Tatar khan controlled local authority on the conquered territory of Rus' (second half of the thirteenth–beginning of the fourteenth centuries).
- 6 *Yasak* – a natural tax.
- 7 Pokhlebkin, V., *Tataty i Rus' 360 let otnosheniü 1238–1598 [The Tatars and Rus']*.

- Three Hundred and Sixty Years of Relations, 1238–1598*], Moscow: Mezhdunarodnye otnosheniia, 2000, p. 134.
- 8 Uspenski (Dormition of the Mother of God) cathedral is the main cathedral of the Moscow Kremlin.
 - 9 Kostomarov, N., op. cit., p. 252.
 - 10 On 26 May 1898, when the crowning of Nicolas Romanov was taking place, there was a tragedy in Hodynka field. Several thousand people perished. The Bishop's Council of the Orthodox Church assembled in Moscow in June 2000. The Tsar's family were included in the list of great martyrs. On the very day when Nicolas II and his family were canonized, Russia learned about the tragedy of the nuclear submarine "Kursk." 118 men died.
 - 11 Kliuchevskii, V., op. cit.
 - 12 Formally these Tsars kept their power but, in reality, all the decisions were made by the Prime Minister, who was appointed by the Tsar.
 - 13 Kliuchevskii, V., op. cit., pp. 315–17.
 - 14 However, one can compare sorrowful Catherine's "legacy" with Putin's political legacy that he received after "Tsar Boris's" period. Then, five governments were changed during ten years but they could neither "set the country on its feet nor stabilize the economical life of the society, nor fight down delinquency, nor solve other important problems."
 - 15 Putin, V.V., *Annual address of the President of the Russian Federation to the Federal Assembly*.
 - 16 Kliuchevskii, V., op. cit., p. 319.
 - 17 In his address to the Federal Assembly, President Vladimir Putin said:

To be a powerful and self-confident state is the only possible choice for Russia, not against the world community and not against other powerful states but with them. Today, when we are going forward it is more important not to remember the past but to look into the future. It is necessary that all of us – company owners, authority structures, all the citizens – feel our responsibility for the country. Strict fulfillment of the law must become a deliberate need of all Russians. Policy that is built on the basis of open and honest relations between the state and the society will defend us against reiteration of past mistakes and will be a basic condition of the new "public contract"... Russia begins with people who consider it their home. Their well-being and prosperity are the main authority's purpose.

- 18 Lubosh, S., *Poslednie Romanovy [The Last Romanovs]*, Leningrad–Moscow: Petrograd, 1924, p. 25.
- 19 Mikhail Speranskii – a liberal politician, who initiated the creation of the State Council in 1810. On the contrary, Alexey Arakcheev was a favorite and War Minister from 1808. He practically ruled the country between 1815 and 1825. He is still thought of as a tyrant.
- 20 de Qustin, Astolf, Marquis, *Rossia pri Nikolae [Russia under Nicolas]*, Moscow: Terra, 1997, p. 141.
- 21 Khodynka is the name of a field in Moscow where the coronation ceremony of Nicolas II took place on 18 May 1896. Due to bad organization, many people died in the crowd that gathered to greet the new Tsar (officially, 1389 died, while 1300 were injured).
- 22 Mezhuev, V., "Traditsii samovlast'ia v sovremennoi Rossii [Traditions of Autocracy in Modern Russia]," *Svobodnaia Mysl'* XXI, No. 4 (1494), 2000, p. 94.

- 23 Tsiunchuk, R., *Rossiskii federalizm: istoki, genesis, istoricheskii opyt. Sovremennyi federalizm: opyt i perspektivy* [Russian Federalism: Sources, Genesis, Historical Experience and Perspectives], Kazan, 1996, p. 135.
- 24 Abdulatipov, R., "Federalizatsiia Rossii i vzaimosviaz' regional'noi i natsional'noi politiki [Russia's Federalization and Connections between the Regional and the National Policy]," *Ethno-politichesky Vestnik*, No. 1, 1995.
- 25 Perhaps Russian relations with Tajikistan are being built up according to this model. Russian troops serve at the border with Afghanistan.
- 26 Remnev, A. and Savel'ev, P., *Imperskii stroi v Rossii v regional'nom izmerenii* [Imperial Russia's System in Regional Aspects], Moscow: MONF, 1997, p. 11.
- 27 Ibid., p. 17.
- 28 Regional self-government in the late nineteenth–early twentieth centuries.
- 29 Pavlov-Silvanskii, N.P., *Feodalizm v Rossii* [Feudalism in Russia], Moscow: Nauka, 1988, pp. 143–7.
- 30 Andreevskii, I.E., *O namestnikakh, voevodakh i gubernatorakh. [On Namestniks, Voevodas and Governors]*, Saint Petersburg, 1864, Supplement 2, *O prikazakh* [On The Prikazy], pp. 40, 43; Rozhkov, N.A., *Proiskhozhdenie samoderzhaviiia v Rossii* [The Origins of the Monarchy in Russia], Moscow, 1906.
- 31 *Slavianofily* and *zapadniki* (slavophiles and Westerners) were the two opposing groups among the Russian intelligentsia in the nineteenth century. Slavophiles claimed Russia had its own unique way of life, best described by three components: *pravoslavie*, *samoderzhavie*, *narodnost'* (orthodoxy, monarchy, traditional national values), and should differentiate itself from the rest of the world. The Westerners, on the other hand, adhered to European values and wanted Russia to become an integral part of Western Europe.
- 32 Pavlov-Silvanskii, op. cit., pp. 133–49.
- 33 Pavlov-Silvanskii, op. cit., p. 136.
- 34 Tezner, F., *Technik und Geist des standisch-monarchischen Staatrechts*. In *Staats und Socialwissenschaftliche Forschungen von G. Schmoller*, 1901 Bd. IX, H. 3.5, S. 65.
- 35 *Nezavisimaia gazeta*, 28 December 2000.
- 36 Kliuchevskii, V.O., *Sobranie sochinenii* [Collected Works], Vol. 4, Moscow, 1989, p. 167.
- 37 Trifonov, A.G. and Mezhuev, B.V., "General gubernatorstva v rossiiskoi sisteme territorial'nogo upravleniia [Governor-general's Provinces in the Russian System of Territorial Administration]," *POLIS* No. 5, 2000, p. 22.
- 38 The federal districts in today's Russia, in essence, are a revival of the governors-general, the new "federal ministers in the regions." At the same time, the status of the representative of the President gives today's governor-general even more significance.
- 39 Remnev, A.V., *General-gubernatorskaia vlast' v XIX stoletii. K probleme organizatsii regional'nogo upravleniia Rossiiskoi imperii* [Governors'-general Power in the Nineteenth Century. On the Problem of Regional Government Organization in the Russian Empire], Moscow: Moskovskii obshchestvennyi nauchnyi fond, 1997, pp. 52–66.
- 40 *Namestnik* (viceroy) was a higher rank than governor-general; he represented the Tsar in the larger territories of the Empire such as the Kingdom of Poland.
- 41 Ogarev, N.P., *Opyty raboty Svoda zakonov Izdanie 1857 goda* [Experience in Implementation of the Law Code. 1857 Edition], in *Kolokol*, Moscow, 1962, pp. 447–8.
- 42 In the second half of the nineteenth century, there was a clear tendency to abolish the governor-general districts. So, in 1856, Kharkov and Vitebsk districts were liquidated; in 1866 the Saint Petersburg district, and the office of the governor-general, were abolished; in 1874, Novorossiisk and Bessarabia; Minsk *gubernia* was excluded out of the North-Western governor-general dis-

trict; Alexander II, in order to “lower the administrative position in Warsaw to a level of common governor-general district,” abolished the rank of *namestnik* and even changed the name of “Kingdom of Poland” to “Vistula region.” In 1876, Baltic governor-general district was eliminated; in 1881 Orenburg; and in 1882 West Siberian districts. The institute of *namestniks* in the Caucasus in 1881 was reformed into the governor-general district headed by *glavnonachal’stvuiushchii* (chief administrator) of the civil administration who had more authority than a regular governor-general. At the same time, new governor-general districts were created in order to solve arising political and territorial problems. In 1882, the Steppe and, in 1884, Amur governor-general districts were created. The Far East has been separated from Siberia, causing many mutual territorial claims. In 1882, the Western Siberia district gave way to Tobolsk and Tomsk *gubernias*. At the end of the nineteenth century, the problem of recreating the Western Siberia district came up once again. In 1903, *namestniks* were put in the Far East and, in 1905, reintroduced in the Caucasus. It is evident that such transformations were closely related to specific political situations in the empire, depending on their importance. For example, the danger of revolutionary revolts caused the return of the governor-general districts in Saint Petersburg, Kharkov, and Odessa in 1879.

43 *Izvestia*, 12 October 2000.

44 The list of the federal districts is as follows:

Central federal district: Belgorod Oblast’, Bryansk Oblast’, Vladimir Oblast’, Voronezh Oblast’, Ivanovo Oblast’, Kaluga Oblast’, Kostroma Oblast’, Kursk Oblast’, Lipetsk Oblast’, Moscow Oblast’, City of Moscow, Oryol Oblast’, Ryazan Oblast’, Smolensk Oblast’, Tambov Oblast’, Tver Oblast’, Tula Oblast’, Yaroslavl Oblast’. Center of the district: Moscow.

Northwestern federal district: Republic of Karelia, Republic of Komi, Arkhangelsk Oblast’, Vologda Oblast’, Kaliningrad Oblast’, Leningrad Oblast’, Murmansk Oblast’, Novgorod Oblast’, Pskov Oblast’, City of Saint Petersburg, Nenets Autonomous Okrug. Center of the district: Saint Petersburg.

North Caucasus federal district: Republic of Adygeya (Adygeya), Republic of Dagestan, Ingush Republic, Kabardin-Balkar Republic, Republic of Kalmykia–Khalmg Tangch, Karachayev-Cherkess Republic, Republic of North Ossetia, Chechen Republic, Krasnodar Krai, Stavropol Krai, Astrakhan Oblast’, Volgograd Oblast’, Rostov Oblast’. Center of the district – Rostov-on-Don.

Volga federal district: Republic of Bashkortostan, Republic of Mari El, Republic of Mordovia, Republic of Tatarstan (Tatarstan), Udmurt Republic, Chuvash Republic–Chavash Republics, Kirov Oblast’, Nizhny Novgorod Oblast’, Orenburg Oblast’, Penza Oblast’, Perm Oblast’, Samara Oblast’, Saratov Oblast’, Ulyanovsk Oblast’, Komi-Permyak Autonomous Okrug. Center of the district: Nizhny Novgorod.

Urals federal district: Kurgan Oblast’, Sverdlovsk Oblast’, Tyumen Oblast’, Chelyabinsk Oblast’, Khanty-Mansi Autonomous Okrug, Yamal-Nenets Autonomous Okrug. Center of the district: Yekaterinburg.

Siberia federal district: Republic of Altai, Republic of Buryatia, Republic of Tuva, Republic of Khakasia, Altai Krai, Krasnoyarsk Krai, Irkutsk Oblast’, Kemerovo Oblast’, Novosibirsk Oblast’, Omsk Oblast’, Tomsk Oblast’, Chita Oblast’, Aginsky Buryat Autonomous Okrug, Taimyr (Dolgan-Nenets) Autonomous Okrug, Ust-Ordynsky Buryat Autonomous Okrug, Evenk Autonomous Okrug. Center of the district: Novosibirsk.

