

Russia: Federalism in Flux

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Since the Soviet Union's collapse, Russia has been struggling in its efforts to build a democratic political system, market economy, and true federal structure to replace the strict political and economic controls of its communist period. Russia is not only the world's largest country, but also has one of its most complex federal systems. The Russian Federation consists of 89 constituent units, typically referred to as "subjects of the Federation" that are divided into six different categories: republics, territories, regions, autonomous areas, autonomous region, and federal cities. Russian federalism combines both ethno-federalism and territorial federalism. The current constitution of the Russian Federation dates from 1993 and federal arrangements remain dynamic.

Federalism in Russia was first formally instituted by the federal Constitution of 1918. The most significant development of the Soviet era was the incorporation of the Russian Socialist Federated Soviet Republic (RSFSR) into the Union of Soviet Socialist Republics (USSR), which was officially proclaimed in 1922. Despite its professed commitment to "socialist federalism", the USSR was very much a unitary state. The USSR was based upon a one-party political system rooted in Marxist-Leninist ideology, with an emphasis on "democratic centralism", a centrally planned economy, and a powerfully repressive state machinery. What was true of the USSR was likewise true of the RSFSR; federalism was more a pretence than a reality.

In the early 1990s, after the USSR's dissolution, the federal Constitution was amended to eliminate the term "autonomous" from the title of the republics, the title RSFSR was replaced by "Russian Federation", and the territories, regions, and federal cities were all recognized as members of the new federation. However, under the three-part Federation Treaty of 1992, signed by federal authorities and by all of the constituent units of the Russian Federation except Chechnya and Tatarstan, these new members did not enjoy rights equal to those of the republics. Only with the adoption of the 1993 Constitution, Russia's current constitution, were the equal rights of all subjects of the federation recognized.

All constituent units of the federation are recognized as self-governing entities, a shift from the Soviet era when only ethnically based units were recognized as "subjects of the federation". All units are now free to adopt their own constitutions or charters without seeking approval from federal bodies, as had been required during the Soviet era. However, under the federation Constitution's supremacy clause, federal law is given precedence over these subnational constitutions.

As well, the territorial integrity of the subjects of the federation is guaranteed. Their borders cannot be changed without their consent as well as the consent of the Federation Council (one chamber of the bicameral parliament or Federal Assembly). Each constituent unit is represented in the Federation Council and has two representatives, one from its legislature and the other from its executive. If the federal government challenges its authority, a constituent unit can seek protection from the Constitutional Court.

Finally, the constituent units exercise both exclusive powers and concurrent powers. These powers extend even into foreign affairs. Constituent units may enter into international economic agreements with the constituent parts of other countries and, with the consent of the federation, even with foreign nations.

Russia's federal system developed out of a unitary state, and there are still vestiges of the unitary tradition not only in the law, but also in popular consciousness. The historical tendency of Russia's development has been from the over-centralized state of the Russian Empire and the Soviet Union/RSFSR to a decentralized federation, although President Putin's policy on federalism shows signs of a new centralization. In the decade since the adoption of the federation Constitution, Russia has made notable advances in instituting federal democracy, but important challenges remain.

One continuing issue involves the structure of the Russian Federation because the delineation of the current “subjects of the federation” occurred only recently, with the adoption of the 1993 Constitution. Controversy continues over whether Russian federalism will be symmetrical or asymmetrical, whether subjects of the federation will have equal rights and powers, or whether the ethnically based republics should enjoy different status. There are also pressures in some political circles to enlarge the constituent units and reduce their number given that many undeveloped units of the federation are heavily reliant on federal subsidies.

The constitutional division of powers between the federal government and the constituent units also raises concerns, particularly given the implementation of concurrent powers. In theory, the exercise of these powers should involve framework legislation by the federal government coupled with more detailed regulation by constituent units in accordance with local conditions. In practice, however, the general guidelines in federal laws have often become detailed legislation that leave almost no role for regional legislators.

The central government's attempts to harmonize federal-regional relations (strengthening vertical relations) could lead to a highly centralized federalism, although resistance to centralization remains entrenched in certain parts of the federation, such as Bashkortostan, Sakha, Sverdlovsk, and Tatarstan.

The most difficult challenge facing the Russian federal system is the Chechen crisis -- a major armed conflict on Russian territory sparked by the Chechen Republic proclaiming itself independent, although the federation Constitution does not provide for secession. This declaration has led to two wars (federal interventions), one from 1994 to 1996 and the other from 1999 to 2000. Even now separatist-minded units continue to fight with federal forces and to mount terrorist attacks. Despite these hostilities, in the spring of 2003 voters in a referendum in Chechnya adopted a republican constitution and laws governing the election of the Parliament and the president of Chechnya. New parliamentary elections are scheduled for spring 2005, and President Putin has expressed his desire to sign a treaty with the newly elected officials of the Chechen Republic in order to mend the division of powers between the federal government and the Chechen Republic.

Despite these problems, the federation Constitution is far superior to its predecessors, and a combination of constitutional amendments and interpretations of the Constitutional Court should serve to alleviate its remaining deficiencies.