

THE RUSSIAN FEDERATION

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The Russian Federation is the world's largest country in terms of surface area.¹ Originally founded as a group of city-states (e.g., Kiev, Moscow, and Novgorod), now, more than 1,000 years later, Russia's territory stretches across nine time zones and is approximately 1.8 times larger than that of the United States of America and six times larger than that of India. Because of its location in the heartland of Eurasia, Russia is often described as a "geographic and political bridge between Asia and Europe."²

The country is extremely rich in natural and mineral resources such as oil, gas, coal, timber, and fresh water.³ Yet, only 7.3 percent of Russia's land is arable; its main territories are located in permafrost, close to or within the Polar Circle, which makes effective agriculture practically impossible.⁴ The Polar territory of Siberia alone is ten times bigger than France and fifteen times bigger than Germany.⁵ It is believed by some observers that Russia's harsh climate and vulnerability to foreign invaders⁶ have made the Russian people more reliant than those of Western nations on a centralized government to provide them with security and protection in difficult times.⁷

Since the start of radical market reforms at the beginning of the 1990s,⁸ Russia's population has been shrinking rapidly due to premature mortality. The population shrank by 4 percent, or 5.8 million people, from 1993 to 2005. Depopulation of the country has been recognized by the United Nations as "a human crisis of monumental proportions."⁹ According to the Russian federal Ministry for Healthcare and Social Development, Russia ranks 136th in the world in male life expectancy and 91st in the world in female life expectancy.¹⁰

The December 1993 Constitution defines the Russian Federation as a federal state¹¹ composed of 89 component units, or "subjects," of the federation.¹² Approximately two-thirds of the subjects are named after the territory in which they are located, whereas the remaining third are named after the titular ethnic group historically living in each area. Federal units of Russia do not confer their own citizenship, and – unlike the republics of the former Union of Soviet Socialist Republics (USSR) – they do not have a right of secession.

In contrast to the United States and some other federations whose states, provinces, or cantons enjoy equal status, subjects of the Russian Federation have varying status. Even though the Constitution proclaims that federal units have equal rights and responsibilities and "enjoy full state power outside the limits of jurisdiction" of the federation or the spheres of "joint competence,"¹³ in practical terms some subjects enjoy full state power more than others. In this respect, it is fair to say that some component units of the Russian Federation, especially those with significant ethnic minorities, are more equal than others.

The Constitution divides all subjects of the Russian Federation into six groups: (1) republics, (2) autonomous regions, (3) autonomous areas, (4) regions, (5) territories, and (6) two federal cities (Moscow and St. Petersburg). It should be noted that (2) and (3) are national-territorial units, while (4), (5), and (6) are administrative territorial units. Such division makes Russia an asymmetric federation.¹⁴ For instance, autonomous areas share formal equality in their rights and responsibilities with larger territories or regions. In reality, such equality is problematic because autonomous areas are usually constituent parts of territories and regions.¹⁵

Federal units of Russia vary widely in size and population. The territory of the largest subject of the Russian Federation, Yakutia, is 3.1 million square kilometres - approximately the size of India. Yakutia is 408 times larger than the smallest subject, Adygeya, which is only 7.6 thousand square kilometres. Even though Russia has an average population of 1.9 million people per subject, Moscow, with its official 8.54 million citizens, is 474 times more populous than is the least inhabited region, Evenkia, with 18,000 people.

Russia has always been ethnically diverse. Indeed, F.J.M. Feldbrugge has written that "only the Roman empire can vie with the Soviet Union in the number of ethnic entities within its border and their cultural and linguistic diversity."¹⁶ Following the disintegration of the USSR in December 1991, Russia remains the most multinational and multiethnic country of all the former Soviet republics, with more than

100 nationalities and ethnic groups and with representatives of all major world religions living within its borders.¹⁷ This cultural and linguistic heterogeneity “add[s] an extra burden to the problem of maintaining the political and economic coherence”¹⁸ of Russian society.

Creation of the Russian Federation

Pre-revolutionary Russia had a loose centralized government structure. It relied heavily on local legal orders and traditions, with canon law playing a strong role in matters of daily and family life.¹⁹ However, the Russian Empire was not a federation but, rather, a unitary state with a number of autonomous regions enjoying special status (e.g., Finland, Poland, and Ukraine).²⁰

Many of Russia’s current ethnic, national, and federative problems were not inherited from the imperial past but, rather, are a legacy of the USSR. The country was first defined as a federation in the Declaration of the Rights of the Toiling and Exploited People (adopted by the Fifth Soviet Congress on 10 July 1918) and the first Constitution of Soviet Russia of July 1918. In the days of the Bolsheviks’ accession to power in 1917 and the creation of the USSR in 1922, federalism was thought to be useful as a “means against disorder and . . . [for the] amalgamation of the odd territories.”²¹ But the Soviet “federal” structure and the right of nations to self-determination proved to be a ticking bomb.

Officially proclaimed as a multinational federal state, the USSR proved to be a centralized federation with many features of a unitary state, and it was dominated (until 1990) by one-party rule. Carl J. Friedrich once observed that the operation of Soviet federalism was “little known, even to Soviet scholars.”²² As a secondary element of the Soviet state system, federalism was rarely considered an appropriate problem for advanced study by Soviet social scientists. The dysfunctionality of the federal character of the Soviet state

“was only a minor nuisance while the absolute supremacy of the political leadership remained intact. Once the latter began to slip, repressed national aspirations reasserted themselves and the federal idea, like a dried-out desert plant after the rain, came to life again and emerged as one of the most intractable problems of the *perestroika* era, leading ultimately to the breakdown and dissolution of the Soviet Union.”²³

There are certain parallels between the creation of the USSR and the creation of the Russian Federation. The USSR was created as a result of the collapse of the Russian Empire and the secession of Poland, Finland, the Baltic provinces, and others. The Russian Federation was created as a result of the disintegration of the Soviet Union into fifteen independent states. A multiethnic state itself, comprising 89 federal subjects with regional (often ethnic) elites demanding increased political and economic power, the Russian Federation inherited all of the problems that led to the USSR’s disintegration.

The government of President Boris N. Yeltsin (1991-99) was aware of all the complexities of the transitional period for the federation, and it sought to solve the immediate and most urgent ones before adopting a new federal constitution. On 31 March 1992, just three months after the dissolution of the Soviet Union, a federation treaty (or, rather, three separate treaties collectively known as the Federation Treaty) was adopted. The treaty was aimed at appeasing regional and ethnic elites through decentralizing power and redistributing budgetary, fiscal, and material benefits in a way that favoured these elites. A weak federal centre kept control over the following powers and state institutions: currency, customs, banking and credit institutions, communications, postal service, transport, nuclear energy, space exploration, arms and defence, security, administration of justice, and weights and standards. Concurrent powers were recognized in the spheres of environmental protection, conservation, historic preservation, education, science, culture, sports, health care, social welfare and social protection, disaster relief and emergency management, and natural resources, minerals, and forestry.

Adopted in December 1993 in the aftermath of a violent confrontation between the Russian federal Parliament and the president,²⁴ the new Constitution of Russia created an “imperial presidency,” or “superpresidential,” form of government. The Constitution essentially introduced a centralized

federation with elements of a unitary system. Unlike in the Constitution of the RSFSR,²⁵ the units themselves are formally defined as “subjects” rather than as “constituent units” of the Russian Federation.

Article 71 of the 1993 Constitution defines the areas of exclusive federal jurisdiction. Federal jurisdiction is extremely broad, and most contemporary Russian law is federal law. It includes the main Russian codes of legislation: the Civil Code and the Code of Civil Procedure, the Criminal Code and the Code of Criminal Procedure, the Code of Arbitration Procedure, and almost all commercial law. The areas of exclusive federal jurisdiction also include control over federal property, the federal budget, federal taxes, transport, communications, power generation, currency, the treasury, financial institutions, postal service, the armed forces, defence and security, foreign policy, and foreign economic relations.

The spheres of joint federal-regional jurisdiction are listed in Article 72, including control over land use and disposal, mineral resources, water and other natural resources, public health facilities, social services, and cultural, educational, recreational, and scientific facilities. Federal, regional, and local officials are jointly responsible for environmental protection, housing, law enforcement, delimitation of state property, and the establishment of the general principles for the organization of local self-government.

The Central Legislature

Russia’s Parliament²⁶ became bicameral as the result of a 1990 constitutional amendment, shortly before the disintegration of the USSR. Its bicameral structure was retained under the 1993 Constitution. The Parliament (Federal Assembly), defined by the Constitution as the “representative and legislative organ of the Russian Federation,”²⁷ is composed of two chambers: the State Duma and the Federation Council.²⁸

The State Duma was named after the first Russian parliament of 1906-17, from the Russian word *dumat*, meaning “to think”. It consists of 450 deputies. The Federation Council has 178 members (sometimes calling themselves “senators”), two from each of the 89 subjects of the Russian Federation.

State Duma deputies are elected for a four-year term,²⁹ but the Constitution is vague with regard to the formation of the Federation Council. The Council is not elected but, rather, “formed,”³⁰ which leaves room for various interpretations. Indeed, the Federation Council has been formed in three different ways since 1993. Originally, senators were directly elected to the Federation Council through popular voting. That happened only once: during the first parliamentary elections that were held (simultaneously with the constitutional referendum) in December 1993. After that, each subject of the federation was represented in the Council by the heads of its administration and legislature. According to the 1995 law “On the Formation of the Federation Council” and a subsequent act of 5 August 2000, Russia’s federal units are represented in the Federation Council by two persons: one appointed by the governor and the other elected by the regional legislature.³¹ Such persons need not be residents of the respective regions. As a rule, the regions select somebody of national stature who has enough muscle to represent the interests of the region in the federal arena.³² The chamber does not have prescribed terms; rather, its membership is renewed gradually, after the formation of new administrations and legislatures in the constituent units of the federation. In other words, the term of each Federation Council member ends with that of the body he or she represents. Unlike the lower chamber of the Federal Assembly, the Federation Council cannot be dissolved by the Russian president.