Far East federal district: Republic of Sakha (Yakutia), Primor’e (Maritime) Krai, Khabarovsk Krai, Amur Oblast’, Kamchatka Oblast’, Magadan Oblast’,

Sakhalin Oblast', Jewish Autonomous Oblast', Koryak Autonomous Okrug, Chukchi Autonomous Okrug, Center of the district: Khabarovsk.

- 45 *Izvestia*, 10 October 2000.
- 46 *Nezavisimaia gazeta*, 29 June 2001.
- 47 *Rossiskaia Federatsiia*, 14 October 2000.
- 48 *Nezavisimaia gazeta*, 10 October 2000.
- 49 *Vek*, No. 13(378), 2000.
- 50 *Nezavisimaia gazeta*, 4 May 2000.
- 51 From "Russia is Baffling to the Mind..." (1866), a poem by Fedor Tiutchev (1803–73), an active Slavophile. "Russia is baffling to the mind,/Not subject to the common measure/Her ways – of a peculiar kind.../One only can have faith in Russia" (transl. by Avril Pyman).
- 52 Lenin, V., "O prave natsii na samoopredelenie [On the Right of Nations to Self-determination]," in *Izbrannye proizvedeniia v chetyrekh tomakh [Selected Works in Four Volumes]*, Moscow: Politizdat, 1986, Vol. 1, p. 530.
- 53 *Ibid.*, p. 524.
- 54 *Ibid.*, p. 533.
- 55 Federalism in its classical form usually does not envisage a right to secession, i.e. a right to withdraw from the Federation. Such practice is only possible in a confederation. The right to diplomatic or consulate relations with foreign countries, including the right to sign treaties, is again predominately a feature of a confederation, rather than a federation. The surprising fact is that, in the Soviet totalitarian state, the republics formally had all possible rights, whereas in a democratic, federal state, as Russia declared itself in the 1993 Constitution, there was no place for "sovereignty" (naturally, limited) and any rights to foreign affairs (even partial). The Constitution does not contain any provision for the sovereignty of the constituent parts of the Federation (except for a vague mention of the "sovereign republics" in Division 2 of the Constitution, where the phrase "republic–state" appears in "republic (state)" form). This is only used by the law makers as a clarification (Article 5 of the Constitution), and not as a separate legal term. The Constitutional Court of the Russian Federation has proclaimed the above-mentioned rights of the republics to sovereignty, statehood, and international affairs unconstitutional and called for the elimination of like provisions in the constitutions of the constituent parts of the Russian Federation.
- 56 Supplement to *Neue Zeit magazine*, No. 1, 1907–1908. Russian translation in "Nauchnaia mysl," Riga, 1908.
- 57 Already in February–March 1914, the Bolsheviks, not having any power and being extremely busy, found enough time to discuss the national politics of the state. The Russian Federation, however, having thousands of bureaucrats at its disposal, does not have time to develop national and federal programs. So far there is no definite basis for the building of a modern state. The Ministry for Federation Affairs, National and Migration Policy has experienced and is undergoing too many internal reforms to be effective. And so far it has not had much authority to serve its purpose.
- 58 Lenin, V.I., *op. cit.*, Vol. 1, p. 530.
- 59 Lenin, V.I., *op. cit.*, Vol. 1, p. 532.
- 60 Lenin, V.I., *op. cit.*, Vol. 1, pp. 534–5.
- 61 It is not possible to be against all state national privileges and, at the same time, to be in favor of the right of all nations to form their own states! To create a national state is already a privilege.
- 62 Lenin, V.I., *op. cit.*, Vol. 1, pp. 533–4.

- 63 Lenin, V.I., “Proletariat i pravo natsii na samoopredelenie [Proletariat and the Right of Nations to Self-determination],” in *Polnoe sobranie sochinenii [Complete Collected Works]*, 5th edn, Vol. 54, p. 465.
- 64 Lenin, V.I., “O prave natsii na samoopredelenie [On the Right of Nations to Self-determination],” in *Izbrannye proizvedeniia v chetyrekh tomakh [Selected Works in Four Volumes]*, Moscow: Politizdat, 1986, Vol. 1, pp. 564–5.
- 65 Lenin, V.I., “K voprosu o natsional’nostiakh ili ob ‘avtonomizatsii’ [The Question of Nationalities or ‘Autonomization’],” in *In Izbrannye proizvedeniia v chetyrekh tomakh [Selected Works in Four Volumes]*, Moscow: Politizdat, 1985, Vol. 4, p. 452.
- 66 *Ibid.*, pp. 448–9.
- 67 *Ibid.*, p. 450.
- 68 S.M. Shakhrai, one of the participants in the Communist Party trial that was held at the beginning of the 1990s at the Constitutional Court of the Russian Federation, noted that in the course of study of many archival documents, the actual treaty on creating the Russian Soviet Federal Socialist Republic (RSFSR) in 1922 has not been found. The only existing document is the copy that was later ratified by some of the participants. Hence, we may suspect that the making of the RSFSR has not even been legally documented.
- 69 Brezhnev, L.I., *Doklad na Plenum Tsentral’nogo Komiteta KPSS 24 maia 1977 goda [The Report at the Plenary Meeting of the Central Committee of the CPSU, 24 May 1977]*.
- 70 Brezhnev, L.I., *O Konstitutsii SSSR [On the Constitution of the USSR]*, Moscow: Politizdat, 1977, p. 53.
- 71 Some experts view the provision for the unilateral secession in the Constitution as one of the main causes for the break up of the Soviet Union. Agreeing with the fact that this provision has been one of the factors contributing to the fall of the USSR, we cannot accept it as the principal and only cause. The break up of the USSR had a revolutionary scenario, it was not a result of a democratic evolution of the events. History gives us many examples showing that, at the time of revolution, nobody pays attention to constitutions and they are simply thrown out.
- 72 *Sovetskaia Rossiia*, 7 February 1991.
- 73 Sharov, Iu.L., “Rossiiskii federalizm: nachaty strukturnye izmeneniia [Russian Federalism: Structure Changes Initiated],” in *Federalizm*, No. 3, 2000, p. 68.
- 74 Zolotareva, M.V., *Modernizatsiia federalizma: neobkhodimost’ i vozmozhnosti [Modernization of Federalism: Necessity and Possibilities]*, p. 138.
- 75 *Izvestia*, 14 October 2000.
- 76 Volkogonov, D.A., *Lenin – politicheskii portret: V dvukh knigakh [Lenin – the Political Portrait: in Two Books]*, Moscow: Novosti, 1994, p. 269.
- 77 Berdiaev, N.A., *Istoki i smysl russkogo kommunizma [The Origins and Essence of Russian Communism]*, 1955, pp. 94, 96.
- 78 Stalin, J.V., “Ob ocherednykh zadachakh partii v natsional’nom voprose [The Immediate Tasks of the Party in the National Question],” in *Socheneniia [Writings]*, Vol. 5, Moscow: OGIZ, 1954, p. 22.
- 79 *Ibid.*, p. 39.
- 80 *Ibid.*, p. 44.
- 81 *Desiatyi s’ezd RKP(b) [Tenth Congress of RCP (Bolshevik)]*, pp. 701, 184, 187.
- 82 Stalin, J.V., “Organizatsiia Rossiiskoi federativnoi respubliki [Organization of the Russian Federal Republic],” in *Socheneniia [Writings]*, Vol. 4, p. 69.
- 83 Chuev, F., *Sto sorok besed s Molotovym [One Hundred and Forty Conversations with Molotov]*, Moscow, 1991, p. 269.

- 84 Stalin, J.V., "Organizatsiia Rossiiskoi federativnoi respubliki [Organization of the Russian Federal Republic]," in *Sochineniia [Writings]*, Vol. 4, pp. 69–70.
- 85 Stalin, J.V., "Natsional'nyi vopros i leninizm [The National Question and Leninism]," in *Sochineniia [Writings]*, Vol. 11, p. 333.
- 86 Lenin, V.I., *Polnoe sobranie sochinenii [Complete Collected Works]*, Vol. 24, pp. 386–8.
- 87 *Ibid.*, Vol. 48, p. 169.
- 88 *Ibid.*, Vol. 41, p. 77.
- 89 *Pravda*, No. 96, 101, 18 and 24 May 1918.
- 90 Volkov, Vladimir, "Etnonomenklatura i raspad gosudarstva [Ethnic Nomenclature and Dissolution of the State]," in *Svobodnaia mysl'*, XXI, No. 9 (1499), p. 58.
- 91 Vdovin, A.I., Zorin, V.Iu., and Nikonov, A.V., *Russkii narod v natsional'noi politike XX vek [Russian People in the Ethnic Policy. 20th Century]*, Moscow: Russkii mir, 1998, p. 72.
- 92 RTsKhIDNI, F.558, Op. 1, Archival unit No. 2479, p. 226–7.
- 93 *Nashe Otechestvo. Opyt politicheskoi istorii [Our Fatherland. The Political History]*, Vol. 2, Moscow, 1991, p. 154.
- 94 RTsKhIDNI, F.5, Op. 2, Archival unit No. 28, pp. 19–20.
- 95 Stalin, J.V., *Sochineniia [Writings]*, Vol. 5, Moscow: OGIZ, 1954, p. 143.
- 96 *Ibid.*, pp. 258–9.
- 97 Desiatyi s'ezd RKP(b) [Tenth Congress of RCP (Bolshevik)], pp. 184, 187, 210, 206–7.
- 98 Vdovin, A.I., Zorin, V.Iu., and Nikonov, A.V., *Russkii narod v natsional'noi politike XX vek. [Russian People in the Ethnic Policy. 20th Century]*, Moscow: Russkii mir, 1998, pp. 81–2.

2 THE ROLLERCOASTER OF RUSSIAN FEDERALISM

- 1 Constitution of the Russian Federation, Article 5, Part 1.
- 2 *Ibid.*, Article 5, Part 4.
- 3 *Ibid.*, Article 5, Part 2.
- 4 *Ibid.*, Article 68, Part 2.
- 5 The federal law, "On the Principles and Regulations of Delimitation of Powers Between the Bodies of State Authority of the Russian Federation and the Bodies of State Authority of the Subjects of the Russian Federation" was ratified by the State Duma on 12 February 1999.
- 6 Sarycheva, I., "Raspolzanie pravovoi sistemy – ugroza konstitutsionnoi bezopasnosti Rossii [Disintegration of the Legal System – a threat to the constitutional security of Russia]," *Federalizm*, No. 4, 1997, p. 122.
- 7 Tikhomirov, Iu.A., *Razvitie zakonodatel'stva v Rossiiskoi Federatsii. Vtoraia mezh-dunarodnaia konferentsiia po federalizmu 16–17 dekabria 1997 g. [Development of the legislature in the Russian Federation. Second International Conference on Federalism, 16–17 December 1997]*, Transcript, p. 20.
- 8 Constitution of the Russian Federation, Article 76, Part 6.
- 9 Elinger, T. *Raspredelenie kompetentsii i ierarkhiia pravovykh norm v federativnom gosudarstve [Distribution of Authority and Hierarchy of Legal Norms in Federal State]*, Conference on federalism, Moscow, 15–18 February 1994, p. 104.
- 10 Constitution of the Russian Federation, Article 11, Part 3.
- 11 *Ibid.*, Article 78, Part 2.
- 12 Vitruk, N.V., *Raspredelenie kompetentsii i ierarkhiia pravovykh norm [Distribution of Authority and Hierarchy of Legal Norms]*, Conference on federalism, Moscow, 15–18 February 1994, p. 95.

