

CASPIAN BRIEF NO. 14 , April 2001

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OF FEDERALISM IN RUSSIA:
DILEMMAS OF STATE FORMATION**

ILDUS G. ILISHEV

Cornell Caspian Consulting

STOCKHOLM WASHINGTON ANKARA TBILISI BAKU
UFA TEHRAN TASHKENT DUSHANBE ISLAMABAD

Head Office: Topeliusv. 15
SE-16761 Bromma
Sweden

Tel. +46-70-7708182
Fax. +46-8-266873
Fax. +1-253-5504390

<http://www.cornellcaspian.com>

Cornell Caspian Consulting

STOCKHOLM WASHINGTON ANKARA TBILISI BAKU UFA TEHRAN DUSHANBE ISLAMABAD



PUTIN'S PERESTROIKA AND THE FUTURE OF FEDERALISM IN RUSSIA: DILEMMAS OF STATE FORMATION

Ildus G. Ilishev

Does Putin's election for the presidency bode ill for federalism and democracy in Russia? Will Russia's autonomies disappear? According to Murtaza Rakhimov, president of Bashkortostan, Putin sees himself as a savior of nation, destined to lead Russia in a new revolution that will protect it from enemies abroad and at home¹. While it is apparent whom the Kremlin considers the major external enemy (presumably NATO led by the United States) a natural question arises hereof: Who are the domestic enemies of the

Russian state? As the latest events have aptly demonstrated, the obvious answer for Moscow is the current system of governance, i.e. ethno-territorial federalism which provides for ethnic republics. As one great-power nationalist put it: "The country is being torn up by a host of independent princes, khans sultans which Russia has parted with as early as XIV century. Having divided the country into ethnic principalities they are playing one ethnic card after another, selling the country's land, its natural resources and in doing so they

take no heed of the historical memory and feelings of the Russian people"².

The Kremlin has taken a number of measures aimed at bringing down ethnic republics to the level of ordinary Russian provinces. *First*, the State Duma has passed a law that gives the president authority to remove popularly elected (?) regional leaders including presidents of ethnic republics. *Secondly*, Russia has been divided into seven federal districts each comprising about ten to twelve

¹ Personal communication.

² Kokorin Mikhail, "Ystupim banditam v Chechne – voevat' pridetsya u poroga rodnogo doma", *Rossiiskaya Gazeta* (April 1, 2000).

subjects of the federation. The districts are to be supervised by presidential representatives. Although the Kremlin insists this move would make for a more effective federalist system, leaders of republics fear it may eventually lead to the merging of ethnic and non-ethnic entities. *And finally*, the Russian Constitutional Court has declared all the republics' sovereign status unconstitutional³.

Notably, all the autonomies' leaders (e.g.: Mintimer Shaimiyev, Murtaza Rakhimov, Ruslan Aushev, Nikolai Fedorov) argue that the system of ethno-territorial federalism incorporating sovereign ethnic republics is a good basis for Russia's future political organization⁴.

President of Bashkortostan Murtaza Rakhimov in a speech at an annual

conference marking sixth anniversary of the power-sharing treaty concluded with Moscow sharply criticized the Russian Constitutional Court's decision qualifying the sovereign status of ethnic republics unconstitutional. In particular he said: "In effect that decision undermines the foundations of the Russian state which have been built over the last ten years by all parties – federal authorities and the subjects of the federation, violates basic principles of democracy, federalism and the self-determination norm. Some politicians are trying to employ that decision to cross a ten year stage of the country's history out, to declare all legal documents and political institutions non-existent, the creation of which demanded an exertion of so tremendous an effort and to propose building another federation from scratch which in reality is nothing but a unitary-administrative state. Thus by a mere stroke of the pen old grievances and mutual mistrust of peoples are revived, the basis for interethnic accord is ruined. A dangerous tendency of resolving vital issues of state formation by force is making headway which is unworthy of a great power"⁵.

President of Tatarstan Mintimer

Shaimiyev mirrored this approach when addressing the parliament of Tatarstan he said "No one will be able to strike the notion of sovereignty out of our life"⁶.