The Federation Council plays no role in the appointment of the prime minister (“chairman of the government”); rather, the president of Russia appoints the prime minister with the “consent” of the State Duma.³³ Neither chamber plays any role in the presidential appointment process of other federal ministers.

If the State Duma rejects three candidates for the office of the chair of the government, the president is authorized to (1) appoint the prime minister, (2) dissolve the Parliament, and (3) call new elections.³⁴ The State Duma cannot be dissolved during the first year of office; if it is considering

treason charges against, and possible impeachment of, the president; during a declared state of emergency; or if the presidential term is within six months of expiring.

The Federation Council is supposed to supervise foreign policy, emergencies (a presidential decree introducing a state of emergency or martial law is to be approved by the Federation Council), the armed forces, security affairs, and the internal relations of the subjects of the federation. In practical terms, the activities of the chamber are regulated by its Standing Orders of 30 January 2002. The chamber elects its chairperson and his deputies as well as the chamber's council. It also forms committees and commissions.³⁵ The sessions of the chamber are held in Moscow, but the Standing Orders also allow the Federation Council, by a decision of the Council, to hold meetings and hearings elsewhere.³⁶ If requested by the Russian president, prime minister, speaker, a committee (or commission) of the chamber, or a group of at least 25 senators, the chamber can hold a closed meeting. The chamber holds two sessions a year: in the spring (January 25-July 15) and in the fall (September 16-December 31). However, this does not mean that the senators are physically present in Moscow for the duration of these sessions. As a rule, meetings of the chambers are held at least twice a month, each meeting lasting several days, and each month the senators are supposed to spend up to ten days in their respective regions. Quorum is satisfied if meetings of the chamber are attended by more than half of its members (currently, 90). Members of the Federation Council may belong to different political parties, but party membership may not interfere with their work in the Council. Creation of factions in the upper chamber is not allowed.³⁷

The 1990s witnessed an epidemic of party-building in Russia. Several hundred political parties have appeared and vanished from the political arena without trace. The existence of 199 officially registered political parties and movements as of July 2001 could be explained by several factors, but public necessity was certainly not one of them. In fact, many of these parties could be considered “sofa parties” (meaning the entire membership could sit on one sofa) and existed only on paper.³⁸

On more than one occasion in the 1990s, corrupt businesspeople founded fly-by-night parties to carry them into Parliament and buy them the immunity from prosecution that comes with a seat in the State Duma.³⁹ Boris Berezovsky's recent romance with the Liberal Party of Russia is another example of this phenomenon. In this case, a robber baron hiding in England used a “political party” as a proxy tool and weapon against the Russian government. The fact that the Liberal Party fired Berezovsky as soon as he stopped financing the party hardly improved the Russian public's attitude towards parties in general or Liberal Russia in particular.

Indeed, opinion polls show that political parties are the least trusted institution in the country. In 1997, six years after adoption of the first law “On Political Parties,” only 1 percent of respondents in a nationwide survey declared complete trust in them, with 4 percent trusting parties “to a certain extent,” and 76 percent expressing complete distrust of political parties and movements. Four years later, the average citizen expressed distrust of seven out of ten key institutions of Russian society, with political parties being the least trusted (7 percent) and courts and the armed forces being the most trusted institutions in the country (at 40 percent and 62 percent, respectively).

A survey conducted by the Russian Public Opinion and Market (ROMIR) independent research centre entitled “Value Change and the Survival of Democracy in Russia (1995-2000),” indicates that, in 2000, 0.7 percent of respondents were “members” of political parties and organizations, while only 0.3 percent were “activists.” These figures are even lower than the figures from 1995: 2 percent and 1 percent, respectively. Official statistics substantiate ROMIR's findings. Today fewer than 1 million people – or about 0.7 percent of the Russian population – belong to political parties.⁴⁰ The recent and much publicized study prepared by the Information for Democracy Foundation (INDEM) shows that Russians consider political parties not only the least trusted institution in the country⁴¹ but also the most corrupt.⁴²

The adoption in 2001 of a new law “On Political Parties” was a significant legislative measure aimed, among other things, at reducing the inflated quantity of parties in the country. By August 2002 the number of newly registered parties was a modest 23. In the elections to the State Duma of December 2003, only four national parties were able to clear the 5 percent threshold and bring their members to the lower chamber of the Russian Parliament.

Western governments continue to provide financial support to their favourite parties (e.g., Union of Rightist Forces, Yabloko, “Our Choice,” and some others), even though Russian legislation expressly forbids foreign funding of political parties and the use of foreign money in election campaigns.⁴³ According to the U.S. General Accounting Office, between 1992 and 1997 two American programs in Russia – run by the National Democratic Institute (NDI) and the International Republican Institute (IRI) – received \$17.4 million in grants from the U.S. Agency for International Development (AID) to “help reformist political parties strengthen their organizational structures and their role in elections.”⁴⁴ The 2002 U.S. Russian Democracy Act⁴⁵ openly states: “United States Government democratic reform programs ... have led to the establishment of more than 65,000 non-governmental organizations ... and numerous political parties” in Russia. In other words, U.S. law makers openly admitted that the U.S. government and American money were behind one out of every five of 300,000 registered NGOs in Russia as well as – again, in violation of Russia’s legislation – certain political parties.

In reality, Western support for Russian political parties will have little effect in terms of “strengthening democracy in Russia” because political parties can hardly be characterized as a democratic element of today’s Russian society. Party building and party politics are still the concern of elites rather than the people.

The adoption of the U.S. Russian Democracy Act, which pledges an additional \$50 million a year to pro-American “political parties and coalitions” in Russia, “democratic activists,” “democratic forces,” and “reform-minded politicians,” was one of the main catalysts of recent legislative changes in Russia. These changes were aimed at curbing the infiltration of foreign money, under the guise of funding Russia’s NGOs, into electoral and political processes in the Russian Federation.⁴⁶

The Central Executive

The Russian Federation is a presidential republic. The president is the head of state,⁴⁷ representing the Russian Federation in international relations.⁴⁸ The president is also proclaimed the guarantor of the Constitution and of human rights and freedoms.⁴⁹ He is empowered to protect the sovereignty, independence, and national integrity of the Russian Federation; ensure the coordinated functioning and interaction of agencies of authority; and determine the basic orientations of internal and foreign policy of the federation in accord with the Constitution and federal laws.⁵⁰ The Constitution does not provide for a vice president.⁵¹

The president appoints the prime minister (with the consent of the State Duma), as well as other federal ministers, on proposals of the prime minister.⁵² The Council of Ministers is a technical organ rather than a strategic decision-making body. In contrast to some other federations, such as those with a parliamentary form of government and a president with very limited powers, the Russian federation’s requirement that the president act on the advice of the prime minister can hardly be considered a binding norm. Technically, nothing can prevent the president from proposing new members of the government to the prime minister rather than getting the new candidates from him. Similarly, the president can fire the Council of Ministers at his pleasure. In 1997 the Federal Assembly undertook a dramatic attempt to limit the president’s grip on the Council of Ministers.⁵³ A federal constitutional law “On the Government of the Russian Federation” introduced a norm saying that a prime minister can be dismissed by the president in two cases only: (1) following the prime minister’s request or (2) because of the prime minister’s “inability to exercise his functions.”⁵⁴ Moreover, a prime minister can be dismissed by the president not only in his individual capacity but also with his entire government.⁵⁵ However, the 1997 act failed to prevent Yeltsin from replacing three governments and their heads (Stepashin, Kirienko, Primakov) in 1998.

The president is elected for a term of four years on the basis of universal, equal, and direct suffrage by secret ballot. He can be re-elected for a second consecutive term. A simple majority of the electorate must take part in the election, and the winner is determined by a simple majority of the votes. Failure to attract the participation of a simple majority of the electorate will lead to new elections, and failure to determine a winner in the first round of elections will lead to a second round between the two

main contestants.⁵⁶ The winner is supposed to get a simple majority of votes, provided this number is bigger than the number of votes cast “against all” candidates.⁵⁷

Although the Constitution mentions the possibility of impeaching the president, the process for doing so is so complicated that, in practical terms, the president is virtually unimpeachable.⁵⁸ However, the president may resign voluntarily (for instance, for health reasons) with the prime minister succeeding him as an acting president, with an obligation to hold a new presidential election within three months.⁵⁹

The 1993 Constitution introduced new provisions relating to the separation of powers between the branches of government.⁶⁰ The president, for instance, calls elections of the State Duma,⁶¹ and the Federation Council calls the presidential election, which may be a regular election once every four years or an extraordinary election (if the president’s functions are terminated prematurely).⁶² The president has the right of legislative initiative; he or she can also veto parliamentary legislation.⁶³

Russia’s “superpresidential” Constitution gives the president great powers but also provides Parliament with certain countervailing prerogatives. Article 107 sets out in detail the veto procedure of the president. According to the Constitution, an adopted law shall be sent to the president for signing and publication within five days of its passage through Parliament. The president has two options. Within fourteen days he/she can (1) sign a law and publish it or (2) veto it and send it back to the Federal Assembly. In the event of presidential veto, the State Duma and the Federation Council may either take into account the president’s comments and criticism and work out a new draft or, with two-thirds of the total number of deputies of both chambers, override the veto and approve the law in its original version. After that, the law shall be signed by the president within seven days and published. The Constitution is silent, however, as to whether the legislation becomes law in the event the president refuses to sign the previously vetoed bill. In this respect, Russian constitutional law does not contain any provision similar to the principle written into U.S. constitutional law that provides that the president may not use executive powers to thwart the expressed will of Congress.⁶⁴

Among other state officials, the president nominates the chairperson of the Central Bank, subject to final approval by the State Duma,⁶⁵ as well as the prosecutor-general and the judges of the Supreme Court, the Constitutional Court, and the Supreme Arbitration Court, whose appointments must be approved by the Federation Council.⁶⁶

The federal president is authorized to suspend acts by executive officials in the federal units when those acts contravene the federal Constitution, federal law, and/or Russia’s international treaties, or when they “violate the rights and freedoms of the human being and citizen.” The final decision about the validity of such acts is to be made by the courts.⁶⁷

The Judicature

There are three court systems: (1) the Constitutional Court (created in 1991); (2) regular courts or the courts of general jurisdiction (including military courts); and (3) arbitration courts (*arbitrazh*) or commercial courts. It is important to emphasize that Russia does not have a single highest, or ultimate, court. All three highest courts – the Constitutional Court, the Supreme Court (the highest court among courts of general jurisdiction), and the Supreme Arbitration Court – enjoy similar status.