- 13 Vremia–Dengi, No. 176, 20 September 2000.
- 14 Ibid.
- 15 “Proposition pour une revision de la Constitution, 15 fevrier 1993,” in *La documentation francaise*, 1993.
- 16 Hottelier, M., “Suisse: Reforme globale de la Constitution federale,” in *Revue francaise de droit constitutionnel*, No. 25, 1996, pp. 189–202.
- 17 Ruling of the Constitutional Court of the Russian Federation, “On the Constitutionality of Certain Provisions of the Constitution of the Altai Republic,” and Federal Law, “On the General Organizational Principles for Legislative (Representative) and Executive Bodies of State Power of the Constituent Parts of the Russian Federation,” ratified 7 June 2000; Reference of the Constitutional Court of the Russian Federation to the inquiry of a group of the State Duma deputies on the compliance to the Constitution of the Russian Federation of certain provisions of the constitutions of the Republic of Adygeia, Republic of Bashkortostan, Ingush Republic, Komi Republic, Republic of North Asetia–Alania, and Republic of Tatarstan, ratified 27 June 2000.
- 18 It should be noted that arguments during the last presidential elections in the USA, the result of the election, and violations of electoral procedures were considered not by the Federal Constitutional Court, but rather by the Constitutional Court of the State of Florida, according to the legislation of that state. The Federal Constitutional Court could interfere only after this case had been reviewed by the Constitutional Court of the State of Florida.
- 19 Bashkirova, E., “Transformatsiia demokraticeskogo gosudarstva (1995–2000) [Transformation of Democratic State (1995–2000)],” in *Pravozashchitnik*, No. 3, July–September 2000, p. 50.
- 20 Prior to 1991 the present Chechen and Ingush republics composed one Chechen and Ingush Republic.
- 21 *Rossiiskaia Federatsiia*, No. 14, 1996, p. 6.
- 22 Decree of the President of the Russian Federation, No. 803 of 3 June 1996, in *Vertikal’ vlasti. Dokumenty, kommentarii, raz’iasneniia* [Vertical Line of Power. Documents, Commentaries, Explanations], Vol. 15, 1996, p. 4.
- 23 The Preamble of the Constitution of the Russian Federation.
- 24 Abdulatipov, R., Mikhailov, V., and Chichanovskii, A., *Natsional’naia politika Rossiiskoi Federatsii. Ot kontseptsii k realizatsii* [Ethnic Policy of the Russian Federation. From the Concept to its Realization], Moscow: Slavianskii Dialog, 1997, pp. 8–9.
- 25 *Rossiiskaia Federatsiia*, No. 2, p. 6.
- 26 In 1998 this ministry was reorganized into two separate ministries: the Ministry of National Policy and the Ministry of Regional Policy. In 2000, the two ministries were once again united into the Ministry for the Federal, National, and Migration Policy of the Russian Federation.
- 27 To strengthen the national self-conscience of ethnic Russians in Russia is the same as to strengthen the ethnic self-conscience of the English in Great Britain. This policy will only encourage interethnic conflicts inside the country. Instead, this line of action should become an important part of Russian foreign policy. It should advocate for the interests of the Russian-speaking population in other countries. Such an approach will definitely find support in the regions of Russia.
- 28 The Fund was abolished by the Government of Sergei Kireenko (May–August 1998).
- 29 Valentei, S.D., *Federalizm: rossiiskaia istoriia i rossiiskaia real’nost’* [Federalism: The Russian History and Russian Reality], Moscow, 1998, pp. 105–6.

- 30 *Novosti RF*, No. 006 (156), October 2000.
- 31 “On Kazan State Technology University,” Ordinance of the Government of the Russian Federation, No. 722 of 16 June 1997.
- 32 “On Creation of the Kama State Institute of Physical Culture,” Ordinance of the Government of the Russian Federation, No. 723 of 16 June 1997.
- 33 A place in Belarus where the Soviet Union disintegration treaty was signed in 1991.
- 34 Lysenko, V.N., “Kakuiu federatsiiu my postroili. K piatiletiiu podpisaniia Federativnogo dogovora [What Kind of Federation Have We Built? On the Fifth Anniversary of the Conclusion of the Federal Treaty],” *Nezavisimaia gazeta*, 28 March 1997.
- 35 Federal Law, “On the Procedures and Principles of Delimitation of Powers and Jurisdictional Subjects between the Bodies of State Authority of the Russian Federation and the Bodies of State Authority of the Constituent Parts of the Russian Federation,” passed by the State Duma of the Russian Federation in 1999.
- 36 Zolotareva, M., “Modernizatsiia federalizma: neobkhodimost’ i vozmozhnost’ [Modernization of Federalism: Necessity and Possibility],” in *Federalizm*, No. 3, 2000, p. 149.
- 37 On 10 July 1998, the government of the Russian Federation passed a resolution entitled “On Measures for Stabilizing the Social and Economic Situation in the Country.” The resolution confirmed the Program for Stabilizing the Economy and Finances and the Plan for Stabilizing Measures of the Government of the Russian Federation.
- 38 *Rossiiskaia gazeta*, 28 July 1998.
- 39 Resolution of the Federation Council of the Federal Assembly of the Russian Federation, “On the Social and Economic Situation in the Country,” adopted on 3 September 1998.
- 40 Razvitie federativnykh otnoshenii v Rossii: problemy i perspektivy. Nauchno-expertnyi sovet pri predsedatele Soveta Federatsii Federal’nogo Sobraniia Rossiiskoi Federatsii [Development of the Federal Relations in Russia: Problems and Prospects. Expert Council to the Chairman of the Federation Council of the Federal Assembly of the Russian Federation], Moscow, 1997, p. 28.
- 41 Constitution of the Russian Federation, Preamble.
- 42 Guseva, K. and Monakhova, T., “Aktual’nye problemy platnogo prirodopol’zovaniia v Rossii [Urgent Issues of Paid Use of Natural Resources],” *Federalizm*, No. 4, 1997, pp. 76–7.
- 43 Samokhvalov, A.S., “Ukreplenie ekonomicheskikh osnov federalizma – strategicheskii resurs pod’ema Rossii [Strengthening of the Economic Bases of Federalism – a Strategic Resource for the Advancement of Russia],” *Federalizm*, No. 4(12), 1998, p. 28.
- 44 The Budget Code of the Russian Federation, Article 8 (adopted by the State Duma and approved by the Federation Council on 18 July 1998, approved by the President of the Russian Federation on 31 July 1998).
- 45 On 26 February 1998, the government of the Russian Federation adopted a resolution “On the Results of Social and Economic Development of the Russian Federation in 1997 and Tasks for 1998,” and approved a Comprehensive Plan of Activities for 1998 for the Implementation of the Address of the President of the Russian Federation to the Federal Assembly of the Russian Federation entitled, “Joint Efforts for the Advancement of Russia (On Situation in the Country and Basic Policy Lines of the Russian Federation),” as well

- as the “Program for Structural Readjustment and Economic Growth in 1997–2000” (new edition) and the document entitled, “Twelve Tasks for the Government of the Russian Federation in 1998 in the Sphere of Economic and Social Policy.”
- 46 “The Government of the Russian Federation Program for Structural Readjustment and Economic Growth in 1997–2000” adopted on 31 March 1997, Resolution No. 360, Moscow, 1997, p. 14.
- 47 Samokhvalov, A. and Khursevich, S., “Nekotorye problemy formirovaniia ekonomicheskikh osnov federalizma [Some Issues of Formation of the Economic Bases of Federalism],” Second International Conference on Federalism, Moscow, 16–17 December 1997, Discussion Materials, p. 22.
- 48 Declaration of Regionalism in Europe, adopted by the Assembly of the Regions of Europe on 5 December 1996 in Basel, Switzerland, Articles 4–5.
- 49 “Vertikal’ vlasti. Regional’naia i natsional’naia politika mestnogo samoupravleniia Rossiiskoi Federatsii [Vertical Line of Power. Regional and Ethnic Policy of the Local Self-government in the Russian Federation],” Library of *Rossiiskaia gazeta*, 1996, Vol. 15, p. 6.
- 50 Ibid.
- 51 *Mir za nedeliu*, 2000, No. 3(20), 29.01–05.02.2000.
- 52 Resolution of the Government of the Russian Federation, No. 91 of 1 February 2000.
- 53 Valentei, S.D. in *Federalizm*, 2000, No. 1, p. 22.
- 54 This approach to the development of federal relations was reflected in the joint report by E. Sapiro and L. Smirmiagin submitted to the G. Gref committee that has been working in the spring of 2000 on the strategic economic development project for the country.
- 55 *Nezavisimaia gazeta*, No. 78, 28 April 2000.
- 56 “The Concept of National Security of the Russian Federation,” *Diplomaticheskii vestnik MID RF*, No. 2, February 2000.

3 QUO VADIS, RUSSIA?

- 1 *Mir za nedeliu*, No. 8, 16–23 October 1999.
- 2 Ibid., p. 50.
- 3 Bunin, I.M., Makarenko, B.I., and Bogoslovskii, A.S., in *NG – Stsenarii*, No. 8, 13 September 2000.
- 4 *Vremia – den’gi*. No. 176, 20 September 2000.
- 5 *Nezavisimaia gazeta*, 20 June 2000.
- 6 Shvetsova, L., *Mir za nedeliu*, 24 June–1 July 2000.
- 7 Kostomarov, N.I., *Ruskaia istoriia v zhizneopisaniiakh ee glavnikh deiatelei [Russian History in Biographies of its Leaders]*, Moscow: Mysl’, 1993, p. 252.
- 8 *Moskovskii komsomolets* daily, on 13 September 2000, wrote:

This is what the judge in Geneva was able to find out: *Carrere della Sera* editors got hold of twelve pages, which were not published before. An international investigation assignment on the criminal prosecution against Pavel Borodin and thirteen other defendants sent to Moscow was signed by Geneva Canton court investigator Daniel Devaux. This document reconstructs the wide network of corruption disclosed by the Swiss Prosecutor’s office in a two-year investigation. Through the “Lightstar” company Mr. Borodin and his daughter Ekaterina

Siletskaia and son-in-law lobbyist Andrei Siletskii received 41 percent of 62 million commission, which was transferred to the “Lightstar” account, [the amount is] equal to 25,609,978 dollars . . . Borodin and Stolpovskikh concluded a service contract on 23 August 1996 between “Mercata” and “Lightstar.” “Mercata,” which received almost 500 million dollars in promissory notes from the Russian Federation through the state Vneshtorgbank as a guarantee for the work on three contracts, was obliged to pay “Lightstar” a percentage of this sum.

Devaux writes:

In accordance with this contract “Lightstar” becomes an agent of “Mercata” for signing and financing the contracts VS BKD/136 (Restoration of the Great Kremlin Palace) and VS BL/137 (Restoration of the Clearing House in Moscow) . . . Pavel Borodin was the only person who had a right to sign documents on the financial obligations of the Russian Federation. He estimated his sympathies (i.e. the commission amount) to the young and unknown Stolpovskikh and his “Mercata” at 65.52 million dollars, out of this amount 25,609,978 were intended personally for Borodin.