Perhaps, president of Chuvashia Nikolai Fedorov is the most outspoken critic of Putin's reforms. In an interview with the *Izvestia* he said: "One can not stop regional separatism by employing methods of administrative-political redistribution of powers between the subjects of federation and the federal center. The consequences of building such a structure of vertical power will be lamentable. President must understand one simple truth: either Russia will be built as a federative state ruled by law, or it will be ruined disintegrating into seven or more parts. ... Surely, the main rational behind the creation of the seven federal districts is to abolish one system of power (to be frank the independence of "disobedient" regions) and to replace it by another system when subjects of the federation will have to lean toward the bureaucracy – the so called presidential representatives in the newly created federal districts, rather than abide by the constitution. ... In

³ Opreleniye Konstitutsionnogo Suda Rossiiskoi Federatsii o proverke sootvetstviya Konstitutsii Rossiiskoi Federatsii ot del'nykh polozhenii konstitutsiy Respubliki Adygeya, Respubliki Bashkortostan, Respubliki Ingushetiya, Respubliki Komi, Respubliki Severnaya Osetia-Alaniya i Respubliki Tatarstan (The ruling of the Russian Constitutional Court regarding consistency of some of the provisions of the constitutions of the republics of Adygeya, Bashkortostan, Ingushetiya, Komi, Northern Ossetia-Alaniya, and Tatarstan with the constitution of the Russian Federation), *Rossiiskaya Gazeta* (July 25, 2000).

⁴ The Russian Federation today consists of twenty-one republics, six krais (territories), forty-nine oblasts (regions), ten autonomous okrugs, one autonomous oblast, and two federal cities (Moscow and St. Petersburg).

⁵ Rakhimov Murtaza, "Ukrepleniye samostoyatel'nosti regionov – put' k moguschestvu Rossii", Report Made on a Conference Dedicated to the 6th Anniversary of Bashkortostan's Power-Sharing Treaty with Russia (August 3, 2000) (http://kmrb.bashnet.ru/APRB/press/prezident/03_08.html).

⁶ Shaimiyev Mintimer, "Desyat' let po puti ukrepleniya suvereniteta", Report Made at a Session of Tatarstan's State Council Marking the 10th Anniversary of Tatarstan's Declaration on Sovereignty (August 29, 2000) (http://www.tatar.ru/president/russian/speaches/00001094_a.htm).

reality, the presidential representatives do but nothing to strengthen the system of vertical power but rather ruin the country's constitutional foundations"⁷.

Indeed, ethno-territorial federalism has helped incorporate various ethnic groups into a single state. Yet, many federal politicians representing a wide political spectrum (Sergei Kiriyenko, Vladimir Zhirinovskiy, Gennady Ziuganov, Yuri Luzhkov to name but a few) believe that the existing political system has been a major source of instability in Russia ultimately leading to its disintegration. Sergei Kirienko, ex-prime-minister, the presidential representative to the Volga federal district called the creation of a federal structure providing for ethnic republics an awful blunder. Moreover, he maintained that Yuriy Andropov had planned to correct that mistake and even issued orders to divide the Soviet Union into similar districts. According to Kirienko, had it not been for Andropov's death he would have realized that idea thereby drastically changing the fate of Russia which would have been different. But what kind of fate would it have been? One thing is clear that eventually the country would have broken up along the Yugoslav pattern. Concerning the possibility of redrawing the boundaries of ethnic republics in connection with

the creation of federal districts, Sergei Kirienko, however, was of the opinion that this kind of question would not be raised since, as he put it "we have to face the realities the way they had taken shape"⁸.

Many nationalist and sovereignty movements world-wide (Chechens', Nagorno-Karabakh Armenians', Kosovars', Kurds', and so forth) have demonstrated aptly that the peoples who are denied basic cultural, linguistic, and political rights are more likely to resort to violence than those who have been given a large measure of local autonomy. Moreover, rejecting federalism and demands for autonomy in the name of ill-defined civic citizenship promotes alienation and will mean continuing difficulties for a multiethnic state's unity. Considering these specific circumstances, it can be argued that the existence of Russia's ethnic republics is in the strategic interests of the world community, since autonomy is the only way to reconcile the two conflicting trends, centripetal and centrifugal, thereby securing Russia's unity. This also fits neatly with the United States' ultimate goal of safeguarding the federal government's control over the vast nuclear arsenals, and reducing the chances of extreme nationalists coming to power.