Within the context of the discussion of federalism in Russia, the Constitutional Court is of greatest interest. It is designed to guarantee the supremacy of the federal Constitution as well as to guarantee the protection of democracy and fundamental human rights. Besides the Constitution itself,⁶⁸ the functions and composition of the Court are regulated by a special act: the 1994 federal constitutional law “On the Constitutional Court.”

Of the six main categories of cases in which the Constitutional Court is empowered to exercise its jurisdiction, two concern matters of federalism in Russia. First, the Court may resolve cases concerning conformity with the federal Constitution of federal laws, normative acts of the federal president, chambers of the Parliament and the government, and draft international treaties. It also resolves

cases pertaining to the constitutions and charters of the federal units, their laws, and other normative acts issued on questions of federal or concurrent jurisdiction.⁶⁹ Second, the Constitutional Court can settle disputes over competence between three categories of “organs of state power”: (1) federal government bodies (e.g., between the president and the State Duma or the government and the Federation Council); (2) federal organs of state power and organs of state power of the federal units; and (3) the “highest organs” of state power of the “subjects” of the Russian Federation.⁷⁰

Legislative and Executive Institutions and Administration of the Constituent Units

The component units of the federation enjoy full state power in all areas that have not been expressly allocated to the federation or defined as spheres of joint competence. The subjects of the Russian Federation have the power to adopt legislation in areas of their exclusive jurisdiction and concurrent jurisdiction. As in other federations, laws and other normative acts of the federal units in areas of joint jurisdiction may not contravene federal legislation. Federal law prevails in cases of inconsistency.

The Constitution grants the federal units the right to establish their “system of organs of state power ... independently.” This right is limited by two conditions: the system cannot violate “the basic principles of the constitutional order” of Russia and it must comply with “the general principles of the organisation of representative and executive State government bodies which are established by federal law.”⁷¹

Subjects of the federation may adopt their own constitutions (in ethnic republics only), charters, or basic laws having superior status to any other legislation on that subject. As in the federal sphere, the consistency of the regional legislation is reviewed by respective constitutional courts (or “charter courts”). Yet in the hierarchy of sources of law in the Russian Federation, constitutions (or charters and basic laws) and the legislation of the federal units of Russia occupy the second position from the bottom. They come after the federal Constitution, international treaties, federal constitutional laws, federal statutes, and federal presidential decrees and regulations promulgated by the federal administration. Only a seventh source of law – custom - comes after constituent constitutions or charters.

The federal Constitution reserves for the joint jurisdiction of the federation and its subjects the “establishment of the general principles of the organization of the system of State government and local self-government bodies.”⁷² The Constitution is silent regarding the procedure for electing or appointing the heads of the executive organs of state power of the subjects of the federation. It only says that “the people shall exercise its power directly, as well as through State government bodies and local self-government bodies,”⁷³ which probably means that the heads of any organs of state power should be either properly and democratically elected or appointed by a democratically elected federal president.

In 1999 the federal Parliament adopted a new act “On the General Principles of the Organization of Legislative (Representative) and Executive Organs of State Power in the Subjects of the Russian Federation.”⁷⁴ As the title of the act suggests, this legislation establishes only general principles. For instance, it provides that state power in the subjects shall be exercised on the basis of “the unity of the system of state power” and “separation of the legislative, executive and judicial branches.” It also requires “periodic elections” of all organs of state power.⁷⁵ According to the act, elections of deputies of regional legislatures shall be held at least every five years.⁷⁶ Concrete details of the organization and functioning of executive and legislative bodies of state power are determined in the federal units themselves.

It is difficult to discern any pattern or norm in terms of how the subjects of the federation design their institutions of government. Official titles of regional legislatures are established by regions themselves and often reflect historical or ethnic preferences, such as City Duma (in Moscow), Legislative Sulgan (in Evenkia), State Assembly–El Kurultai (in Altai), State Council–Khase (in Adygeya), and People’s Khural (in Buryatia). Most regional legislatures are unicameral; some other federal units have bicameral legislatures. The legislatures have varying membership, ranging from 11 in the Taimyr autonomous area to 120 in Bashkortostan. As a rule, the deputies are elected for four- or five-year terms. There is also no a single model of Standing Orders in Russia’s regional legislatures.

Heads of administration in Russia's federal units are usually called presidents (in the republics) or governors. They are elected for four or five years for not more than two consecutive terms. Presidents of Russia's federal units can be impeached by a vote of two-thirds of the legislature of the federal unit, subject to the concurrence of the regional constitutional court. Constitutions of some republics within Russia also provide for a vice president.⁷⁷

While proclaiming Russian to be the official language of the federation throughout its territory,⁷⁸ the Constitution also grants one type of federal unit – republics – the right “to establish their own official languages” to be used alongside “the State language of the Russian Federation.”⁷⁹ Some republics (like Kalmykia and Tatarstan) have declared themselves bilingual; some others (like Dagestan, Kabardino-Balkaria, and Mari El) are multilingual.

The federation has a unified public service, known as the “state service,” with a hierarchy of ranks and degrees. Russia's public servants occupy key positions in the apparatus of legislative and executive bodies in both the federal and regional spheres. Vacancies are filled in competitively. The most advanced staffers may raise the level of their professional competence and gain new skills and experience at the Academy of State Service under the president's administration in Moscow. Although it is officially “unified,” in practical terms Russia's state service remains fragmented, with many civil servants dependent on regional authorities rather than on the federal centre. Public servants are supposed to be excellent independent specialists in their areas, but in practical terms it is common for newly appointed heads of administration to bring with them certain members of their entourage, who are united not only by their previous work but also by their loyalty to the boss.

Autonomous areas are a particularly troublesome type of “subject” within the federation. These clumsy administrative structures, which appeared in Russia in 1992, are sometimes called *matryoshkas*, or “nesting dolls.” An autonomous area is a component part of another federal unit but, at the same time, is an absolutely “independent” subject of the federation, with its own legislative assembly, executive leader, and administration. The existence of the nesting dolls has entailed many conflicts and contradictions, based primarily on the fact that the authorities of the subjects could not seem to agree on what taxes would be collected and by whom, and, most important, on how to spend them.⁸⁰

How can a territory or region exercise full jurisdiction over its territory if a part of it (an autonomous area) is deemed to be an equal part of the Russian Federation as well? (To get a clearer picture of this peculiar arrangement, American constitutionalists should imagine a situation in which the State of Iowa and Johnson County, which is a part of Iowa, are proclaimed equal subjects of the USA.) The Russian Constitution does little to clarify the situation as the only article dealing with this question is extremely vague. It provides merely that the relations of autonomous areas that form part of a territory or region may be governed by federal law and a treaty between the organs of state power of the autonomous area and, respectively, the organs of state power of the territory or region.⁸¹ Paradoxically, the Constitution itself seems to be one of the sources of chaos and confusion in Russian intergovernmental relations.

Subjects of the federation are supposed to play a significant role in the process of adopting constitutional amendments. They are empowered to exercise this right through their representatives in the Federation Council and in the regions directly.⁸² After a constitutional amendment is adopted by two-thirds of all members of the State Duma, it is sent (within five days) to the Federation Council. In the upper chamber the bill must have the support of three-quarters of the senators.⁸³ Within five days the amendment is to be published and sent to the regions for their consideration. The amendment is considered to be adopted and can be signed into effect by the Russian president only if it is supported by two-thirds of the subjects of the Russian Federation within one year from the date of its adoption by the Federation Council. Another significant detail indicating the special role of the regions in this process is that each federal unit determines its own procedure for considering the matter.

On 7 December 2004 the Federation Council (by a vote of 145 to one, with two abstentions) approved new legislation that eliminates direct gubernatorial elections across the country. Five days later President Vladimir Putin signed the bill into law. The newly adopted amendments to the federal laws “On

the General Principles of the Organization of Legislative (Representative) and Executive Organs of State Power in the Subjects of the Russian Federation” and “On Guarantees of the People’s Suffrage for Participation in Referendums” legislatively confirmed the practice of the de facto appointment of heads of Russia’s regions.

This legislation became one of the series of measures aimed at reforming the Russian federal structure. Putin announced the new principles for forming regional authorities on 13 September 2004 after the tragic terrorist events in Beslan.⁸⁴ The proposal to nominate heads of Russia’s regions by the federal president instead of electing them by direct vote was presented along with other initiatives that were supposed to mobilize the society; strengthen the Russian nation; and improve administration of the subjects of the federation, making them capable of responding appropriately to modern threats and challenges. These moves towards greater centralization of power are seen by the Russian federal government, its political elite, and much of the general public as being necessary in order to keep the country together.⁸⁵

The new legislation gives the president the right to nominate Russia’s regional leaders, who then must be confirmed by the regional legislatures, which can either accept or reject the nominee. If the president’s candidate is rejected twice, the president can then dissolve the rebellious legislature and appoint his own choice as acting governor. Since the new regulation came into effect, at least 18 governors have been re-nominated by the president, and four have been dismissed.

On 27 December 2004 Putin signed a decree on the procedure for considering candidates for the post of head of a subject of the Russian Federation. According to the decree, the presidential representative in the respective federal district will recommend candidates to the chief of staff of the president. The latter will then pass the names to the president.