P. Borodin’s arrest in New York in January 2001 again confirmed the validity of the charges.

- 9 *Vek*, No. 37 (402) 2000.
- 10 *Kommersant daily*, 5 September 2000.
- 11 *NG-Stsenarii*, No. 8, 13 September 2000.
- 12 At the end of the 1990s a new term entered the Russian political vocabulary: *piar* (*piarshchik*), borrowed from the English abbreviation “PR” (public relations).
- 13 Political figures, who introduced Western electoral technologies to Russia, increased the role of election experts and political “oracles,” the first being Gleb Pavlovskii, who was named the “Gray Cardinal.” After the presidential campaign he managed to enter the presidential circles and now he continues to disturb the already excited mentality of Russians by conducting public opinion polls.
- 14 The term “administrative resource” (Rus. *administrativnyi resurs*) entered Russian political practice. It means the ability of the administrative system to secure the priority of the acting person who is running for office again over all other candidates. In recent times this term has acquired a more negative meaning. The “administrative resource” not only allows the authorities to use their powerful instruments during the election campaign, but it also allows for distortion and falsification of the election results.
- 15 *Mir za nedeliu*, No. 14 (14), 27 November–4 December 1999.
- 16 *Nezavisimaia gazeta*, 3 November 2000.
- 17 *Izvestia*, 12 October 2000.
- 18 *Izvestia*, 26 August 2000.
- 19 For the first time, the State Council was established in 1810 as “the supreme legal consultative institution of the Russian Empire” for the consideration of laws before submitting them for the Emperor’s approval. The Tsar appointed the members and the head of the council. In 1906, after the State Duma was established, the State Council became “the supreme legislative chamber,” and one group of its members was appointed by the Emperor and another group

was elected according to quotas from clergy, zemstvo councils, nobility assemblies, universities, industrialists, and merchants. After the 1917 February revolution, the State Council was not called, and in December 1917 it was finally abolished.

The second “birth” of the State Council occurred on 19 July 1991, when a new consultative body was established under the President of Russia. The State Council of the Russian Soviet Federative Socialist Republic included the President, Vice-president, Prime Minister, Secretary of State, six state advisers, and six ministers. The new institution approved the drafts of the decrees and ordinances of the executive authorities. Boris Yeltsin abolished the Council on 6 November 1991.

All other consultative bodies under President Yeltsin had other names. The ones closest to the new State Council were the Council of the Heads of the Republics and the Council of Governors, although these two assemblies were informal and were not called on a regular basis.

- 20 *Nezavisimaia gazeta*, 2 September 2000.
- 21 Afanas'ev, M.N., *Klientizm i rossiiskaia gсударstvennost' [Clientism and Russian State]*, Moscow, 1997, pp. 219–25.
- 22 *Nezavisimaia gazeta*, 17 August 2000.
- 23 Ziuganov, G.A., “Muki tsentralizma [The Sufferings of Centralism],” *Rossiiskaia gazeta*, 30 January 1997.
- 24 Umnova, I.A., “Razvitie federativnykh otnoshenii v Rossii: problemy i perspektivy [Development of Federal Relations in Russia: Problems and Prospects],” *Rossiiskaia Federatsiia i ee sub'ekty: problemy garmonizatsii otnoshenii [Russian Federation and its Constituent Parts: Problems of Harmonization of Relations]*, Moscow, 1998, p. 8.
- 25 *Rossiiskaia gazeta*, 14 October 2000.
- 26 Ilyin, I.A., *Put' k ochevidnosti [The Way to Evidence]*, Moscow: Eksmo-Press, 1998, p. 276.
- 27 Abdulatipov, R.G., *O federativnoi i natsional'noi politike Rossiiskogo gosudarstva [Federal and Ethnic Policy of the Russian State]*, Moscow: Slavianskii Dialog, 1995, pp. 31–54; Abdulatipov, R.G., “Federativnyi dogovor i perspektivy nashei federatsii [Federative Treaty and Prospects for Our Federation],” *Rossiiskii federalizm: opyt stanovleniia i strategiiia perspektiv [Russian Federalism: Formation Experience and Future Strategy]*, Moscow, 1998, pp. 7–11; Abdulatipov, R.G., Mikhailov, V.A., and Chichanovskii, A.A., *Natsional'naia politika Rossiiskoi Federatsii [Ethnic Policy of the Russian Federation]*, Moscow: Slavianskii Dialog, 1998, pp. 33–4; Abdulatipov, R.G., *Natsiia i natsionalizm: dobro i zlo v natsional'nom voprose [Nation and Nationalism: the Good and Evil in the National Question]*, Moscow: Slavianskii Dialog, 1999, pp. 25–38; Abdulatipov, R.G., *Malochislennye narody Rossii: gosudarstvenno-pravovye mekhanizmy zashchity i razvitiia [Minority Peoples of Russia: State and Legal Mechanisms of Protection and Development]*, Moscow: Slavianskii Dialog, 1999, pp. 16–17; Abdulatipov, R.G., *Sushchnost' natsii-etnosa: otvet storonnikam beznatsional'nosti [The Essence of Nation-Ethnos: Answer to the Advocates of Nationlessness]*, Moscow: Slavianskii Dialog, 1999, pp. 19–31.
- 28 Statement by the Participants of All-Russia Conference, “On Improvement of Federative Relations and Strengthening of the Russian State,” adopted on 26 January 1999.
- 29 Kalinina, K.V., *Federalizm i natsional'nyi vopros [Federalism and National Question]*, p. 76.
- 30 Koroleva-Konoplianaia, G.I., “Natsional'nyi faktor i ego vliianie na kharakter federalizma [Ethnic Factor and its Influence on Federalism],” *Rossiiskii*

- federalizm: opyt stanovleniia i strategiiia perspektiv [Russian Federalism: Formation Experience and Future Strategy]*, Moscow, 1998, p. 210.
- 31 Samoilov, S.N., *Nasha Vlast. Dela i litsa [Our Power. Deeds and Faces]*, 1 October 2000.
- 32 *Ibid.*, p. 8.
- 33 *Vek*, No. 44 (409), 3–9 November 2000.
- 34 Bartsits, I.N., *Federalizm*, No. 3, 2000, p. 117.
- 35 *Administrative Law of Germany*, Vol. 1, Moscow, 1994, p. 123.
- 36 Abalkin, L.I., “Nam predlagaiut zhit’ po vashingtonskim merkam [We are Advised to Live according to the Criteria of Washington],” *Paramentskaia gazeta*, 27 September 2000.
- 37 Putin, V.V., *Statement Prior to Presentation of the Annual Address of the President of the Russian Federation to the Federal Assembly of the Russian Federation on 8 July 2000*.
- 38 Dmitrieva, O. (Southern Electoral District, No. 213, Saint Petersburg), *Comments on the Budget of 2001*.
- 39 In this context it would be appropriate to list all documents on the main issues of the economic policy adopted by the Federation Council of the Federal Assembly of the Russian Federation in 1996–2000. Resolutions of the Federation Council:
- 1) No. 94-SF of 19 March 1996, “On Urgent Measures for Food-stuffs Security of the Russian Federation”;
 - 2) No. 185-SF of 16 May 1996, “On Measures for the Development of Competition and Evasion of Monopolist Activity to Safeguard the Economic Security of the Russian Federation”;
 - 3) No. 327-SF of 8 August 1996, “On Legislative Provisions for the Economic Security of the Russian Federation”;
 - 4) No. 338-SF of 8 October 1996, “On the Social and Economic Situation in the Russian Federation, Preparation for the Winter Season of 1996–1997 and Measures Taken by the Government of the Russian Federation in Order to Raise the Living Standards of the Population”;
 - 5) No. 403 of 5 December 1996, “On Measures Required for the Execution of the Federal Law ‘On the Federal Budget of 1997’”;
 - 6) No. 127-SF of 17 April 1997, “On the Situation in the Agricultural Industry of the Russian Federation”;
 - 7) No. 198-SF, “On Urgent Measures for Increasing the Role of the State in the Regulation of the Market Economy”;
 - 8) No. 54-SF of 18 February 1998, “On the Measures for Activization of the Government Industrial Policy and Creation of Conditions for Economic Growth in the Russian Federation”;
 - 9) No. 76-SF of 13 March 1998, “On Urgent Measures for Improvement of the Budget Process with Regard to the Approved Law ‘On The Federal Budget for 1998’”;
 - 10) No. 101-SF of 13 March 1998, “On the Address of the President of the Russian Federation to the Federal Assembly Entitled ‘United Efforts for the Advancement of Russia (On the Situation in the Country and Basic Directions of the Legislative Activity of the Federation Council in 1998)’”;
 - 11) No. 197-SF of 20 May 1998, “On Reform of the Interbudgetary Relations in the Russian Federation,” and supplement to the resolution “Proposals of the Federation Council on Improvement of the Draft Concept for

- Reforms of the Interbudgetary Relations in the Russian Federation for 1999 and until 2001”;
- 12) No. 242-SF of 10 June 1998, “On the Urgent Measures in Order to Prevent the Crisis of the Economy and Social Sphere of the Northern Regions of the Russian Federation”;
 - 13) No. 313-SF of 10 July 1998, “On the Government of the Russian Federation Program for Stabilizing the Economy and Finances (Supplement ‘Proposals of the Federation Council of the Federal Assembly of the Russian Federation on Resolving the Economic Crisis and Transition to a Stable Economic Growth’);”
 - 14) No. 339-SF of 10 July 1998, “Address of the Federation Council to the President of the Russian Federation Boris Yeltsin About the Necessity of the Urgent Measures in Order to Prevent the Destruction of the Defense Industry”;
 - 15) No. 365-SF of 17 July 1998, “On the National Policy in Agricultural Machine-building and Supply of Agricultural Machinery to the Agricultural Industry of Russia”;
 - 16) No. 403-SF of 4 September 1998, “On the Social and Economic Situation in the Country”;
 - 17) No. 447-SF of 15 October 1998, “On the Social and Economic Situation in the Russian Federation and Urgent Measures for Overcoming the Crisis in the Country”;
 - 18) No. 510 of 2 December 1998, “On the Measures Taken by the Government of the Russian Federation and the Central Bank of the Russian Federation in Order to Stabilize the Social and Economic Situation in the Country”;
 - 19) No. 47-SF of 18 February 1999, “On Implementation of the Federation Council Resolution No. 54-SF of 18 February 1998, ‘On Measures for Activization of the State Industrial Policy and Creation of Conditions for the Economic Growth in the Russian Federation and Government Support of Russian Producers’;”
 - 20) No. 66-SF of 18 February 1999, “On Increasing the Government Support of Agricultural Production and Urgent Measures for Preparation and Execution of the Spring Field Work in 1999”;
 - 21) No. 67-SF of 18 February 1999, “On Measures for Implementation of the Federal Law, ‘On the Federal Budget of 1999’ and Further Improvement of the Interbudgetary Relations”;
 - 22) No. 359-SF of 2 June 1999, “On the Results of Consideration by the Federation Council of the Ways Out of the Economic Crisis”;
 - 23) No. 552-SF of 23 December 1999, “On Measures for Implementation of the Federal Law, ‘On the Federal Budget for 2000’ and Improvement of the Budget Process in the Russian Federation”;
 - 24) No. 41-SF of 29 March 2000, “On Measures Adopted by the Government of the Russian Federation in Order to Reform the Housing and Communal Industry”;
 - 25) No. 71-SF of 19 April 2000, “On the Draft Address, ‘Priorities of the Budget Policy and Formation of the Concept for the Federal Budget for 2001.’”
- 40 The opinion of the Federation Council on this matter was expressed in its Resolutions No. 198-SF of 11 June 1998 and No. 54-SF of 18 February 1998.
- 41 The position of the Federation Council was formulated in the report on