Yeltsin's legacy in the field of post-Soviet state-building includes two diametrically opposite patterns of

conflict resolution: along with examples of successful, non-violent approaches to resolving conflicts with its largest and most economically developed ethnic republics, Bashkortostan and Tatarstan, a militarized solution was preferred in relations with Chechnya which in fact came as Moscow's most spectacular failure to cope with nationality problems. Which of these two approaches will further dominate the decision-making process in the Kremlin profoundly affects Russia's future. Hence, the most challenging problem for political and ethnic elites in the center as well as the regions is to find a viable form of federation that would enable non-Russian peoples to pursue their goal of self-determination within the framework of a single multinational state. Yet, in Ramazan Abdulatipov's view, former nationalities minister: "Almost no one among the leading Russian political figures has been able to cover a road to federalism in a normal way - not even at the level of abstract ideas"⁹.

A fair amount of work has been done on Russian federalism (M. Balzer, L. Drobizheva, St. Solnick, D. Treisman, G. Kolt, M. McFaul, A. Nemets, R. Orttung, D. Slider, G. Lapidus, V. Tishkov, L. Shevtsova, J. Warhola etc.), which have made enormous contributions to our understanding of center-periphery relations in Russia. Yet scholars and political experts

⁷Fedorov Nikolai, "Kogda grazhdane v napryazheniye imi udobneye upravlyat' (When people hang in suspense, it is easier to rule them), *Izvestiya* (August 31, 2000).

⁸ *Rossiiskaya Gazeta* (October 11, 2000).

⁹ *Rossiiskaya Gazeta* (April 1, 2000).

tended to focus more on the nature of ethnic and regional separatism rather than the state of Russian federalism itself. Major theories explaining separatist activism, such as power struggles between national and ethnic elites; the intensity of minority ethnic self-identification; the ability of ethnic entrepreneurs to mobilize individuals for collective action; the degree of bargaining power of ethnically-based entities in asymmetrical federations, offer little insight into the vagaries of the Russian political structure. Basically, most of studies on Russian federalism have been conducted in the years immediately following the collapse of the Soviet Union and, however valuable, they can not help us much understand the ethno-political dynamics of a "new" Russia. A Russia which is ready to embrace its totalitarian past.

This paper seeks to assess prospects for ethno-territorial federalism in Putin's Russia through an analysis of some political and legal actions of the center and key ethnic republics (Bashkortostan, Tatarstan) and to make predictions on the state of center-ethnic republics relations for the near future. Conceptually I proceed from the assumption that domestic conditions in Russia and the international environment strongly militate against the building of a unitary state. Recentralization would inevitably entail a resort to authoritarian methods of governance and authoritarianism would mean isolation. Sustaining federal relations is

a major component of the reform process in Russia and decentralization is needed as a road to stability.

Specifically, the following key issues are particularly salient in evaluating the state of federalism in Russia.

- Will Russia's present ethno-territorial and administrative structure be changed? Or alternatively, will Moscow opt for a different type of political structure? What are the main indicators that would point to a radical break with the current political system?
- Should the new political structure be chosen, will Russia's autonomies retain their present status?
- Will Russia be a more compact federation with a decreased number of its subjects, or will it turn into a unitary state? How will this affect the ethnic republics?
- Will Bashkortostan and Tatarstan be able to preserve their special legal status within Russia?
- Will Russia's political structure be based on power-sharing treaties?
- What are the views of elites on these issues in the center and in the republics?
- What role are the presidential representatives playing in the federal districts? What is the impact of such a restructuring on ethno-territorial federalism? What is the outlook for the near future?

THE CURRENT STATE OF RELATIONS BETWEEN BASHKORTOSTAN AND RUSSIA: A BRIEF ANALYSIS

Over the last year the Kremlin has led an aggressive campaign to bring regional (read ethnic republics') legislation to conformity with federal laws. The administration of Russian president, maintains that out of 21 ethnic republics' constitutions only the constitution of the Republic of Udmurtia fully conforms to the Russian Constitution. According to Alexander Zvyagintsev, deputy Prosecutor-General of Russia for the Volga federal district, the largest number of legal inconsistencies has been revealed in Bashkortostan, altogether – 57, then comes Tatarstan – 45. Saratov and Ulianovsk oblasts each have only one legal act contradicting federal legislation. Samara oblast was given as an example of an inconsistencies-free region¹⁰.