Increasing centralization of the Russian government and streamlining its administration are not straight-forward processes, however. On 30 June 2005 Putin issued a decree altering the procedure for considering candidates for chief executive posts in regions of the federation. The new, altered procedure will allow envoys in the federal districts to nominate candidates without coordinating with the president’s chief of staff. Finally, the new decree applies the same procedure for selecting all regional leaders. Previously, leaders who asked Putin for a vote of confidence well before their terms were due to expire were able to go through an expedited appointment process, facing less scrutiny from presidential envoys. In its decision of 21 December 2005 the Constitutional Court of Russia upheld the constitutionality of the president’s power to nominate Russia’s regional leaders.

The process was further elaborated in December 2005, when the federal Parliament amended the law “On Political Parties” with a provision allowing the political party that has won the most seats in its regional legislature to nominate a candidate for the post of the head of the regional executive. If more than one party has received an equal number of seats, then each party will be allowed to nominate a candidate. The measure is viewed as being aimed at strengthening the role of the regions in the nomination process as well as at developing the system of national political parties. The amendment was signed by President Putin on 1 January 2006.

The Judicature of the Constituent Units

It is difficult to say whether the subjects of the federation have their own court systems. The 1993 Constitution does not contain any norms providing for separate court systems in the subjects of the federation. This position was subsequently supported by a decision of the federal Constitutional Court.

“According to Art. 71 of the Constitution of the Russian Federation, the establishment of the system of federal organs of judicial power ... and the organization of the courts ... fall within the jurisdiction of the Russian Federation (and not of its subjects). Art. 118(3) of the Constitution of the Russian Federation provides that the judicial system of the Russian Federation shall be established by the Constitution of the Russian Federation and by federal constitutional law. Pending the enactment of such a law, the existing judicial system is

also governed by the law of the Russian Federation; according to this law, it is a unified judicial system because it does not contemplate independent judicial systems of the subjects of the Russian Federation.”⁸⁶

Even so, the fact that Russia’s federal units do not have judicial systems of their own does not mean that they do not have courts per se. It means that (regardless of their territorial location) all subordinate courts within the jurisdiction of the Supreme Court or Supreme Arbitration Court are federal courts and that the only regional courts in Russia are constitutional courts of the subjects and so-called peace courts.⁸⁷ Just like the federal Constitutional Court, constitutional courts (or “charter courts”) in Russia’s federal units can declare executive actions (at their level) invalid.

Even though the Constitution and the 2001 Russian federal constitutional act, “On a State of Emergency,”⁸⁸ provide for federal intervention into the affairs of the subjects of the federation, neither a federal intervention nor a state of emergency has ever been introduced in Chechnya de jure. Two de facto federal interventions were exercised in Chechnya without imposing any special legal regime in the region. Presidents Yeltsin and Putin used their commander-in-chief powers to deploy troops to Chechnya. Obviously, a legal emergency regime would have imposed restrictions not only on those against whom such a regime was aimed (Chechen terrorists and separatists) but also on those who were ordered to implement it (armed forces and special police units). Thus, declaration of a state of emergency, or a de jure “federal intervention,” was in the interests of both the people of Chechnya (apart from the insurgents and terrorists) and the federal armed forces and law-enforcement agencies. On the one hand, the absence of such a declaration, shifting the emphasis from emergency de jure to emergency de facto, made the use of federal troops less legally defined and restricted and, on the other hand, made federal armed services responsible for certain grave mistakes made by Moscow’s political leadership, especially in 1994-96.

It was no surprise that, when the first de facto “federal intervention” in Chechnya triggered a new round of discussions on legal regulations for states of emergency and their practical implementation, two state institutions proved to be the strongest supporters of the introduction of a legal mechanism for a state of emergency in Chechnya: the State Duma and the Ministry of Defence.⁸⁹

Federal interventions are certainly an extreme measure. The Constitution obliges the president and the government of Russia to “ensure the exercise of federal state authority throughout the territory of the federation.”⁹⁰ Ordinarily, the president uses mediation to settle differences between federal and regional organs of state power and between different organs of state power in the regions themselves.⁹¹ However, if necessary, the president can suspend the acts of executive organs of Russia’s federal units.⁹² The final word after such suspension belongs to the federal Constitutional Court or a constitutional court (or charter court) in the relevant region. On a daily basis, smooth relations between the Russian Federation and its units are ensured by the president’s plenipotentiary representatives in Russia’s regions and respective departments in the administration of the president and apparatus of the Russian government.

Local Government

The 1993 Constitution defines organs of local self-government as systems created by citizens “for the independent resolution ... of issues of local importance, and the possession, use, and disposition of municipal property.”⁹³ According to Article 131 of the Constitution, “local government shall be administered in urban and rural settlements and on other territories with due consideration of historical and other local traditions. The structure of bodies of local government shall be determined by the population independently.”

Besides Chapter 8 of the Constitution, local self-government in Russia is regulated by federal legislation⁹⁴ as well as by separate charters adopted by individual organs of self-government, or “municipal entities.”⁹⁵ The most important element of local self-government in Russia is that the organs of self-government are autonomous within the limits of their powers and are not part of the system of

federal or regional governments.⁹⁶ In practical terms, the organs of self-government deal with numerous local matters like public safety; the possession, use, and disposition of municipal property; and referendums. Local self-government bodies may have recourse to the courts if their rights are infringed. New legislation permits elected officials in bodies of local self-government to serve simultaneously in regional legislatures.

There are three types of associations of local self-government: federal, interregional, and regional. Such associations are a relatively new phenomenon in Russia. The first of them – Association of Siberian Cities – was created in 1986. In 1991 the Union of Russian Cities was formed; subsequently, the Union of Small Russian Cities was also established. Interregional associations include those of Cities of Siberia and the Far East, and Cities of Southern Russia. The Union of Russian Cities proved to be the most influential association: it participated in drafting the new Russian Constitution and in drafting federal legislation on local self-government.

Recent Changes and Future Trends

Issues of federalism are among core elements of contemporary far-reaching reforms in Russia. The collapse of the Soviet Union and the initiation of Yeltsin's reforms enormously weakened the country and led to a gaping vacuum of authority. Many of the provincial governors exploited the situation and used "the increasingly dysfunctional nature of President Yeltsin's regime to head their own nomenklatura/business/criminal clans and become largely autonomous rulers of their own domains,"⁹⁷ turning a number of Russia's regions into their personal fiefdoms.

The very first major initiative of Vladimir Putin as the president of Russia⁹⁸ was to divide the federation into seven federal districts, sometimes called "superdistricts,"⁹⁹ each incorporating several republics, territories, and regions under specially appointed administrators (plenipotentiary presidential representatives).¹⁰⁰ The Decree of 13 May 2000 became the first attempt of Russia's federal president to regain power that had been ceded to increasingly unruly regions during the Yeltsin period in return for their support at critical times, in particular during the notorious 1996 Yeltsin re-election campaign.

According to the decree, the plenipotentiary representatives in the federal districts (each of them as large as Western Europe) are appointed and relieved of their duties by the president upon a recommendation of his chief of staff. They are "directly subordinated and accountable" to the president, and their term of office is determined by him. The most important "basic tasks" of the envoys, as defined by the decree, are to organize control over the implementation of federal decisions in their district; to be the conductor of the president's personnel policy; and "to provide regular reports to the RF president on national security matters ... and on the political, social and economic situation in the district."¹⁰¹

In practical terms, the envoys are authorized to coordinate the activities of the federal bodies of executive authority in a given federal district, including their interaction with government bodies of the regions, local self-governments, political parties, and public and religious organizations. If instructed by the president, the envoys organize conciliation measures to resolve disagreements between federal and regional authorities. The envoys also organize control over the observance of federal laws, decrees, and decisions of Russia's federal authorities, and they analyze the effectiveness of law-enforcement agencies. In cases where normative acts of regional executives "contradict the RF Constitution, the federal laws and international commitments of the Russian Federation, or violate the rights and freedoms of individuals and citizens," envoys may recommend to the president that such acts be suspended.¹⁰²

The powers of the plenipotentiary representative are vast. He may obtain information from federal and regional bodies of authority, local self-governments, and organizations located within a given federal district, and he may dispatch his deputies and staff to work directly in regional bodies and local self-governments. He can also inspect the fulfillment of decrees and instructions of Russia's president, the implementation of federal programs, and the use of federal property or revenue in the federal district. The plenipotentiary representative may receive complaints from the citizens in his district and forward them to the relevant bodies, and he may recommend commendation of, or disciplinary action against, the heads of certain agencies within his district. A separate provision guarantees that "when fulfilling his duties, the

plenipotentiary representative shall have free access to any organisations located within the given federal district.”¹⁰³

Besides restoring the chain of command between Russia’s federal and regional authorities, Putin’s decree scrapped an entire layer of ineffective federal bureaucracy. Under Yeltsin, there had been a presidential envoy in each of the 89 regions, but they had been powerless next to the elected regional governors.¹⁰⁴ The warning of some Western-leaning Russian analysts¹⁰⁵ that Putin’s decree of 13 May 2000 would backfire and that he would make such powerful enemies and rivals that his job would be threatened in the 2004 election¹⁰⁶ fell flat. The creation of seven superdistricts proved to be just the beginning of the reforms designed to reverse a decade of fragmentation in the country, stabilize the situation in the provinces, temper the ambitions of the regional leaders (especially in ethnic republics), and restore federal control over Russia’s regions.

Re-elected in a landslide in March 2004, Putin began his second term with a sweeping initiative aimed at redistributing powers between the federal centre and regions and reducing the number of constituent units. First, a proportional election system was introduced for the State Duma. The next Duma will be elected in accordance with party ballots alone. The new law provides that each political party must have at least 50,000 members, with regional chapters boasting at least 500 people each. Second, the regional election system was overhauled. New electoral laws state expressly that, from now on, all territorial governors shall be elected by territorial legislatures in line with presidential recommendations.¹⁰⁷ Third, Russian authorities began the process of merging some of the country’s federal units. Current changes are a continuation of attempts by the executive and legislative branches of the Russian government to strengthen the federation from the centre and to establish a strong “vertical axis of power.”