- “Priorities of the Budget Policy and Formation of the Federal Budget Concept for 2001,” which was approved by the Resolution of the Federation Council No. 71-SF of 19 April 2000.
- 42 In 1996–2000, the Federation Council organized numerous seminars, conferences and “round tables” on the development of the federal relations in Russia:
- 1) “Economic Policy in the Russian Federation: the Need for Adjustment,” round table on 14 May 1996;
 - 2) “Russian Federalism Development Problems,” round table on 4 June 1996;
 - 3) Meeting of the heads of the donor regions on formation of the interbudgetary relations in 1997, 23 October 1996;
 - 4) “Finance and Credit System and Tax Policy in Russia,” round table on 12 November 1996;
 - 5) “Role of the State in the Formation and Regulation of the Market Economy,” research and practice conference on 2–3 April 1997;
 - 6) “Financial Bases for Economic Growth,” round table on 10 February 1998;
 - 7) “Priorities and Mechanisms of the National Program for Overcoming the System Crisis and Transfer to Stable Economic Growth,” round table on 17 June 1998;
 - 8) “Human Development Level Indicators. Their Role in the Formation of Economic and Social Policy in Russia,” round table on 13 November 1998;
 - 9) Parliamentary hearings in the Federation Council, “On the Interbudgetary Relations in the Russian Federation in 1999,” on 3 December 1998;
 - 10) Session of the Public Expert Council on Industrial Policy on “Tax Reform – the Key Task in Implementation of the State Industrial Policy,” on 29 January 1999;
 - 11) Saint Petersburg Forum in 1997–9, particularly “Russia and CIS in the World Economy: Co-operation and Competition,” round table on 16 June 1999;
 - 12) “Budget 2000: Improvement of Implementation Mechanism,” round table;
 - 13) Session of the Public Expert Council on “Financial Normalization and Restructuring of Agricultural Enterprises in Russia: Problems and Prospects,” on 17 November 1999;
 - 14) “Priorities of the Budget Policy and Budget Formation for 2001,” round table on 27 March 2000.
- 43 Vardul’, N., “Tabu dlia Presidenta [Taboo for the President],” *Kommersant Vlast*, p. 9.
- 44 Golosov, G., “Gubernatory i partiinaia politika [Governors and Party Policy],” *Pro et Contra*, winter 2000, p. 105.
- 45 *Kommersant Daily*, No. 184, 3 October 2000.
- 46 *Nezavisimaia gazeta*, 27 September 2000.
- 47 Law of the Russian Federation, “On the National and Cultural Autonomies.”
- 48 Podberiozkin, A.I., *The Russkii put’: Sdelai shag! [The Russian Way: Take the Step!]*, Moscow: RAU Universitet, 1998.
- 49 Constitution of the Russian Federation, Article 5, Part 4.

50 Ilyin, I., *Put' k ochevidnosti [The Way to Evidence]*, Moscow: Eksmo-Press, 1999, p. 778.

4 “UNION LASTS FOREVER ...”

- 1 Pastukhov, V.B., “Natsional'nyi i gosudarstvennyi interes Rossii: igra slov ili igra v slova [National Interest of Russia: Word Play or Play of Words?],” *Politicheskie issledovaniia*, No. 1, 2000, p. 95.
- 2 Abdulatipov, R.G., Boltenkova, L.F., and Iarov, Iu.F., *Federalizm v istorii Rossii [Federalism in the History of Russia]*, Book 1, Moscow, 1992, p. 51.
- 3 Tsimbaev, N.I., “Rossiia i russkie: hatsional'nyi vopros v Rossiiskoi Imperii [Russia and Russians: National Question in the Russian Empire],” *Russkii narod: istoricheskaia sud'ba v 20 veke [Russian People: Historic Destiny in the 20th Century]*, Moscow, 1993, pp. 39–50.
- 4 Pokhlebkin, V.V., *Tatary i Rus'. 360 Years of Relations 1238–1598 [Tatars and Rus'. 360 Years of Relations 1238–1598]*, Moscow: Mezhdunarodnye Otnosheniia, 2000, p. 99.
- 5 *Ibid.*, p. 14.
- 6 Pivovarov, Iu. and Fursov, A., *Russkaia sistema i reformy. Pro et Contra [Russian System and Reforms. Pro et Contra]*, Vol. 4, No. 4, Fall 1999, p. 182.
- 7 Military guard during the time of Ivan the Terrible.
- 8 Pivovarov, Iu. and Fursov, A., *op. cit.*, p. 184.
- 9 *Ibid.*
- 10 *Ibid.*, p. 189.
- 11 In 2000, elections took place in seventeen regions: Udmurt Republic (15 October), Kursk Oblast (22 October), Sakhalin Oblast (22 October), Chita Oblast (22 October), Aginskii Buriat Autonomous Okrug (29 October), Kaliningrad Oblast (5 November), Magadan Oblast (5 November), Kaluga Oblast (12 November), Pskov Oblast (12 November), Krasnodar Krai (3 December), Stavropol Krai (3 December), Astrakhan Oblast (3 December), Ivanovo Oblast (3 December), Kamchatka Oblast (3 December), Mariy El Republic (3 December), Perm Oblast (3 December), and Koriak Autonomous Okrug (3 December).
- 12 *Rossiiskaia gazeta*, 14 October 2000.
- 13 *Zvezda Povolzhia*, No. 47(50), 7–13 December 2000.
- 14 *NG – Regiony*, No. 16, 17 October 2000.
- 15 *Vek*, No. 40 (405), 2000.
- 16 *Ibid.*
- 17 Lenin, V.I., “O prave natsii na samoopredelenie [The Right of Nations to Self-Determination],” *Izbrannye proizvedeniia [Selected Works]*, Vol. 1, Moscow: Politizdat, 1985, p. 530.
- 18 *Vek*, No. 40 (405), 2000.
- 19 Constitution of the Russian Federation, Article 5, Part 3.
- 20 *Mezhdunarodnoe pravo [International Law]*, Moscow: Mezhdunarodnye otnosheniia, 1996, p. 50.
- 21 “Kontsepsiia gosudarstvennoi natsional'noi politiki Rossiiskoi Federatsii [Concept of National Ethnic Policy of the Russian Federation],” *Natsional'naiia politika: Istorii i sovremennost' [Ethnic Policy: History and Modernity]*, Moscow, 1997, p. 650.
- 22 Maksudi, S., *Nasledie i sovremennost' [Heritage and Modernity]*, Kazan, 1999, pp. 229–36.
- 23 *Bodaine Republic Book 11*, Chapter VI.

24 Several laws have been recognized by the members of the conciliatory committee of Tatarstan as the ones which have to be reflected in the federal legislation:

- The Constitution of the Republic of Tatarstan;
- Treaty between the Russian Federation and the Republic of Tatarstan, “On Delimitation of Jurisdictional Subjects and Mutual Delegation of Authority between the Bodies of State Power of the Russian Federation and the Bodies of State Power of the Republic of Tatarstan”;
- On Elections of the President of the Republic of Tatarstan;
- On Elections of the People’s Deputies of the Republic of Tatarstan;
- On International Treaties of the Republic of Tatarstan;
- On Minimal Wages;
- On Employment of the Population;
- On Local Bodies of State Authority and Administration;
- On Local Self-Government;
- On Status of the People’s Deputy of the Local Council of People’s Deputies of the Republic of Tatarstan;
- On Target Tax for Liquidation of Worn-out Housing;
- Land Code of the Republic of Tatarstan;
- On Estimation of Land;
- Resolution of the State Council of the Republic of Tatarstan, “On Passport of the Citizen of the Russian Federation.”

At the same time, Tatarstan, based on its own interpretation of the Constitution of the Russian Federation and provisions of the bilateral Treaty, disputes the fact that certain laws contradict the federal legislation. This disputed category includes the following normative acts:

- On Legal Status of the Emergency State;
- On Magistrate Judges in the Republic of Tatarstan;
- On Administrative Responsibility for Violation of the Land Legislation;
- On Administrative Responsibility of Parents or Persons Replacing them for Deliberately False Testimony about Act of Terrorism committed by Minors up to the Age of 14;
- On Freedom of Conscience and Religious Organizations;
- On Status of the People’s Deputies of the Republic of Tatarstan;
- On Elections of the People’s Deputies of the Local Councils of People’s Deputies;
- On Elections of the Deputies of the Representative Bodies and Officials of the Local Self-Government in the Republic of Tatarstan;
- On State Property and Property of the Local Self-Government;
- On Entrails;
- Water Code of the Republic of Tatarstan;
- On Protection and Rational Use of the Fauna;
- On the Budget System of the Republic of Tatarstan for 2000.

25 As of 22 November 2000, the State Council of the Republic of Tatarstan received thirty-eight protests, one pledge, and four addresses by the Prosecutor of the Republic of Tatarstan. The following actions were taken: Sixteen Protests and one Pledge were considered during the sessions of the State Council.

With regard to one protest, a law “On Amending the Law of the Republic of Tatarstan ‘On Licensing’” was adopted;

with regard to six protests and one pledge of the Prosecutor of the Republic of Tatarstan appropriate laws of the Republic of Tatarstan have been adopted in the second reading;

with regard to two protests of the Prosecutor of the Republic of Tatarstan, appropriate laws have been adopted in the first reading;

the State Council has agreed with four protests of the Prosecutor including partial agreement on two protests;

one protest by the Prosecutor of the Republic was considered by the State Council (Resolution of the State Council of the Republic of Tatarstan No. 199 of 22 June 2000 with regard to the protest of the Prosecutor of the republic to the provisions of the Law of the Republic of Tatarstan No. 1857-XII of 18 May 1993, "On the Administrative Responsibility for Violation of Public Order and Administrative Regulations");

with regard to two protests of the Prosecutor of the republic, the State Council adopted resolutions about submitting these protests for consideration in the appropriate committees of the State Council of the Republic of Tatarstan;

Seventeen protests and one address of the Prosecutor General of the republic were submitted for preliminary consideration to the permanent committees of the State Council of the Republic of Tatarstan;

Three protests and one address of the Prosecutor of the republic after consideration by the Legal administration are at the stage of submission to the permanent committees of the State Council of the Republic of Tatarstan;

Two protests and two addresses of the Prosecutor of the republic in the form of letters are being processed by the Legal administration of the State Council of the Republic of Tatarstan.