At the same time Moscow seems to be willing to recognize the fact that due to the Russian parliament's lateness with adopting many federal laws the regions out of sheer practical necessity had but to pass many of its controversial legal acts to address most critical issues in the economy and other spheres.

With a view to achieving mutual accord on general principles of state formation in today's Russia

¹⁰ *Rossiiskaya Gazeta* (September 2, 2000).

Bashkortostan suggested that all controversial issues be regulated through the mechanism of a joint Russian-Bashkortostan conciliatory commission. Specifically, the republic's leaders are hopeful that negotiations involving two equal partners will soon draw both sides' constitutions closer to one another. Yet, political figures in the center generally hold traditional Soviet views of state-building in accordance with which they assume that regional and central authorities of a federative state can not possibly be engaged in political consultations and negotiations. The basic argument here is Russia is not a confederation. However, on the whole by making mutual concessions Bashkortostan and Russia have been able to eliminate some of the problems exacerbating their relations, although there are still many issues to be resolved yet.

On May 11th 2000 Vladimir Putin addressed a letter to the Speaker of the State Assembly of Bashkortostan Konstantin Tolkachev wherein he suggested that the parliament bring the republican constitution to conformity with the Russian constitution and federal legislation. In particular Putin noted that the process of bringing Bashkortostan legislation into agreement with federal laws should be carried out on the basis of all legal acts which define the relations of the Russian Federation and the Republic of Bashkortostan. Significantly for Bashkortostan, Putin qualified the power-sharing treaty concluded between Bashkortostan and Russia as

the basic legal document and assured the Bashkir parliament of his commitment to its provisions. At the same time he urged the Bashkortostan parliament to bring the constitution of Bashkortostan to conformity with federal legislation, specifically he referred to those provisions which had not been duly agreed to in the power-sharing treaty. For instance, Putin drew attention to the fact that under the Bashkortostan constitution, republican laws took precedence over federal laws.

According to the information received on 11 May 2000 by the "Interfax" news agency from officials in the Putin administration the message to the Bashkortostan parliament had appeared as a response to a letter sent earlier in the name of Russian president by speaker Konstantin Tolkachev wherein he suggested creating a joint conciliatory commission to consider all controversial issues. Apparently president of Bashkortostan Murtaza Rakhimov was anxious to prevent a more unpleasant turn of events by taking action in advance. However, Rakhimov preferred not to raise that issue with the Russian president on his own behalf, authorizing the speaker of the parliament to do that job instead. Strategically, the main rationale, behind that tactical move was to save the power-sharing treaty and preserve as much sovereignty as Bashkortostan could under the circumstances. As Irek Ablayev, Bashkortostan's official representative to Moscow, put it "if an

act of rape is inevitable you'd better get relaxed and derive maximum pleasure from it"¹¹.

The subsequent events have clearly demonstrated that Bashkortostan was intent on turning Putin's message to its full advantage. The way the constitution of Bashkortostan was amended is the most vivid illustration of that. On November 3, 2000 the State Assembly of Bashkortostan passed a law entitled "On the Introduction of Amendments into the Constitution of the Republic of Bashkortostan" which stipulated the insertion of more than hundred amendments and additions into the constitution. However, the constitutional provisions proclaiming Bashkortostan a sovereign state within Russia have not been abolished despite the fact that the Constitutional Court of Russia by its June 2000 ruling had declared them unconstitutional.

As for the Bashkortostan – Russian power-sharing treaty, members of the parliament rushed to capitalize on Putin's referral to it as a principal legal document (although for the ex-KGB operative it may have been a mere tactical ploy to gratify the State Assembly of Bashkortostan¹²), and

¹¹ Personal communication (September 12, 2000).

¹² Quite tellingly, Sergei Samoilov, head of the chief department for regional politics in the presidential administration, contrary to Putin's support of power-sharing treaties as expressed in his letter to the parliament of Bashkortostan, was bold enough to assert the

voted unanimously to include the whole text of it into the constitution.