The federation is still feeling the negative consequences of Yeltsin’s populist appeal to the country’s regional elites (in his struggle against the Soviet Union and its authorities in 1990-91) to take “as much power” as they could “swallow.” In the evaluation of an American scholar (living in Russia), Yeltsin’s appeal

“reflected state weakness and had more to do with feudalization than attempts to reorder Russia’s federative nature legally. Rich regions, such as Tatarstan and Bashkortostan, simply grabbed as much power as they could and negotiated special deals with the Kremlin in the process ... [T]he end result was the enrichment of some exploitative local elites at the expense of Russia’s people and the integrity of the state.”¹⁰⁸

Tax evasion by Russia’s regions and their failure to pay taxes to the federal budget became endemic in the mid-1990s. In 1994 Tatarstan transferred to the federal budget 16 percent of the tax revenue that it was supposed to transfer; Bashkortostan 12 percent; Ingushetia 11 percent; Karelia 5 percent; Yakutia, the main producer of diamonds in Russia, - 0 percent; and so on. In 1995 the respective figures were slightly higher: Yakutia, for instance, paid 0.5 percent of its taxes.¹⁰⁹

From March 1995 to December 1997 the Russian Constitutional Court ruled on the constitutionality of 19 different legislative acts of Russia’s constituent units and found only one of the disputed laws to be in line with the Russian Constitution. Between 1995 and 1998 the federal Ministry of Justice reviewed 44,000 normative legal acts adopted in Russian regions and found that one-third of them failed to comply with federal legislation.¹¹⁰ The campaign to bring regional legislation into conformity with federal laws intensified after Vladimir Putin was elected as the new president in March 2000. According to an analysis conducted by Putin’s administration in 2000, of the constitutions of 21 ethnic republics, only that of the Republic of Udmurtia fully conformed to the Russian Constitution.¹¹¹

There is no consensus among Russian scholars on the future of Russia as a federal state. It is hard to agree with authors who proclaim that, historically, Russia has tended to federalism. Neither the Russian Empire nor the USSR were true federations.¹¹² Unlike many other federations, Russia was not formed as a product of treaties between various regions of the union but, rather, grew by acquiring (forcefully or voluntarily) neighbouring lands. For more than a thousand years Russia was a strong unitary state,

flexible enough to have territorial autonomies yet not a federation. The existence, and remarkable economic development, of China as a unitary state negates the argument that big countries should necessarily have a federal structure. Even though Russia is a multiethnic country, ethnic minorities constitute no more than 15 percent of its population, making it comparable to France. Even among ethnic republics named after a titular nation, there are very few in which the titular group constitutes a majority.¹¹³ The Russian-speaking minority constitutes about 40 percent of Latvia's population and more than half of the population of Riga (Latvia's capital), yet this Baltic state is not a federation.

In economic terms, only 14 to 16 subjects of the federation¹¹⁴ have proved to be fully sustainable, and these play the role of donors in the Russian federal budget. The budgets of all other units are formed (sometimes up to 93.3 percent, as in Ingushetia) by subsidies and donations from the federal centre.¹¹⁵ Survival of such subjects - often artificial, quasi-federal formations - depend not on truly federative but, rather, on paternalistic decisions made in Russia's centre.

The Russian Federation in its present transitional form is a country of stunning disparities, and this fact makes the development of a normal and stable nation extremely challenging. The gross regional product (GRP) of the most advanced region (Moscow, with its 2217.9 billion rubles) is 380 times greater than that of the least effective unit (the ethnic republic of Ingushetia, with its 5.84 billion rubles). In terms of GRP per capita, there is a 34-fold gap between the Khanty-Mansi autonomous area (431,000 rubles) and Ingushetia (12,700 rubles). For comparison, there is a narrower gap in GDP per capita between the richest and the poorest regions of Europe (those regions being Hamburg in Germany and Epeirus in Greece, respectively) than in Russia. Whereas in the United States the so-called "variation coefficient" (or coefficient of the deviation of GDP per capita in the states from the average deviation for the whole country) is not bigger than 0.15, in Russia it reaches 0.61.¹¹⁶

The disparity of economic potential between Russia's subjects results in a considerable gap in living standards. The average income of a Moscow resident (14,000 rubles a month) is nearly double the average for the rest of the country (7,120 rubles). The ratio between the average income and so-called "minimum of sustainable existence" of a Moscow dweller is 5.73, whereas in the Aga Buryat autonomous area it is just 0.38.¹¹⁷ As Philip Hanson has pointed out, "in the 1990s, subnational state power proved to be the main obstacle for economic reconstruction" in Russia, and the "chaotic compromises of Yeltsin with regional leaders ... [were] disastrous for the economy."¹¹⁸

Economic necessity may dictate creating a new administrative map of the country as one measure aimed at creating a more harmonious and congenial administration. Russia may abolish national-state entities in the future simply because having 89 constituent members of the federation is extremely cumbersome. In the process of reform, the number of regions may be sharply reduced. Regions with approximately equal population are supposed to coincide to the maximum extent with the borders of the historically established economic regions.¹¹⁹

Some scholars recommend reducing the number of subjects of the federation from 89 to 28. For comparison, at the time of Peter the Great Russia had only eight provinces; during the rule of Catherine the Great there were 40 provinces; in 1917 there were 56 provinces and regions on the territory of present-day Russia.

The federal government has taken a number of measures aimed at eliminating ethno-territorial federalism in the country, changing the status of ethnic republics and bringing them down to the level of ordinary regions. First, the State Duma has passed a law that gives the federal president authority to remove popularly elected regional leaders, including presidents of ethnic republics. Second, the division of Russia into seven federal districts (each comprising about ten to twelve subjects of the federation) may eventually lead to the merging of ethnic and non-ethnic entities within federal districts.

On 2 July 2005 Putin announced his plans to sign a decree that will return to the heads of Russia's regions many of the powers that had been taken away from them as a result of his regional policies. Addressing a session of the State Council in Kaliningrad with a special report entitled "On Improving the Mechanism of Federal Relations," Putin emphasized that the delegation of additional powers to the regions was not a goal in itself but, rather, a step towards helping secure economic growth

in the regions. The powers to be delegated include authority over forestry, environmental policy, cultural landmarks, education, and science.

Appointments to head regional branches of federal agencies will again be coordinated with regional leaders, although federal authorities will have the power to override governors' objections. Regional leaders will regain oversight powers of the regional heads of many federal ministries and agencies, such as the Ministry of Justice, the Interior Ministry, and the Ministry for Emergency Situations. (The list of such ministries does not, however, include the Federal Security Service or the Defence Ministry). Governors will also receive increased authority over licensing, but federal agencies will retain sole authority to issue licences to extract natural resources such as oil and gas. According to Russian observers, overall the latest Putin initiative will return to the heads of regions 114 of their original powers.¹²⁰

This does not overshadow a more general centralization tendency. Moreover, Putin's "Kaliningrad report" supported the idea of establishing direct federal rule in financially insolvent regions. The rationale behind this idea is that the failure of the regional authorities to effectively use their numerous powers to ensure the proper use of allocated funds aggravates economic problems, increases the unemployment rate, and eventually strengthens extremism. In such cases, direct federal rule from Moscow would be a necessary and justified measure.

The first and most immediate step in implementing the new reform is the abolition of the *matryoshkas* (nesting dolls). It was decided that the liquidation of the nesting dolls would occur after the government had gained the necessary experience and perfected the techniques of unification. The policy of unification itself has the strategic purpose of simplifying and optimizing the federal structure, under which the territories are to become economically solvent and more equal subjects of the federation, capable of carrying the burden of responsibility and independence.

On 30 June 2005 Putin signed a federal constitutional law on the formation of a new subject of the federation - Perm territory (*krai*), which was formed as a result of the merger of Perm region (*oblast*) and the Komi-Permyak autonomous area. He also submitted to the State Duma a draft law that would create a new subject of the Russian Federation by merging the Krasnoyarsk territory (*krai*) and the Evenk and Taimyr autonomous areas. The decision on the merger of those federal units was adopted in popular referendums held on 17 April 2005. Voters in all three regions voted overwhelmingly in favour of unification.¹²¹ The three territories will be formally merged on 1 January 2007, at which point the administrations of the autonomous areas will be dissolved and a new governor selected for the new federation subject, which will be known as Krasnoyarsk territory (*krai*). The draft law also calls for completing the process of forming state bodies in the new region by 31 December 2007.

On 2 January 2006 the chairman of the Central Election Commission, Alexander Veshnyakov, announced the Russian government's intention to set fixed election dates in a bid to reduce election costs and to overcome the negative effect of so-called "voter fatigue," which results in low turnout. It was also confirmed that elections to legislative bodies will be held in 17 Russian regions in 2006. On 16 April 2006 the electorate of the Irkutsk *Oblast*' and the Ust'-Ordyn district will hold a referendum on the merger of those two regions, thus making enlargement of subjects of the Federation an ongoing process rather than a single event.¹²²

Another significant legal and political development of 2006 was the creation of a new institution, the Public Chamber.¹²³ Establishment of the Public Chamber is the third and final point of a program the president made public in the aftermath of the Beslan tragedy. The first points of reform were the changes under which State Duma elections will be held on party lists alone and the heads of Russian regions will be elected by legislative assemblies after being nominated by the president (rather than by direct vote).

The purpose of the Public Chamber is to facilitate citizen involvement in state administration and to exercise public control over the activities of state institutions.¹²⁴ The principles of formation of the Public Chamber are quite peculiar. First, the president of Russia (who can be considered the founding father of the chamber) appoints one-third of its members: 42 citizens. The individuals who become members of the Public Chamber on the president's invitation will select another 42 colleagues from among representatives of civil society organizations, while the remaining one-third will be elected from

the regions. After that, the state and the president will no longer be able to influence the Public Chamber. The duty of the state will only be to provide funding and organizational support. Every year, 30 percent of the members are to be replaced.