- 26 *NG-Regiony*, No. 16, 17 October 2000. Balanovskii, A., Dudkina, V. *et al.*, *Moskovskii komsomolets*, 20 November 1996.
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INDEX

- Abalkin, L. 181
Abdulatipov, Ramazan 25, 141, 159, 160–1, 163–4
Abramovich, Roman A. 141, 168, 222
administration: monarchy 33–4; reforms 27–34, 126–7, 130, 137, 142, 147; Russian Empire 25; Russian Federation 70, 120, 125–6
Adygeia Republic 82, 228, 232
Afanas'ev, M. 156
agriculture 185, 191
Akhmat, Khan 12
Aksakov, Konstantin 28
Aksenenko, Nikolai 150
alcohol 193
Aleperov, Vagit 141
Alexander I 20–1, 32–3, 144
Alexander II 27, 265n42
Alexy II, Patriarch 149
Altai Republic 80
Andreev, Daniel 2
Andreevskii, I.E. 27
Andrei II 12
anti-crisis measures 113, 173
Arakcheev, Alexey 21, 144
Argentina 171
Aristotle 158
army 21, 120, 136, 141, 169, 184
Asetia–Alania, North 83
Assembly of the Peoples of Russia 91
Astrakhan 13
Augustus 133
Aushev, R. 229–30
Australia 236
Austria 21, 43, 44–5, 81, 82, 171
authoritarianism 122, 138, 140, 145, 146, 150, 260
autocracy xiii, 15, 18, 20, 22–4, 26, 160
autonomization 54, 60–1, 245
autonomous regions 64–5, 69, 234, 236
Azerbaijan 64
Bagatur, Subutai 209
Bair-Guchinova, Elza 254
Balkar Republic 230–1
Bartsits, Igor 168
Bashkiria 91, 168, 223
Bashkirova, Elena 85
Bashkortostan Republic 82–3, 168, 223–4, 228, 237–8
Batyi 209
Belgium 21, 53, 81, 165, 231–2, 236
Berdiaev, Nikolai 59
Berezovskii, Boris 141, 145–6
bilateral treaties 97–8; delimitation of powers 98, 100–1; Omsk Oblast 131; plenipotentiary representatives 100; Russian Federation 94, 163, 239; Russian Federation Constitution 80, 101; Tatarstan 258
Bismarck, Prince Otto von 158
Blagoveshchenskii, Iurii 77
Bogoliubskii, Andrei 209
Bolsheviks 22, 23, 26, 34, 48, 58, 62–3, 154–5, 266n57
boyars 209, 211
Brazil 171
Brecht, Bertolt 102
Brest–Litovsk peace treaty 63–4
Brezhnev, Leonid 23, 55, 244
Briansk Oblast 215
bribery 216–17, 221
Britain 165–6
Budget Code 109–10, 182, 184, 194
budgetary federalism 5, 108–9, 114
budgets 109, 111–12, 167–8, 173–4, 186, 188–9
Bukharin, N. 67
bureaucracy 154–5, 201–2
Bush, George W. 235, 261
businessmen 17, 141
Byzantine Empire 8
Caesar, Julius 133
Caligula 134
Canada 51, 81, 165, 236
capital market 112, 186
capitalism 119, 204
Catherine I 16
Catherine II 1, 11, 16, 17–20, 30, 32, 241
Caucasus, North 208, 228
censorship 19, 145
Central Bank 193

- Central Electoral Commission 53, 148, 219
 centralism 65–6, 137–8, 160, 168
 chauvinism 244–5, 247, 249, 251
 Chechen Republic 86, 249
 Chechnya 73, 136, 170, 175, 257, 260
 Cherkesov, Viktor 151, 221
 Chernigov, Duke of 12
 Chernomyrdin, Viktor 106, 135, 182, 199
cheti (quarters) 241
 Chichanovskii, A. 3
 children's allowances 123, 185
 children's rights 80
 Chirac, Jacques 78
 Chita Oblast 216
 Christianity 8
 Chubais, Anatolii 149–50, 179
 Chukotka Autonomous Okrug 168, 222
 Chuvash Republic 151, 219
 CIS 246–7, 260
 citizenship 162, 172, 207, 236–7
 civil service 91, 155–8
 civil society xiii, 1, 2, 163, 237
 class struggle 49, 54
 Claudius 134
 client–patron relationships 156
 Collegium of the Ministry of Justice 122
 Collegium of the Representatives of the President 40–1
 Collegium of the Supreme Court 217
 communal service 147
 communications 150, 181
 conciliatory committee 228, 278n24
 conflicts: constitutional 81, 82–3, 100; ethnicity 159, 162, 164, 213; income per capita 181; language 234; regions 26; Russian dukes 12; social 248
 Congress of the Peoples of Russia 91, 176
 constitution xi, 5, 19–20, 81–4, 100, 166, 168; *see also* Russian Federation
 Constitutional Assembly 74–6
 Constitutional Committee 78–9
 Constitutional Court: harmonization of legislation 74; Putin 140; republics 83–4; Russian Federation 72, 79–80, 151, 207, 229; Russian Soviet Federative Socialist Republic 227
 constitutional reforms 74, 76–7, 127–8, 153
 constitutional rights 78, 120
 consumption 178–9
 corporate influence 141
 corruption 139, 142, 143–4, 146, 216
 Council of People's Commissars 65
 court system reform 87
 crime 77, 97, 202, 260
 Crimea 13
 Cuistine, Marquis Astolf de 7, 21
 culture 91, 97, 164, 165, 183
 currency market 118, 180–1
 Czechoslovakia 165, 236
 Dagestan 228, 232–3
 Danilov, Iu. A. 42
 debt crisis 105, 181, 186, 191, 197
 decentralization 32; federalism 120, 164; limitations 166–7; multinationalism 208; People's Commissariats 53; power 31, 89
 Deliagin, M. 187
 delimitation of powers: autonomies 234; bilateral treaties 98, 100–1; Federation Council 98–9; Russian Federation 44, 72–3, 93, 94, 122, 130–1, 174; Stalin 61
 democracy 68, 127, 142, 158–9, 175, 252–3
 deportations 91–2
 Derev, Stanislav 230
derzhavnost 7, 8, 23, 85, 142
 dictatorship of law xii, 27, 34, 43, 47, 66, 121–2
 Dimitry I 12
 displaced persons 92, 96
 Dmitrieva, Oksana 149, 182
 Donskoi, Dimitry 210, 211
 Drobizheva, L. 257, 258
 drug trafficking 97
 Durkheim, Émile 168
 Economic Conuncture, Center for 178
 economic crisis 93, 103, 112
 economic policy 87, 105–6, 176, 189–90, 257–8
 economic reforms 177–8; Gref 181, 183–4, 186, 187, 188, 191, 196–8; modernization 117, 182–3; Putin 140; Russian Federation 106, 274–5n40
Edinstvo party 140, 145, 149, 167, 198–201
 education 21, 80, 91, 92, 97, 183, 188
 elections 124–5, 214–17, 218–19, 221–3, 234–5, 269n18
 electoral rights 70
 electronic industries 181
 Elinger, Professor 72
 elites 147, 148, 251, 256–7
 emergency, state of 170
 employment 196
 energy prices 179, 180, 181
 energy providers 186
 equal rights 1, 42, 117, 119
 Estonians 10
 ethnic policy: democracy 253; deportation 91–2; education 92; Lenin 244–5; Russian Federation 89–90, 92, 93, 97, 99–100, 128–9, 225; sovereignty 246; Stalin 67, 91–2
 ethnicity 3, 232; citizenship 207; conflict 159, 162, 164, 213; federalism xv, 2, 90, 97, 162, 240, 259; identity 174–5; inequalities 236–7; language 90, 252; nationalism 244–5, 256; republics 256; rights 230; self-consciousness 256, 257, 269n27; Spiritual Heritage 203–4; territorial division 57, 91, 138; title ethnic groups 90–1, 251, 252, 255–7
 ethnocentrism 174, 250–2, 254
 Ethnology and Anthropology Institute 91
 ethnophobia 207
 European Union 78, 116, 226
 exports 117, 178–9, 182, 190–1

- family 87, 118
 Far East Republic 151, 241, 247
 father of nation image 22, 23, 216
 federal budget 123–4, 192–4; *see also* budgetary federalism
 federal cities 69
 Federal Credit Bonds 104
 federal districts 265–6n44; financial systems 239; governors-general 35; ministries 38; officials 39, 238–9; plenipotentiary representatives 35–6, 150; Putin 34–5, 120; state 239–40
 federal relations 271n54, 276n43; cross-country comparisons 43–6, 175–6; diplomacy 238; harmonization 163; local governments 141; reform 138–9, 147; Russian Federation 164, 168–9, 173
 Federal Target Investment Program 185
 Federal Treaty 73, 86, 127
 federalism xi, xiii–xiv, 3–5; army 169; asymmetry 236; classic 71–2, 80–1, 266n55; constitution 5, 166; decentralization 120, 164; democracy 68, 175; ethnicity xv, 2, 90, 97, 162, 240, 259; languages 45; legislation xiv–xv, 129; Lenin xiii, 2, 47–8; nationalism 257; nations 2, 238; opponents 84–5; peace keeping 122; power 6; Putin 119; regional elections 215; Russia 46, 121, 159–61, 173; Russian Soviet Federative Socialist Republic 85; social security 123; society 92–3; Stalin xiii, 2, 59, 62, 65; and state 4, 5, 10, 239–40; state building 128–9, 167; State Duma 75; taxation 109, 118; territorial division 90, 164; transitional period 62, 73, 85, 166, 224; Tsiunchuk 24–5; Union of Soviet Socialist Republics 56, 165; unitarianism 26, 121, 171, 247; *see also* bilateral treaties
Federalizm (magazine) 3, 71, 124
 federation 127, 132, 162, 234
 Federation Council 123, 215; authoritarianism 145; Constitutional Assembly 76; constitutional reforms 74, 127–8, 153; delimitation of powers 98–9; economic policy 106; elections 124–5; governors, local 136; Gref 188; harmonization 170; investment 112; monetary policy 190; Putin 41–2; regions 38; social guarantees 195; Stroeve 84; *see also* Russian Federation
 Federative Treaty 86, 227
 Fedorov, D. 219
 Fedorov, E. 144
 Fedotov, Mikhail 77
 feudalism xii, xiii–xiv
 Filippov, V. 253
 Finance Ministry 184
 financial aid 113, 172, 194
 financial crisis 106, 142
 financial management 40, 108, 116–17, 239
 financial pyramids 102–3, 104, 106
 Finland 8, 10, 241
 folk culture 252
 Foreign and Defense Policy Council 146
 France 78–9
 Fursov, A. 213, 214
 de Gaulle, Charles 146
Gazeta.ru (on-line newspaper) 131
 Gazprom 141, 150, 179, 186
 Georgia 208, 246
 Germany: Brest–Litovsk peace treaty 63–4; conflict 81, 82; constitution 43, 44, 45, 46, 78; federalism 169, 171; Hitler 258–9; legislation 171
 Golden Horde 10–13, 208, 210–12
 Golosov, Grigory 199
 Gorbachev, Mikhail 57, 86, 135, 137, 147, 203
 government officials 74, 143, 147–8, 151
 governors 160, 167, 199–200, 215, 218, 220
 governors, local 38–9, 136, 141, 154
 governors-general 30–3, 35, 42, 264–5n42
 Gradvoskii, A.D. 30
 Grankin, I. 249
 Great Power idea 137, 151–2, 259
 Great Russia 137, 142, 241–3, 244
 Gref, German: debt crisis 191; Federation Council 188; Gross Domestic Product 186; *Kommersant Vlast* 196; report 124, 125, 180, 183–4, 187; social policy 196–8; Washington consensus approach 181
 Gross Domestic Product 103, 105, 178, 186
 Gryzlov, Boris 200
 gubernatorial elections 141, 145, 215, 221–2
gubernia (territorial division) 29–32, 91, 160, 241, 264–5n42
 gubernization 125–6, 247, 256
 Gushchin, Victor 158
 harmonization: Federation Council 170; legislation 71, 74, 80, 134, 145, 161, 169–70, 223, 233; power 130, 162, 163; regions 82–3, 131, 223
 Health Ministry 96
 healthcare 183, 188, 197
 high-technology production 107, 195
 housing 147, 183, 248
 human rights 1, 2, 158, 161, 174
 Hungary 21
 Iadiger, Khan 13
 Iakovenko, Igor 77
 Iakovlev, A. 203
 Iakovlev, Vladimir 154
 Iakutia 91
 identity 25, 92, 174–5, 250, 254
 Ignat'ev, S. 100
 Ikhlov, E. 248
 Iliumzhinov, Kirsan 254
 Ilyin, Ivan 69, 161–2, 205
 import substitution 178, 179
 imports 182, 190–1, 193
 income per capita 122–3, 178, 180, 181
 INDEM Fund 239
 India 165, 170–1
 industry 112, 177–8, 189–90