The events that followed thereafter were not unexpected - the Prosecutor-General's Office of Russia entered another protest but this time on the revised version of the constitution. As one of Rakhimov's advisers commented on that: "They do their job, we do ours". According to Rafail Mirsayev, vice-speaker of the Bashkir parliament, at issue now are about 30 inconsistencies. How will Bashkortostan react to another round of administrative pressure is not clear yet, but Dr. Zufar Yenikeev, Murtaza Rakhimov's legal adviser, is quite positive that the president of Bashkortostan will negotiate hard to cut the best deal with a view to preserving the latest version of the constitution.

Vice-speaker of the parliament of Bashkortostan Minirais Ishmuratov is convinced that Bashkortostan will cooperate fully on the issue of bringing the republican legislation into agreement with federal laws. But he believes that any attempts to homogenize regional legislation without considering republics' ethnic peculiarities can have negative consequences for Russia as it often

opposite. He was fully confident that prospects for those treaties' survival were dim (*Rossiiskaya Gazeta*, October 7, 2000). If Samoilov were not aware of his boss's true thoughts he would have hardly taken the risk of making statements not in keeping with the official line.

happened in the past. He is sure that dealing with Putin's initiatives Bashkir deputies will always bear that circumstance in mind¹³. Which in effect means that against all odds Bashkortostan is determined to preserve as many of its prerogatives as it can.

Although cooperative on the issue of bringing republican legislation to conformity with federal laws, Bashkortostan and Tatarstan leaders have regularly stressed the fact that they will seek further to maintain their relations with the federal center on the basis of the renewed constitution and the power-sharing treaty with Russia.

THE ETHNIC FACTOR AND POLITICS IN BASHKORTOSTAN

A "new" regional politics of Moscow strategically aimed at abridging ethnic republics' sovereignty has stirred many ethnic organizations and political parties to greater activity which may potentially destabilize the ethno-political situation in Bashkortostan and affect negatively its relationship with Moscow. This possibility can not be fully excluded because those organizations' political preferences, namely their attitude towards the Kremlin's relentless drive for recentralization and their support of Bashkortostan's sovereignty, basically depends on the ethnic factor, i.e. whose interests - Bashkirs, Tatars, or Russians - they defend. It will not be

an exaggeration to say that major political organizations are divided along ethnic lines.

There are 10 political parties and 345 public organizations operating in Bashkortostan today. Among the latter most influential are those public organizations which have been created to defend political, social, cultural and linguistic rights of the three major ethnic groups living in the republic. The most organized and largest organizations include the World Congress (*Kurultai*) of Bashkirs, the "Ural" Bashkir National Center, the Union of Bashkir Youths (SBM), the "Rus" Russian Social Organization, the Tatar Social Center of Bashkortostan (TOTS), and the (*Milli Mezhbllis*) Tatar National Assembly of Bashkortostan.

Depending on how these organizations are disposed to the political course pursued by the Bashkortostan government, they can be divided into three groups: (1) those actively supporting the official course of the Bashkortostan government to strengthen its sovereignty (2) those loyal to the government (3) those directly opposed to the government. Among the first group are mainly political organizations of the Bashkir people, the only indigenous group. Yet, organizations of other ethnic groups may advocate the same political stance. Like the Council (*Sobor*) of Russians of Bashkortostan but these are not many. Those belonging to the third group are the following political organizations: the "Rus" Russian Social Organization, the

¹³ *Interfaks-Evrazia* (May 11, 2000).

Tatar Social Center of Bashkortostan (TOTs), the *Milli Mezhlis* of Bashkortostan, and the "*Azattyk*" Union of Tatar Youths.

Quite illustrative is the following rhetoric used by extreme radicals belonging to the opposition who often refer to themselves as "*anti-suverentetsbiki*": "In the past the history of Bashkortostan had already been marked by an outburst of violent national-separatism and its leaders headed by the famous scholar Zeki Velidi suffered defeat and had to emigrate from Russia. Yet, thereafter this did not prevent the republic from developing successfully its economy and culture ...but only until Zeki Velidi's successors got back and terminated that process having realized in practice the notorious idea of Bashkortostan's sovereignty"¹⁴ Thus it can be stated positively, that the ethnic factor is beginning to affect ever more tangibly the political situation in Bashkortostan.