Members of the Public Chamber are supposed to be authoritative, prominent public figures who will work on a voluntary basis. If they are members of a political party, their membership in the party will be suspended as party bias must not hinder the work of the new body. The Public Chamber will form a number of commissions,¹²⁵ but uniting along national, religious, and even regional lines in the chamber will be prohibited.

The main area of the Public Chamber's activities will involve summing up public initiatives, preparing draft laws, and submitting them to the State Duma. It is expected that the Public Chamber will closely cooperate with the lower chamber of the Federal Assembly. The first meeting between the newly elected secretary of the Public Chamber, well known Russian nuclear scientist and academic Evgeniy Velikhov, and the speaker of the State Duma Boris Gryzlov on 1 February 2006 probably disappointed those who suspected that the whole idea of creating the Public Chamber was to "undercut" and "weaken" the State Duma. The heads of two institutions agreed that the Public Chamber, as a structure of civil society and expert community, will be able to prepare its findings for the first reading of socially important draft laws. To this end, members of the chamber may attend meetings of the committees and commissions of the State Duma and address plenary sessions of the Duma. How they will do this is yet to be decided. According to Oleg Kovalev, chair of the Duma Committee on Standing Orders, the State Duma will decide on a case-by-case basis whether to give the Public Chamber representative the floor or to limit the Public Chamber's functions by allowing its members to submit comments on the draft laws.¹²⁶

In summary, the Russian Federation is undergoing major legal reform. Overall, it is clear that, despite the constitutional provisions and all official statements to the contrary, Russia has unsettled relations with federalism. Federalism in Russia is hardly a destiny: it is more a marriage of convenience. Adoption of the 1993 federal Constitution is not a culmination of Russian history or of Russia's constitutional development; rather, it is just the beginning of Russia's experiment with federalism. The outcome of this experiment cannot yet be predicted.

Even though complete abandonment of federalism in Russia is very unlikely in the foreseeable future, one may argue that the expansion of Russia's federal government activity into virtually all spheres of life can be considered a sign of Russia's transition from cooperative federalism (based on treaties between the federal centre and subjects of the federation) to coercive federalism (based on the federal Constitution and the strict compliance of the federation units); from the current asymmetric federation to a more structured union, which may eventually involve just one type of subject of the federation rather than six.

Notes

¹ Total territory of the country equals 17,075,200 square kilometres, with 16,995,800 square kilometres of land, and 79,400 square kilometres of water.

² George Vernadsky, *The Origins of Russia* (Oxford at the Clarendon Press, 1959), 7.

³ Lake Baikal in Siberia, for instance, has more water than do all the U.S.-Canada Great Lakes.

⁴ Russia's main agricultural lands are located on the same latitude as are the northern states of the United States (Montana, Washington, North Dakota, Maine). The warm Gulf stream tide in the Atlantic Ocean makes Scandinavia much warmer than Russia.

⁵ In one of its periodicals, the Assembly of European Regions mentions two larger regions of Russia – Republic of Komi and Arkhangelsk *Oblast'* (over 400,000 square kilometres each) – that cover areas almost as large as Spain and that are 10,000 times bigger than Europe's smallest region, the Swiss canton of Basel City (37 square kilometres). Assembly of European Regions, "Europe's Future Lies in Its Regions," *Thematic Dossier of the Assembly of European Regions* 11 (Winter 2005): 1.

⁶ In its whole history Russia was occupied for approximately 400 years. For one continuous period from 1240 to 1480 Russia was under the total control of a Mongol-Tatar "Golden Horde." Prior to the Mongol invasion,

in a 234-year period at the beginning of Russia's existence as a state, the country was attacked nearly 160 times. See Alexander Kornilov, Modern Russian History: Being an Authoritative and Detailed History of Russia from the Age of Catherine the Great to the Present (New York: Alfred A. Knopf, 1945 [1916]), 7-9.

⁷ See F.J.M. Feldbrugge, "The Law of Land Tenure in Kievan Russia," Russian Law: Historical and Political Perspectives, ed. William E. Butler (Leiden: A.W. Sijthoff, 1977), 16.

⁸ During the first five years of Yeltsin's economic reforms, Russia's GDP shrank by 38 percent. For comparison, during the four years of the First World War GDP shrank by 25 percent; by the end of the Second World War, it shrank by 21 percent. For details, see A.N. Arinin, "Problemy razvitiya rossiyskoy gosudarstvennosti v kontse XX veka" [Problems of Development of Russia's Statehood at the End of the 20th Century], ed. M.N. Guboglo, Federalizm vlasti i vlast' federalizma [Federalism of Powers and Power of Federalism] (Moscow: IntelTekh, 1997), 41-42. Yeltsin's regime destroyed Russia's social infrastructure and health-care system and brought with it the return of many diseases that had not been known in the country since the 1930s. For instance, in 1990-97 the number of people infected with syphilis rose by 50 times (from about 4,000 to more than 200,000). See Sergei Glazyev, Sergei Kara-Murza, Sergei Batchikov, Belaya kniga: Economicheskie reformy v Rossii 1991-2002 gg. [White Book: Economic Reforms in Russia, 1991-2002], ed. M.N. Guboglo (Moscow: IntelTekh, 1997), 41-42.

⁹ See United Nations Development Programme, Transition 1999: Human Development Report for Central and Eastern Europe and the CIS as well as United Nations Development Programme, Men Hardest Hit by Hurried Transition to Free Markets in Ex-Soviet Countries (New York: Press Release, 29 July 1999) at <http://hdr.undp.org/reports/detail_reports.cfm?view=175>, viewed 31 March 2006. For more than a decade, Russia has been losing up to half a percent of its population a year. "Russia may have already lost the equivalent of its casualties in two, or more, World War I's through premature mortality since 1992." See Nicholas Eberstadt, "Russia, the Sick Man of Europe," The Public Interest 158 (Winter 2005): 20.

¹⁰ "Official Says Russia Ranks 136th in World in Male Life Expectancy," Radio Free Europe / Radio Liberty Newswire, 24 February 2006.

¹¹ Russian Constitution, Article 1.

¹² Russian Constitution, Article 65(1). The 89 subjects are listed in alphabetical order.

¹³ Russian Constitution, Article 73.

¹⁴ For details, see Ludvig M. Karapetyan, Federativnoe ustroistvo Rossiyskogo gosudarstva [Federative Composition of the Russian State] (Moscow: NORMA, 2001).

¹⁵ Nine out of ten autonomous areas are constituent parts of larger territories and regions. Only one autonomous area – Chukotka (currently headed by Roman Abramovich, a notorious tycoon, owner of the Chelsea football club in England, and recognized by British mass media as the richest resident of the United Kingdom) – does not belong to a "nesting doll" structure.

¹⁶ F.J.M. Feldbrugge, Russian Law: The End of the Soviet System and the Role of Law (Dordrecht: Martinus Nijhoff Publishers, 1993), 36.

¹⁷ Russia (Rus) was converted to Christianity by Kiev's Prince Vladimir I in 988-989. A country with an overwhelmingly Christian population, the Russian Federation is defined by the Freedom of Conscience and Religious Organizations Act, 1997, (No. 125-FZ) as having four "traditional religions": Russian Orthodox, Islam, Buddhism, and Judaism.

¹⁸ Feldbrugge, Russian Law, 36.

¹⁹ "In areas conquered or annexed by Russia it was generally the practice to introduce the Russian administrative system, to eliminate some of the worst local practices (e.g., slavery and blood vengeance), and otherwise to allow local legislation or customary law to continue to operate." William E. Butler, Russian Law (Oxford: Oxford University Press, 1999), 29.

²⁰ For instance, in those years when Finland was a part of the Russian Empire as a Grand Duchy (1809-1918), it had its own legislative organ (the Estates General), governing body (Senate), and official language (Finnish). No law in Russia's Finland could be adopted, amended, or repealed without the consent of the Finnish legislature.

²¹ M.I. Kukushkin, ed. Gosudarstvennoe ustroystvo Rossiyskoy Federatsii [The State Structure of the Russian Federation] (Ekaterinburg: URGUA, 1993), 21. Quoted in Marat S. Salikov, "Russian and American Federation: Comparative and Legal Analysis of Their Origins and Developments," Tulsa Journal of Comparative and International Law 3 (Spring 1996): 171.

²² Carl J. Friedrich, Trends of Federalism in Theory and Practice (New York: Frederick A. Praeger, 1968), 174.

²³ Feldbrugge, Russian Law, 41-42. See also Gregory Gleason, Federalism and Nationalism: The Struggle for Republican Rights in the USSR (Boulder, CO: Westview, 1990).

²⁴ In September-October 1993 Yeltsin's troops killed hundreds of protesters and defenders of the Parliament and the Constitution. By a majority of votes (nine to four), the Constitutional Court of Russia voted that Yeltsin's Decree No. 1400 (21 September 1993) dissolved the Russian Parliament, violated the Constitution, and justified impeachment. The Court held that the president violated Article 121(6) of the Constitution, which stated that the president could not use his powers "to dismiss, or suspend the activities of, any lawfully elected agencies of state power." If he were to do this, his powers would be "discontinued immediately.

²⁵ The Constitution of the Russian Soviet Federative Socialist Republic (RSFSR) was adopted in 1978 but was radically changed through numerous amendments between 1989 and 1993. By some evaluations, these amendments replaced almost three-quarters of the original text of the Constitution.

²⁶ Constitutions of the Soviet period used the word "legislature" rather than "parliament," which was considered a "bourgeois" term.

²⁷ Russian Constitution, Article 94.

²⁸ Even though the Constitution does not define the chambers as "lower" and "upper" in terms of their functions and institutional design – with the legislative process starting in the Duma – it is fair to characterize the Duma and the Federation Council as lower and upper chambers of the Federal Assembly.

²⁹ Elections to the State Duma are regulated by a group of federal laws, most important: "On the Main Guarantees of Electoral Rights of Citizens of the Russian Federation" (No.56-FZ of 06.12.1994) and "On Elections of Deputies of the State Duma of the RF Federal Assembly" (No.90-FZ of 21.06.1995).