- inflation 103, 180
 Ingush Republic 83, 86, 228, 229–30
 Intelligator, Michael 258
 interest rates 105
 international economic relations 96–7, 123, 172, 191, 204–5
 international law 225
 internationalism 245, 250
 investment 112, 116–17, 179, 183, 185, 189;
 foreign 103, 105
 Ishaev, Viktor 154
 isolationism 8, 85
 Iunusov, Professor 2–3
 Ivan III 212, 240
 Ivan IV 212, 240, 241
 Ivan the Terrible 13, 14, 22, 143, 159, 211–12
Izvestia 151, 152, 215
- Jewish Autonomous Oblast 69, 247
 John, Saint 133
- Kabardino-Balkaria 228, 230
 Kalinina, K. 166
 Kaliningrad 215, 216
 Kalka battle 209
 Kalmykia 254–5, 257
 Kama State Institute of Physical Culture 97
 Karachaevo-Cherkesia 230, 231
 Karaganov, Sergei 146
 Karamzin, N. 30, 206
 Karelia 91, 221
 Karelin, Aleksandr 200
 Kasianov, M. 144
 Kautski, Karl 49, 51, 62
 Kazakstan 208, 246
 Kazan 100, 159, 212–14, 224, 255
 Kazan Khanate 13–14, 212–13
 Kazan State University 97
 Kazantsev, V. 36, 229, 230
 Khairullin, M. 77–8, 137–8
 Khakimov, R. 228
 khans 10, 11, 12–13
 Khodynka massacre 22, 263n10, 263n21
 Khristenko, V. 100
 Khrushchev, N. 23
 Khursevich, S. 116
 Kiev, Duke of 12
 Kirienko, Sergei 105, 106, 114–15, 220, 228, 237, 238
 Kliuchevskii, V. 9–10, 15, 16–17, 19, 29, 241–3
 Kobylkin, Vasili 149
 Kolerov, M. 35, 151
 Komi Permiak Autonomous Okrug 215
Kommersant Vlast 196, 200
 Korial Autonomous Okrug 215
 Koroleva-Konoplianaia, G. 166
 Korshunov, V. 29
 Kostomarov, N. 9, 28, 143
 Kostroma Oblast 215
 Kozak, Dmitry 130, 131
krais (territories) 69, 70, 86, 95, 247
 Krasnov, Mikhail 77
- Kress, Viktor 154
 Krizhanich, Iurii 18
 Krutner, B. 198
 Kul-Sharif Mosque 159–60
 Kulikov battle 12, 210
 Kursk Oblast 215, 217
 Kursk submarine 136, 141, 184, 261, 263n10
- labor laws 87, 147
 land ownership 96
 languages: Belgium 231–2; conflict 234;
 democracy 252–3; ethnicity 90, 252;
 federalism 45; legislation 91; Lenin 52–3;
 nationality 52–3; Stalin 61–2
 legislation 71–2, 168, 171–2; education 91;
 federalism xiv–xv, 129; harmonization 71, 74,
 80, 134, 145, 161, 169–70, 223, 233; language
 91; market reforms 103; plenipotentiary
 representatives 229; reform 87–8; regions 71,
 88, 123, 155–6, 228–9; Russian Federation
 xiv–xv, 71–2, 171–2; Russian Federation
 Constitution 129–30; violation 123
 Lenin, V.I.: autonomization 54; class struggle
 49; ethnic policy 244–5; federalism xiii, 2,
 47–8; internationalism 245; languages 52–3;
 nation theory 48, 50, 62; nationalities 54;
 revolution 135; secession 51–2; self-
 determination 48, 49–51, 222, 243–4; social
 experiment 58–9; Volkogonov 58
 Lesin, M. 19, 145
Literaturnaia gazeta 254
 living standards 164, 179, 183, 188
 Lizhkov, Iurii 141
 loans 105
 local government 36, 42, 109; *see also* governors,
 local
 Louis XVI 53–4
 Lubosh, S. 22
 Lukoil 141
 Lunatcharski, A.V. xiii
 Luxemburg, Rosa 48, 50, 244
 Luzhkov, Iurii 154, 219
 Lysenko, V. 98, 126–7
- Macroeconomic Analysis and Short Term
 Forecast, Center for 178
 Magomadov, Magomet 154
 Magomedov, Arbakhan 253, 257
 Maksudi Arsal, Sadri 226
 manufacturing 195
 Mariy El Republic 215, 216–17
 market reforms 87, 103
 martial law 29–30, 36, 170
 Marx, Karl 258
 Marxism xiii, 48–9, 51–2
 mass media 18–19, 97, 141, 142, 145–6
 Mayakovsky, V.V. 182
 Mean, Andre 231
 Mexico 171
 Mezhuev, V. 22, 23
 Migrantian, A. 127
 migration 185, 248, 255

- military expenditure 181, 184–5
 mindset of Russians 11, 241, 243
 modernization 7, 112, 117, 137, 146–7, 182–3
 Molchanov, M. 248
 Moldavia 246
 monarchy 22–3, 30–1, 33–4, 133, 159
 monetary supply 180–1, 182, 190
 Mongol–Tatar influence xii, 10, 12, 208, 210; *see also* Golden Horde
 Monomach, Vladimir 9, 10
 Montesquieu, Charles-Louis de Secondat 146
 Morozov, A. 8
 Moscow: court life 16–17; invasion 12; riot 14, 143; treaties 86; TV tower fire 136, 138, 261
 Mozhuev, B. 35
 Mukhametshin, Farid 94, 228
 multinationalism 7, 53, 71, 95, 101, 133, 208

 Nagorny Karabakh 64
namestniks (viceroy) 32, 264n40
 Narochitskaia, N. 248
 National and Cultural Autonomy Institute 252
 National and Cultural Revival Fund 92
 national anthem 206
 National Credit Bonds 104, 105, 106
 national debt 112
 National Ethnic Policy 174, 225
 national income 192
 National Politics concept 47
 National Security concept 46–7, 128, 207
 nationalism 236, 244–5, 256, 257
 Nationalities, Chamber of 101
 Nationalities Ministry 90, 91
 nationality 50–4, 62, 254, 255–6
 nations 2, 3; culture 92; federalism 2, 238;
 Lenin 48, 50; regions 25; self-determination
 57, 230; sovereignty 226; Stalin 2–3
 natural resources 79–80, 96, 103, 107–8, 117,
 181
 navy 185
 NDR (Our Home is Russia) party 140, 149, 199
 neo-conservatism 8
 nepotism 251
 Nero 134
 Nevskii, Alexander 12, 211
 New Economic Policy 23
Nezavisimaia gazeta 8, 29, 42, 147, 150–1, 201,
 223, 255
 Nicolas I 21, 22
 Nicolas II 22, 263n10
 Nietzsche, F. 5–6
 Nigeria 165
 Nikonov, A. 64, 67, 144, 245
 Nogai khans 12
 Novoe Ogarevo treaty 57
 nuclear industry 186

 oblasts (regions) 69, 70, 86, 95, 241, 247
 ochlocracy 158
 October revolution (1917) 23, 54
 oil exploration 96
 oil prices 117, 179–80

 okrugs (areas) 69, 70–1, 86
 oligarchy 141, 149–50
 Omsk Oblast 131
 Osetia, North 228, 229
 OVR (Fatherland – All Russia) 199, 200

 Pakistan 165, 236
 Panin, N. 17
 Pastukhov, V. 135, 207–8
 patriotism 7, 140, 142
 Pavel I 32
 Pavlov-Silvanskii, N. P. 28
 peasantry 22, 29–30
 Pension Fund 114
 pensions 104–5, 143, 180, 183, 185, 195, 197
 People's Commissariats 53
 Peter the Great 15–16, 23, 29, 31, 241
 Petrozavodsk 221
 Piontkovskii, Andrei 134–5
 Piskotin, M. 86
 Pivarov, Iu. 213, 214
 plenipotentiary representatives 34–5; bilateral
 treaties 100; federal districts 35–6, 150;
 financial matters 40; governors, local 38–9;
 legislation 229; senior federal inspectors
 39–40; Volga 228, 238
 Podberiozkin, Aleksei 149, 203–4, 246–7
 Pokhlebkii, V. 13, 208, 210
 Poland 21, 64, 241, 244
 Polezhaev, Leonid 131
POLIS 135
 Politburo 64
 political parties 149, 198–9
 Political Technology Center 137
 Polovets 12, 209
 postponement 125
 poverty 102–3, 111, 180, 237, 239, 279n34
 power xii–xiii; abuse of 32, 36, 146;
 decentralization 31, 89; federalism 6;
 harmonization 130, 162, 163;
 legislative/executive 174; Pre-Mongol period
 208–9; privatization 213–14; Putin 7–8, 53,
 120; republics 229; Russian State 15; Russian
 system 211, 214; state 7, 69; Tsar title 23;
 vertical line of 7–8, 23, 34, 39, 102, 121, 134,
 137, 144, 145, 150, 155–6, 161, 196, 206–7,
 220
Pravda 61, 66
 Presidium of the State Council 154
 Press Committee 96
prikazy (departments) 27, 241
 Primakov, Yevgeny 134–5
 Privalov, Aleksandr 149–50
 privatization 77, 103, 106–7, 123, 213–14
Pro et Contra 199
 production 111, 177–8, 192
 proletariat 49, 50
 property rights 188
 Prosecutor General 31, 140, 145
 Prussia 236
 public opinion 147, 257–8
 public relations specialists 148