CONCLUSION: IMPLICATIONS FOR FEDERALISM IN PUTIN'S RUSSIA

The future of democracy and federalism in Russia remains uncertain. Moreover, the election of Vladimir Putin as president of Russia is a disturbing development. Putin seems to stand for a strong, authoritarian state and his popularity with the Russian people calls into question their

support of democracy and federalism. Public disappointment in the recent experiment in democracy may be conducive to building a federation based on former imperial gubernias. There is every reason to believe that Moscow has established as its long-term strategy the elimination of a federation based on ethno-territorial principle.

An event deserving a special consideration occurred last year on December 7 in Moscow which passed largely unnoticed by public. Under the Kremlin's patronage the so called 1st all-Russian Congress for Restructuring the Constitutional Arrangement of Russia was conducted. One of the major topics introduced for discussion at the organizing committee's initiative was the contents of article 5 of the Russian constitution which provides for asymmetrical subjects in the federation: republics, oblasts, krais. Rafail Mirsayev, vice-speaker of the parliament of Bashkortostan, who participated in that congress, believes that strategically the Kremlin is intent on liquidating ethnic republics. The final goal is to make Russia a symmetrical federation comprising about 50 homogenous subjects. Moreover, the vice-speaker is sure that the process of bringing republican legislation to conformity with federal laws is just a fuss, an intermediate stage specially conceived to prepare public opinion for the main scheme – the liquidation of ethnic republics. The creation of federal districts should also be considered as part of this well-

planned project. At some point in the future when the time is ripe the constitution will be amended by way of referendum, the way it was accepted in December of 1993. The ethnic republics will be unable to influence the decision-making process, since there is no effective mechanism on the federal level to ensure just representation of their rights. Hence, the outcome of such a referendum will be in favor of the Kremlin. The previous experience with the 1993 referendum clearly demonstrated that despite the fact that the Russian constitution had not been approved by about 30 subjects of the country it had become a law under the system of simple majority rule. This may be seen as the culmination of the worst-case scenario of post-Soviet state formation. In sum Russia has failed to incorporate genuine federalist principles within its political structure and the practice of democracy remains superficial.

Russia is developing a new system of center-region relations which will affect first of all Bashkortostan and Tatarstan - the most successful autonomies in Russia. During Putin's presidency an active campaign is launched to abridge these republics' autonomy but nonetheless they are still able to preserve more powers with regard to other republics. The center-ethnic republics relations will continue to be at the forefront of Russia's politics in the 21st century. Bashkortostan and Tatarstan prefer to be engaged in a delicate bargaining

¹⁴ *Otechestvo* (February 26, 2001).

game with the Kremlin instead of advocating direct confrontation. However, even if these republics are able to demonstrate their loyalty to Putin, they will be rewarded only with minor concessions losing many of their previous prerogatives.

Putin and his representatives in the newly created federal districts will not be able to dominate a vast and diverse country like Russia for a substantial period of time. The poor quality of transportation and communications systems in Russia, the country's sheer geographic and population size will disrupt any efforts to locate all political authority in one place. The existence of diverse political subcultures would also appear to be at odds with a political authority concentrated solely in a central government.

Putin will not be able to meet popular expectations of rapid economic improvement. The system of governance itself will become a major source of political instability and national decline. Gradually, the society's disillusionment with Putin's *perestroika* will erode the socio-political base of his authority and the outlook for his reelection may be dim. The weakening of the central government will mean the strengthening of autonomies vis-a-vis the Kremlin. Ultimately, Tatarstan and Bashkortostan may fully restore status-quo. The prospects for the emergence of a genuine, effective federal system are remote in the foreseeable future. As a result of a much longer term process (approximately fifteen to twenty years) a looser form of federation may emerge. Should Russia appear to be rebuilding itself in a way

that guarantees considerable local autonomy it would mark a radical break with its history.

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AUTHOR BIO:

Dr. Ildus G. Ilishev is a Senior Associate and Volga-Ural Representative of Cornell Caspian Consulting. He is a senior research fellow at the Institute of History, Language and Literature of the Ufa branch of the Russian Academy of Sciences. He previously served as a senior advisor to the President of the Republic of Bashkortostan. This report was first presented at the Annual Convention of the association for the Study of Nationalities, New York, in April 2001.

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