³⁰ Russian Constitution, Article 96.

³¹ The newly defined Federation Council met for its first session on 10 April 2001.

³² The Federation Council has among its members 12 major businesspeople and entrepreneurs and more than 40 representatives of large corporations and financial-industrial groups. Together, they form about one-third of the chamber and constitute the largest group within the Council.

³³ Russian Constitution, Article 83(a).

³⁴ Russian Constitution, Article 111(4). This provision was dramatically tested in March 1998, when President Yeltsin, in violation of his own Constitution, nominated not three different candidates but the same person, Sergei Kirienko, three times. Facing an imminent dissolution, the State Duma surrendered and approved the candidate after Yeltsin nominated him for the third time. The government of Kirienko was short-lived, however. Just five months later, in August 1998, the "reformist" government of Kirienko (a "dream team," as it was called by the American advisors of the Russian government of that period) brought the Russian economy to financial collapse and was dismissed by Yeltsin.

³⁵ The Federation Council has 16 committees (e.g., constitutional legislation, local government, budget, international relations) and seven commissions (e.g., Standing Orders and organization of the parliamentary activities, natural monopolies, information policy).

³⁶ Russian Constitution, Article 35.

³⁷ For the most authoritative study of the upper chamber of the Russian Parliament, see L.V. Smirnyagin, ed. Sovet Federatsii: Evolyutsia statusa i funktsiy [Federation Council: Evolution of Its Status and Functions] (Moscow: Institute of Law and Public Policy, 2003).

³⁸ Vitaly Tretyakov, former editor-in-chief of Nezavisimaya gazeta, was correct when he publicly questioned how many peasants Yuri Chernichenko, the founder of the Peasants Party of Russia, had seen since the registration of his party in 1991. It would be appropriate to ask similar questions of many other heads of "parties" and "movements." The text of Tretyakov's speech at the Ten Years of Modern Russian Parliamentarism: Results and Perspectives roundtable, held in Moscow on 16 May 2000 was published in Parlamentarizm i mnogopartiynost' v sovremennoy Rossii [Parliamentarism and Multiparty System in Russia Today] (Moscow: Fond razvitiya parlamentarizma v Rossii [Foundation for Development of Paliamentarism in Russia], 2000).

³⁹ For example, this happened with Sergei Mavrodi, founder of the notorious MMM pyramid scheme and chairman of the People's Capital Party, who was elected to the State Duma in October 1994 while being held in detention.

⁴⁰ See statistics in Ekonomicheskie i social'nye peremeny: Monitoring obshchestvennogo mneniya [Economic and Social Changes: Monitoring of Public Opinions] (Moscow: VTsIOM, 1997), 15; Interfax, 2 July 2001; <<http://www.romir.ru>>, viewed 16 April 2006; and Richard Rose, "Rethinking Civil Society: Postcommunism and

the Problem of Trust,” *Journal of Democracy* 5 (July 1994): 25-26. Russia is not unique in this respect. Rose finds a “similar level of distrust” in the Czech Republic, Slovakia, Hungary, and Poland (see p. 25).

⁴¹ Western observers make a common mistake when they call Galina Starovoitova, a long-time activist in the Democratic Choice of Russia movement, a “Russian presidential candidate” in 1996. She was never registered by the Central Election Commission as a presidential candidate because a random examination of signatures presented by Starovoitova for her registration showed that half of them were made by the same hand. Foreign sympathizers of Starovoitova never admitted the obvious and prefer to say that she was “kept off the Presidential ballot in 1996 for technical reasons.” See Harley Balzer, “Who Shot Starovoitova?” *Johnson’s Russia List*, 24 November 1998, <<http://www.cdi.org/russia/johnson/2489.html##6>>, viewed 6 April 2006.

⁴² On 23 November 2002 this conclusion was repeated by Vladimir Rimsky, head of INDEM’s Sociology Department, in *Vremena*, a weekly analytical program on Russia’s TV Channel 1.

⁴³ See the federal law “On Elections of the Russian Federation State Duma Deputies” (Art. 64[7]) and federal law “On Political Parties” (Art. 30[3]).

⁴⁴ See U.S. Government Accounting Office, *Promoting Democracy: Progress Report on U.S. Democratic Development Assistance to Russia* (Washington, DC: GAO, 1996), 37.

⁴⁵ Public Law, 107-246 (sec. 2[a][3][A]).

⁴⁶ For details, see Alexander Domrin, “The Sin of Party-Building in Russia,” *Russia Watch: Analysis and Commentary* 9 (January 2003); <http://bcsia.ksg.harvard.edu/BCSUA_content/documents/RW/%200103.pdf>, viewed 18 April 2006. Alexander Domrin, “‘Free But Not Fair’: Not ‘Fair’ for Whom,” *Russian Election Watch* 3 (February 2004) <http://daviscenter.fas.harvard.edu/publications/REW_2_04.pdf>, viewed 18 April 2006; Alexander Domrin, “Controls over Foreign Funding of NGOs: What Do They Have to Do with Development of Civil Society in Russia,” 3 August 2004, <<http://www.untimely-thoughts.com/index.html?art=779>>, viewed 18 April 2006.

⁴⁷ Russian Constitution, Article 80(1).

⁴⁸ *Ibid.*, Article 80(4).

⁴⁹ *Ibid.*, Article 80(2).

⁵⁰ *Ibid.*, Article 80(2) and (3).

⁵¹ From 1991 to 1993 the Russian Constitution provided for the position of vice-president.

⁵² Russian Constitution, Article 83(e).

⁵³ The act was adopted by the State Duma on 11 April 1997 and by the federation Council on 14 May 1997, but the president refused to sign it, even though he has no such prerogative under federal constitutional law. The president denounced the act as “unconstitutional” and announced his plans to appeal to the Constitutional Court but never did so. Trying to break the gridlock, in December 1997 legislators and President Yeltsin came to the following compromise: Yeltsin would sign the act simultaneously introducing amendments to it. As a result, the law came into effect with presidential “corrections” on 31 December 1997.

⁵⁴ Article 7(2) of the federal Constitution, “On the Government of the Russian Federation.”

⁵⁵ Article 7(4) of the federal Constitution, “On the Government of the Russian Federation.”

⁵⁶ The 1995 law “On Elections of the Russian Federation President,” No. 76-FZ.

⁵⁷ Russian Constitution, Article 56. Russia has had four presidential elections since introduction of the presidency in 1991. Boris Yeltsin won in the first round in 1991 and in the second round in 1996. Vladimir Putin won in a landslide in the first round of the presidential elections of 2000 and 2004.

⁵⁸ Russian Constitution, Article 93.

⁵⁹ That is exactly what happened after President Yeltsin’s resignation on 31 December 1999.

⁶⁰ For details, see Alexander Domrin, “The Trophy Art Law as an Illustration of the Current Status of Separation of Powers and Legislative Process in Russia,” *Democracy and the Rule of Law*, ed. Norman Dorsen and Prosser Gifford (Washington: Congressional Quarterly Press, 2001).

⁶¹ Russian Constitution, Article 84.

⁶² *Ibid.*, Article 102.

⁶³ *Ibid.*, Articles 104 and 107.

⁶⁴ See *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952).

⁶⁵ Russian Constitution, Article 83(d).

⁶⁶ *Ibid.*, Article 83(f).

⁶⁷ *Ibid.*, Article 85(2).

⁶⁸ Mainly Article 125 of the Russian Constitution.

⁶⁹ Russian Constitution, Article 125(2[b]). Constitutional review of such acts may be initiated by the president, chambers of the Federal Assembly, one-fifth of the members of the Federation Council or deputies of the State Duma, the government, the Supreme Court or the Supreme Arbitration Court, or organs of legislative and executive power of the “subjects” of the Russian Federation.

⁷⁰ Russian Constitution, Article 125(2). The remaining four categories of cases of the Constitutional Court’s jurisdiction include (1) constitutional interpretation of cases the Court receives from regular courts or arbitration courts; (2) interpretation of the federal Constitution upon requests from organs of state power of the federal and state levels; (3) constitutional review on the complaint of individuals; and (4) impeachment of the federal president.

⁷¹ Russian Constitution, Article 77(1).

⁷² Ibid., Article 72(m).

⁷³ Ibid., Article 3(2).

⁷⁴ Sobranie zakonodatel’stva Rossiyskoy Federatsii [Collection of the Russian Federation Legislation], No.42, item 5005 (1999).

⁷⁵ Russian Constitution, Article 1.

⁷⁶ Ibid., Article 4.

⁷⁷ Adygeya, Tyva, Yakutia, Karachaevo-Cherkesia, and Ingushetia.

⁷⁸ Russian Constitution, Article 68(1).

⁷⁹ Ibid., Article 68(2).

⁸⁰ The most well known example of a “nesting doll” is the Tyumen region (oblast), which includes the Yamalo-Nenetsk and Khanty-Mansi autonomous areas. These areas are extremely rich in oil and natural gas and are the main operating grounds of Gazprom and other major Russian oil companies. Effectively paying taxes to the federal budget, these rich oil-producing areas have been refusing to pay taxes to the budget of the Tyumen region, even though they are located within the oblast’s borders.

⁸¹ Russian Constitution, Article 66(4).

⁸² It is necessary to note that the Russian Constitution has never been amended since its adoption in 1993.

⁸³ If the bill is rejected, the upper chamber may propose to the Duma the creation of a conciliation commission for further work on the text.

⁸⁴ The Beslan tragedy happened on 1-3 September 2004, when Chechen and Ingush terrorists took about 1,200 hostages, 330 of whom were killed (including 176 children).

⁸⁵ The views of the electorate regarding the process of centralization of power reflected the general mood in the country in 2005. According to one opinion poll, held by the Institute of Comparative Social Studies, 39 percent of Russians considered 2005 to be better (“somewhat better” or “much better”) for the country than 2004, compared to 13 percent who thought it was worse. Respective views of Moscovites are 35 percent versus 9 percent. See more detailed charts, Komsomol’skaya pravda, 23 December 2005, 14.