- public services 104–5
 Pugachev peasants' revolt 29–30
 Pulikovskii, Konstantin 36–7, 151
 Putin, Vladimir V. xi, 8, 139; address to Federal Assembly 118, 182–3, 263n17; administrative reform 137, 142, 147; army 136; Bush 261; civil society xiii, 2; Constitutional Court 140; constitutional reform 76–7; delimitation of powers 130–1; dictatorship of law 122; economic reforms 140; *Edinstvo* 199, 200; elected 1, 134–5, 144–5, 148–9; federal districts 34–5, 120; federal relations reform 138–9; federalism 119; Federation Council 41–2; government team 135–6, 147–8, 151; governors 215; mass media 18–19, 141; political reform 74, 134; power 7–8, 53, 120; republics 84; Russian Communist Party 144; Russian Federation Constitution 1, 139; State Duma 140; two-party system 198–9; unitarianism 145, 207; vertical power 23, 27, 34, 120, 137, 155–6; Volga Federal District 153–4, 223–4
- Quebec 51
- Raketskii, Leonid 154
 Rakhimov, Murtaza 151, 168, 220, 223, 224, 238
 Razuvaev, Vladimir 218
 refugees 96, 237
 regionalism 253, 257
 regions: autonomy 236; budgets 173–4, 186; conflict 26; elections 124–5, 215; equal rights 42; federal officials 39; Federal Support Fund 195; Federation Council 38; financial aid 113, 194; financial management 108, 116–17; governors 167; harmonization 82–3, 131, 223; identity 25; income per capita 122–3; investment 116–17; legislation 71, 88, 123, 155–6, 228–9; nations 25; natural resources 107–8; poverty 111; public opinion 257–8; rights 140; Russian Federation 69, 206–7; self-determination 202–3; self-government 24–5, 42; self-sufficiency 115, 194; separatism 171, 191; sovereignty 153–4, 254; Stalin 66–7; *see also zemstvo*
- rehabilitation 92
 religious identity 174–5, 250
 Remnev, A.V. 26, 31, 34
 renationalization 107
 republicanization 125–6
 republics 49, 69; constitutions 38, 56–7, 82, 84; ethnicity 256; power 229; Putin 84; self-determination 91; sovereignty 49, 68, 82, 91, 223–4, 227; state 87; status 70, 74; treaties 86, 94–5
- Revival of Russia Program 182
 revolution 77, 78, 121, 135
 Reznik, Boris 149
 Riazan Oblasts 215
 Riga peace treaty 64
 Rimashevskaiia, N. 237, 279n34
 Rimskii, Vladimir 77, 239
- Roman Empire 133–4
 Roman Law 94
 Romanov dynasty 10, 263n10
Rossiiskaia Federatsiia 39
Rossiiskaia Gazeta 161
 Rostov-on-Don 36
 Rurik dynasty 10
 Russia xi, 19; federalism 46, 121, 159–61, 173; statehood 10; unification 41–2, 212
 Russian Communist Party 48, 64–5, 144, 149
 Russian Empire 25, 26, 33, 62, 65, 212–13
 Russian Federation: administration 70, 120, 125–6; bilateral treaties 94, 163, 239; Central Electoral Commission 53, 148, 219; Civil Code 87; constituent parts 68–9, 73, 86–7, 119, 123, 124, 171, 194; Constitutional Court 72, 79–80, 151, 207, 229; Criminal Code 253; delimitation of powers 44, 72–3, 93, 94, 122, 130–1, 174; economic reforms 106, 274–5n40; ethnic policy 89–90, 92, 93, 97, 99–100, 128–9; Family Code 87; federal relations 164, 168–9, 173; Federal Treaty 73, 86, 127; Forest Code 79; guidelines 88–9, 120; international economic relations 123, 204–5; legislative authority xiv–xv, 71–2, 171–2; national anthem 206; National Ethnic Policy 174, 225; National Politics concept 47; National Security concept 46–7, 128, 207; Pension Fund 114; regions 69, 206–7; Security Council 194, 222; self-determination 202–3, 240; Social and Economic Policy Directions 187; Social Policy and Modernization of Economy 182–3; sovereignty 68–9, 143–4, 227; State Duma 123; *see also* Federation Council
- Russian Federation Constitution 2, 68, 78, 145, 245; Article 2 172; Article 5 102; Article 15 71; Article 38 80; Article 56 170; Article 58 170; Article 71 71, 72–3; Article 72 71, 72–3; Article 76 71–2; Article 78 73; Article 80 152; Article 85 152; Article 102 141; Article 105 169–70; Article 125 72; Article 135 74, 75; bilateral treaties 80, 101; constitutions of republics 38, 56–7, 82, 84; crisis 74, 75–6; executive power 162–3; Federal Treaty 73; human rights 161; legislation 129–30; Putin 1, 139; self-determination 225; Shakhrai 126; sovereignty 73–4; violations 123, 260
- Russian Orthodox Church 149–50, 253
 Russian Party of Social Democracy (RPSD) 201, 202
 Russian Republic 241–3, 243–4, 248–9
 Russian state 11–13, 15, 208–9, 210–11
 Russian Soviet Federative Socialist Republic: autonomous republics and regions 64–5; Constitutional Court 227; federation 26, 54–5, 85; Stalin 60; Union of Soviet Socialist Republics 245
 Russian–Tatar Treaty on Eternal Peace 208
russophobia 250
 Rutskoi, A. 39, 217
 Ryzhkov, V. 147, 149, 199–200

- Saint Basil's Cathedral 159
 Saint Petersburg 86, 139
 salary debt 143, 181–2, 195; *see also* wages
 Samoilov, S. 39–40, 166–7
 Samokhvalov, A. 108, 116
 Sarycheva, I. 71
 Satarov, Geogrii 77
 Savel'ev, P. 26
 savings 112, 183, 189
 Scharf, R. 235–6
 secession 51–2, 207, 239–40, 248
 Security Council 194, 222
 security measures 170
 self-conscience 256, 257, 269n27
 self-determination: equality 1; Lenin 48, 49–51, 222, 243–4; Moscow Rus' 21; nations 57, 230; regions 202–3; republics 91; Russian Federation 202–3, 240; Russian Federation Constitution 225; sovereignty 222; Soviet Constitution 49–50; Tatars 214
 self-government 4, 24–5, 42, 120, 164, 172, 202; *see also zemstvo*
 self-sufficiency 115, 194
 Semenov, Vladimir 230
 separatism 126; Britain 165–6; Great Power idea 151–2; and nationalism 236; regions 171, 191; secession 207, 239–40
 serfdom 20–2
 Shabdurasulov, I. 200
 shadow economy 104, 118, 186, 189
 Shaimiev, Mintimer xv, 68, 101, 129, 131, 151–2, 154, 159–60, 168, 214, 218, 219, 258
 Shakhrai, S. 125–6
 Shamanov, V. 222
 Sharov, Iu. L. 57
 Sheinis, V. 74, 76
 Shoigu, S. 200
 Shokhin, Aleksandr 149
 Shumeiko, Vladimir 247
 Shvetsova, L. 142
 Siberia 13, 25, 151, 241
 Simago, Vladimir 149
 slavophiles 28, 264n31
 Slavs 8, 9
 Sliiska, Liubov 200
 Smirniagin, Mikhail 77
 Smirnova, E. 150–1
 social aid 186
 social contract 7–8
 social guarantees 195
 social order 155
 social policy 187–8, 196–8; budget 184; Lenin 58–9; local authorities 109; pensions 87; Presidential Address 118, 182–3, 187–8; reforms 138
 social security 115–16, 119, 123, 155, 185, 193
 society: development 254–5; evolution 75; experimentation 77; federalism 92–3; hardships 128; optimism 137; stratification 254; tension 106
 Solzhenitsyn, Alexander 58
 sovereignty 86, 226; ethnic policy 246; European Union 226; limitations 140; national republics 49; nations 226; regions 153–4, 254; republics 49, 68, 82, 83–4, 91, 223–4, 227; Russian Federation 68–9, 143–4, 227; Russian Federation Constitution 73–4; self-determination 222; territories 207–8; unitarianism 168
 Soviet Union: *see* Union of Soviet Socialist Republics
 Sozha battle 210
 Spain 53, 79, 81, 165
 Speranskii, M.M. 21, 31, 32, 144
 Spiritual Heritage 203–5, 246, 247
 Stalin, J.V.: autonomization 60–1, 245; autonomous republics 64; delimitation of powers 61; enemy of the people dogma 11; ethnic policy 67, 91–2; federalism xiii, 2, 59, 62, 65; language 61–2; nation 2–3; national policy 62, 66–7; regions 66–7; Russian Soviet Federative Socialist Republic 60
 state: citizenship 162, 236–7; effectiveness 120; federal 4, 5, 10, 239–40; freedom 69; internal loans 104; legitimacy 138, 151; power 7, 69; property 202; republics 87; strong 120, 128, 137, 161; traditional xi; unitarization 124, 166
 state building 2, 84–5, 124–5, 128–9, 132, 167, 240–1
 State Council 38, 121, 138, 141, 153–4, 259, 272–3n20
 state currency reserves 193
 State Duma: Constitutional Assembly 76; constitutional conflict 82–3; federal budget 193–4; federalism 75; governors 218, 220; Ingushetia 229–30; legislative reform 87–8; and local government 36, 42; Putin 140; reforms of 154; Russian Federation 123; Supreme Law 74
 state-owned enterprises 193
 state securities 104
 Stepankov, V. 39
 Strategic Development, Center for 176–7, 187; *see also* Gref, German
 Stroev, Egor 84, 250
 subsidiarity 5, 130, 164–5
 Supreme Court 140
 Supreme Law 73, 74
 Sverdlovsk Oblast 151
 Sviazinvest 150, 186
 Switzerland 43, 45–6, 51, 79, 81
 Sylvester 143
 Tatar Autonomous Soviet Socialist Republic 208–9, 214
 Tatarstan Republic: bilateral treaty 258; conciliatory committee 228, 278n24; Culture Ministry 97; displaced persons 96; education 97; elections 218, 219; elite 257; ethnic policy 100; Federative Treaty 86; Internal Affairs Ministry 97; international contacts 96–7; Kirienko 238; land ownership 96; nationality 255–6; refugees 96; Russian Federation 95–7; sovereignty 83–4, 227; treaty relations 95–6, 101–2

- taxation: budget revenues 111–12; collection of 241; distribution 167–8, 183, 191; federal 109, 118; importers 193; natural resources 108; policing 141; receipts 104–5; reforms 118, 193; *voevodas* 27; *yasak* 12
- technology 136–7, 186, 260
- territorial division 57, 90, 91, 125–6, 137–8, 164, 207–8; *see also gubernia*
- territories 69
- terrorism 260, 261
- Tezner, F. 28–9
- Tiberius 133–4
- Tishkov, V. 3
- title ethnic groups 90–1, 251, 252, 255–7
- Titov, Konstantin 201, 203, 221
- Tiumen' Oblast 70, 216, 222
- Tocquville, Alexis de 158
- Tokhtamysh, Khan 12, 210
- Tolstoshein, K. 37
- totalitarianism 138, 144
- trade 113, 123
- Trans-Caucasus republics 237
- Transneft 150
- transportation 96, 180, 181
- treaties 86, 94–6, 97, 101–2, 204, 208; *see also* bilateral treaties
- tributes 8–9, 10, 11, 210–11
- Trifonov, A. 35
- Tsar title 14, 23, 28, 140
- Tsiunchuk, R. 24–5
- Turkey 64, 226
- Turkic tribes 8
- Udmurt Republic 217
- uezd* (division of *gubernia*) 241
- Ufa 224, 238
- Ukraine 208, 246
- Ulianovsk Oblast 216, 222
- Umnova, I.A. 160
- unemployment 181, 239, 248
- Union of Soviet Socialist Republics: break-up 57–8, 77, 86, 254, 267n71; Communist Party 65–6, 244; constitution 49–50, 51, 55–6; creation of 67; deportations 91–2; federalism 56, 165; Russian Soviet Federative Socialist Republic 245
- unitarianism: centralism 137–8; federalism 26, 121, 171, 247; mass media 142; Putin 145, 207; sovereignty 168; state model 124, 166
- United Energy Systems 141, 150, 179, 186
- United Nations 80, 225
- United States of America: conflict resolution 81; constitution 43–4, 45; presidential election 234–5, 269n18; state/federal law 80
- Unity Act of the Russian People 248
- Ustinov, Vladimir 221
- Uzbek, Khan 210
- Valentei, S. 3, 93, 124
- Vasilii III 212, 240
- Vdovin, A. 64, 67, 245
- Veche 211
- Vek* (newspaper) 41, 167, 224
- Venezuela 171
- Viakhirev, Rem 141, 150, 179
- Vitruk, N. 74
- Vladimir, Grand Duke 8–9
- voevodas* (commanders) 27, 29
- Volga Bulgaria 209, 212
- Volga Federal District 37, 153–4, 223–4, 228, 238
- Volgograd 216
- Volkogonov, Dmitrii 58–9
- Volkov, V. 63
- Voltaire 18
- Voronezh Oblast 215
- wages 39, 104–5, 155, 180, 196
- Washington consensus approach 181
- Watts, Ronald 233–4
- World Bank 172
- World Trade Organization 183, 191
- xenophobia 85
- yasak* (tax) 12
- Yeltsin, Boris: corruption 142, 143–4; economic policy 176; 'family' 35, 139, 143–4, 145; federalization 23, 68; guidelines for Russian Federation 88–9; Kul-Sharif Mosque 160; reforms 147; Regional Collegium 40; regional leaders 66
- Yugoslavia 165
- zapadniki* (Westerners) 28, 264n31
- zemstvo* (regional self-government) 26, 27–9, 58
- Zhirinovskii, Vladimir V. 247
- Ziuganov, Gennady 240
- Zolotareva, Milena 58, 101
- Zorin, V. 64, 67, 245
- Zvezda Povolzhia* 218