⁸⁶ See “Case Concerning the Charter (Fundamental Law) of Chitinskaia Oblast,” Vestnik Konstitutsionnogo suda 1 (1996): 4-17.

⁸⁷ “Peace courts” were first established in the Russian Empire. They usually deal with civil, administrative, and criminal cases as a court of first instance. Judges of the “peace courts” are appointed or elected to their positions.

⁸⁸ For a more detailed analysis of the new act, see Alexander Domrin, “Federal’nyy konstitutsionnyy zakon ‘O chrezvychainom polozenii’” [Federal Constitutional Law on a State of Emergency], Sovet Federatsii i konstitutsionnye protsessy v sovremennoy Rossii [Federation Council and the Constitutional Process in Contemporary Russia] (Moscow: Institute of Law and Public Policy, 2002), no.1; Alexander Domrin, “Novy Federal’nyy konstitutsionnyy zakon ‘O chrezvychainom polozenii’” [A New Federal Constitutional Law ‘On a State of Emergency’], Predstavitel’naia vlast’ -XXI vek: Zakonodatel’stvo, kommentarii, problemy 3 (2004): 35-44.

⁸⁹ Western media also reported that Minister of Defence Pavel Grachev repeatedly raised this question (see Scott Parrish, “Debate over Imposing State of Emergency in Chechnya”, Open Media Research Institute Daily Digest, 14 August 1996. Besides the minister of defence Prime Minister Viktor Chernomyrdin recommended imposing a state of emergency or a “federal intervention” in Chechnya; however, this was opposed by Minister of Justice Valentin Kovalev, Security Council Secretary Aleksandr Lebed, and, eventually, President Yeltsin.

⁹⁰ Russian Constitution, Article 78(4).

⁹¹ Ibid., Article 85(1).

⁹² Ibid., Article 85(2).

⁹³ Ibid., Article 130.

⁹⁴ Federal legislation, “On the General Principles of Local Self-Government in the Russian Federation” of 6 October 2003, no.131-FZ, came entirely into effect on 1 January 2006.

⁹⁵ For details, see Vsevolod I. Vasiliev, Mestnoe samoupravlenie [Local Self-Government] (Moscow: IZSP, 1999); Vsevolod I. Vasiliev, Zakonodatel'naya osnova munitsipal'noy reformy [Legislative Foundations of the Municipal Reform] (Moscow: Formula prava, 2005).

⁹⁶ Russian Constitution, Article 12.

⁹⁷ Peter Reddaway, “Historical and Political Context,” Dynamics of Russian Politics: Putin's Reforms of Federal-Regional Relations, vol. 1, ed. Peter Reddaway and Robert W. Orttung (Lanham: Rowman and Littlefield, 2004), 2.

⁹⁸ Putin was elected on 26 March 2000.

⁹⁹ The seven federal districts (and their centre) include the Central Federal District (Moscow); the Northwest (St. Petersburg); the North Caucasus (Rostov-na-Donu); the Volga Federal District (Nizhniy Novgorod); the Urals (Yekaterinburg); the Siberian Federal District (Novosibirsk); and the Far Eastern Federal District (Khabarovsk).

¹⁰⁰ Creation of the seven federal districts was thoroughly analyzed in a number of sources, including Peter Reddaway and Robert W. Orttung, eds., Dynamics of Russian Politics: Putin's Reforms of Federal-Regional Relations, 2 vols. (Lanham: Rowman and Littlefield, 2004-05).

¹⁰¹ Presidential Decree of 13 May 2000, Article 5.

¹⁰² Ibid., Article 6.

¹⁰³ For text of the decree, see Rossiyskaya gazeta (Moscow), 16 May 2000.

¹⁰⁴ From 1992 to 1997 the number of staff employed by federal and regional governments increased by 1.2 million. See Reddaway, Dynamics of Russian Politics, 1:7.

¹⁰⁵ Such as Lilia Shevtsova of the Moscow Carnegie Endowment Centre.

¹⁰⁶ Giles Whittell, “Putin Decree Raises Military Rule Fears,” The Times (London), 16 May 2000. Reprinted in Johnson's Russia List, 16 May 2000, <<http://www.cdi.org/russia/johnson/4304.html>>, viewed 16 April 2006).

¹⁰⁷ The Russian population remains divided over Putin's reforms to electoral legislation. According to a 2005 poll by the Moscow-based Public Opinion Foundation, 35 percent of respondents approved of the new system implemented by Putin, while 35 percent disapproved, and the remaining 30 percent found it “hard to answer” this question. See Rossiyskaya gazeta (Moscow), 25 June 2005.

¹⁰⁸ Peter Lavelle, “Russia Profile, Weekly Experts' Panel: The Appointment of Regional Governors – A Blast From the Past or a Present-Day Necessity,” Untimely Thoughts, 26 August 2005, <<http://www.untimely-thoughts.com/index.html?art=1914>>, viewed 18 April 2006.

¹⁰⁹ For details, see Arinin, “Problems of Development,” 61.

¹¹⁰ Ibid., 39. Between mid-1995 and June 1996, the Russian Federation Ministry of Justice reviewed 16,000 normative legal acts adopted in the regions and found 7,000 of them to be out of compliance with the federal Constitution or legislation.

¹¹¹ To be fair, it must be said that sometimes contradictions and inconsistencies between federal and regional legislation are caused by the (understandable) slowness on the part of the Russian Federal Assembly to adopt legislation. Regions fill these legislative lacunae with legal instruments that are often controversial.

¹¹² On Russia's “big, though equivocal, experience in developing federalism,” see Yu. G. Goloub, “Historical Origins of Russian Federalism,” Federalism: Reports from Russian-American Scientific Conferences: February 1996, Wyoming, May 1996, Saratov (Saratov: Saratov University, 1997), 5-16.

¹¹³ Even among “republics,” the highest type of Russia's federal units, titular nations constitute the majority only in six (out of 21) republics. See B.N. Topornin, Yu.M. Baturin, R.G. Orekhov, eds., Konstitutsia Rossiyskoy Federatsii: Kommentariy [Constitution of the Russian Federation: Commentary] (Moscow: Yuridicheskaya literatura, 1994), 327. In the Republic of Adygeya, for instance, ethnic Adygs constitute 22.1 percent of its population and ethnic Russians 68 percent; in the Republic of Karelia, ethnic Karels constitute 10 percent and ethnic Russians 73.6 percent; in the Republic of Buryatia, ethnic Buryats constitute 24 percent and ethnic Russians 70 percent; in the Republic of Khakasia, ethnic Khakas constitute 11.1 percent and ethnic Russians 79.5 percent, and so on. For details, see Natsional'niy sostav naselenia SSSR [Ethnic Composition of the USSR Population] (Moscow: Goskomstat, 1991).

¹¹⁴ The population of nearly all of the “region-donors” is predominantly ethnic Russian.

¹¹⁵ For details, see Marat Salikov, Sravnitel’nyy federalizm SSha i Rossii [Comparative Federalism of the USA and Russia] (Ekaterinburg: URGUA, 1998), 594-602.

¹¹⁶ Regiony Rossii [Regions of Russia] (Moscow: Goskomstat Rossii, 2001), table 2.1. Quoted in Philip Hanson, “Federalizm s rossiyskim litsom: regional’noe neravenstvo, administrativnye funktsii i regional’nye byudjety v Rossii” [Federalism with a Russian Face: Regional Disparities, Administrative Functions and Regional Budgets in Russia], Sravnitel’noe konstitutsionnoe obozrenie 2 (2005): 118.

¹¹⁷ For the most updated statistics, see Vasily Dadalko, “Kak nam obustroit’ nashi regiony: O nekotorykh aspektakh ukрупnenia sub’ektov Federatsii” [How Shall We Develop Our Regions: On Certain Aspects of Enlargement of Federal Regions], Fel’dpochta, no. 41, 8 November 2004, 9.

¹¹⁸ Hanson, Federalism with a Russian Face. See also P. Hanson and M. Bradshaw, Regional Economic Change in Russia (Cheltenham: Elgar, 2000).

¹¹⁹ It’s possible that St. Petersburg could be merged with the Leningrad, Kaliningrad, Novgorod, and Pskov regions into the Northwestern province. Moscow, Moscow region, and nearby areas could become the Central province; Belgorod, Kursk, and Orel regions may become the West Black Soil province; ethnic “republics” of Dagestan, Ingushetia, Kabardino-Balkaria, North Ossetia, and predominantly Russian ethnic Stavropol territory would form the North Caucasus province; the “republic” of Bashkortostan and Orenburg region would become the South Urals province; Tatarstan and Ulianovsk region would be merged to the Volga-Kama province; Novosibirsk, Tomsk, and Omsk regions would form the West Siberian province; Primorye (the Maritime Territory), Kamchatka, and Sakhalin would be united into the Pacific province; and so on.

¹²⁰ Vremya novostey (Moscow), 4 July 2005.

¹²¹ In Taimyr, nearly 70 percent of voters favoured the merger, while 29.1 percent voted against it. In Evenkia the vote was 79 percent in favour and 20 percent opposed, while in Krasnoyarsk territory 92.3 voted in favor and just 7.2 percent were opposed (Interfax [Moscow], 18 April 2005).

¹²² “Russia Setting Fixed Election Dates,” ITAR-TASS, 2 January 2006.

¹²³ Pursuant to a bill that Putin submitted to the State Duma in October 2004 and that was adopted two months later.

¹²⁴ See the law “On the Public Chamber of the Russian Federation.”

¹²⁵ On 22 January 2006 the Public Chamber formed 17 commissions and elected the chairs of social affairs; health care; competitiveness, economic development and enterprises; relations with law enforcement agencies; culture; and so on.

¹²⁶ For details, see Aleksey Levchenko, “Public Chamber Will Wait in Dressing Room,” <<http://www.gazeta.ru>>, viewed 6 February 2006.