PRESIDENCY AND THE RUSSIAN FEDERALISM
Introduction

Federalism is the theory or advocacy of federal political order, where final authority is divided between sub-units and a centre. Unlike a unitary state, sovereignty is constitutionally split between at least two territorial levels so that units at each level have final authority and can act independently of the others in some area. Citizens thus have political obligations to two authorities. The allocation of authority between the sub-unit and centre may vary, typically the centre has powers regarding defense and foreign policy, but sub-units may also have international roles. The sub-units may also participate in central decision-making bodies. Recent philosophical attention is spurred by renewed political interest in federalism, coupled with empirical findings concerning the requisite and legitimate basis for stability and trust among citizens in federations. These recent contributions by political scientists have addressed the dilemmas and opportunities facing Canada, Australia and Europe, to mention just a few areas where federal arrangements are seen as critical solutions to accommodating differences among populations divided by ethnic or cultural cleavages while seeking a common political order.

According to Robert A. Dahl (1986:114) federalism is a “system in which some matters are exclusively within the competence of certain local units, cantons, states, provinces, and are constitutionally beyond the scope of the authority of the national government, and where certain other matters are constitutionally outside the scope of the authority of the smaller units” Arend Lijphart (1984:370-71) further elaborates “in addition to the primary federal principle of central-regional division of power, five secondary characteristics of federalism can be identified: a written constitution, bicameralism, the right of the component units to be involved in the process of amending the federal constitution but to change their own constitutions unilaterally, equal, or disproportionally strong representation of the smaller component units in the federal chamber and decentralised government”. William H. Riker (1964:11) believes that “the rule for identification is: A constitution is federal if 1). two levels of government rule the same land and people, 2). each level has at least

one area of action in which it is autonomous, and 3). there is some guarantee (even through merely a statement in the constitution) of the autonomy of each government in its own sphere”. To quote Kenneth C. Wheare (1963:10) “by the federal principle I mean the method of dividing powers so that the general and regional governments are each, within a sphere, co-ordinate and independent”.

According to Ronald Watts (1996:57) federal systems, have emerged in three broad waves since the mid-nineteenth century. The first wave developed with the formation of nation- states in Western Europe and the British Commonwealth, as cities, states and regions coalesced into larger units. The defining characteristic, according to him, was the primarily voluntary decision by smaller units to pool their sovereignty. The second wave accompanied decolonization in the post World War II period. In this case, newly emerging states confronted a mismatch between administrative boundaries established by colonial powers on one hand, and pre-existing ethnic, linguistic or religious communities on the other. Federalism thus provided a compromise, allowing the creation of new nation-states while recognizing internal diversity. The third wave has had a broader geographical focus, and a different trajectory. Beginning in the mid-1970s, it has primarily brought devolution in existing nation states. Central governments have increasingly handed responsibilities downward to the regional and local level, and recognized special political and economic status for specific regions and groups.

However, the federal solution comes with its own problems and it is questioned among academicians as to whether the division of sovereignty is actually possible. Some argue that a government holds sovereignty only if it is unitary and if sovereignty is divided, it is actually several separate states (Riker 1964: 16). By dividing sovereign authority between a supreme national government and semi-autonomous provincial governments, federal arrangements promise to secure the advantages of decentralization. But many federal arrangements have collapsed in the face of centrifugal forces when provincial entities decided that the benefits of membership in the federation were not worth the cost, in terms of economic, health, security, or regional autonomy. Conversely, in some putative federations, decision-making has become so concentrated at the center that the provincial governments
come to resemble administrative extensions of the central government, rather than autonomous governments (Diamond 1963: 47).

Russia's choice of federalism was not unusual because of the perceived benefits of Federalism. It can accommodate diverse minority groups within a single state. Federalism provides religious, ethnic, and cultural minority groups with a safe political base in which they can control cultural and educational policies. Second, by giving multiple minorities an entrenched political base, federalism can promote pluralism and thus democracy. Third, as with early federations and leagues, the component regions receive the benefits of common defense without fully sacrificing their autonomy to the center. Fourth, like members of a free market area, the components of a federal system receive the benefits of a common market without fully surrendering economic autonomy. Finally, because federalism is based on the assumption of continual negotiation and renegotiation—among the components and between the components and the center—it provides a highly adaptable and flexible form of government (Kempton 2001: 201-42).

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FORMATION OF POST-SOVIET RUSSIAN FEDERATION

Since the collapse of the Soviet Union, both scholars and observers have tracked the development of federalism in the Russian federation, looking for signs of state collapse or a return to soviet-style centralization. Despite warning that one of these is imminent, Russia has undergone no such drastic transformation. Instead, "there is an uneasy reorganization of the Russian federation, in which the long history of centralised government clashes with the center’s attempts to satisfy regional demands for authority and with its need to devolve responsibility" (Pascal 2003:2).

Regional leaders claim that the centre has exerted too much authority over local affairs to allow sub-national governments to protect their citizens from the encroachment of the central state, thus continuing the soviet legacy of "federal in
form, unitary in content” (Pascal 2003: 6). Central leadership under both President Yeltsin and President Putin did not respect the devolution of power to sub-national government and asserted that regional leaders exploit their newfound powers to the detriment of Russian citizens and the nation. A similar debate simmers in the literature of Russian federalism. Russian observers often note the enduring hold of the federal government on power, which leaves the regions beholden to the centre for revenue, economic development, and legal reforms (Podporina 1997, Igudin 1998). On the contrary, western scholars fearful of Russian disintegration, focus on the region’s significant powers, and autonomy and the resultant economic inefficiencies and legal inconsistencies (Stoner 1999, Solnick 1998, Kirkow 1996).

On both sides of the issue, all agreed that political and economic asymmetries increasingly came to define federalism in Russia during Yeltsin administration. The legacy of soviet federalism accounts for some of the differences among regions. Despite attempts to reconfigure the number and size of the eighty nine regions, the unequal territorial division has endured even after soviet collapse among twenty one Republics, eleven Autonomous Regions, forty nine Oblasts, and six Krai, with the ethnically based republics receiving more control over their affairs. Formal documents, including the 1992 Federation Treaty\(^2\) and the 1993 Constitution, reinforced these inequalities, even though they attempted to mitigate some of the grounds for inter-regional and intergovernmental conflict, since the passage of these documents. However, asymmetries among the Oblast and Krai, which the constitution purports to be equal in political and economic rights and responsibilities, emerged and intensified under Yeltsin. Extraordinary regional rights ranged from the negotiation of international economic treaties to the retention of tax revenues, from the transfer of federal property into regional hands to individual changes in electoral rules (Pascal 2003:1-2).

Soviet ‘federalism’ was not so easily deconstructed following the collapse of the soviet monolith. The keystone republic of the soviet union and its acknowledged successor-the Russian Soviet Federated Socialist Republic (RSFSR) was itself a

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\(^2\) The Federation Treaty was made up of three separate documents signed by Russian Federation with 1) 18 out of 20 republics excluding Chechnya and Tatarstan Republics 2) signed by with Oblasts and Krai 3) signed with autonomous Okurugs and the Jewish Autonomous oblast (published in Current Digest of Post Soviet Press, VLIV (13), 1992: 1516).
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multi-national state partially comprised of a score of so called ‘Autonomous Soviet Republics’ (ASRs) (Kahn 2002:1). When the Soviet Union collapsed, the RSFSR retained the fundamentals of the old soviet superstructure, building new Russian federation upon its crumbling foundations^3.

The problems of federalization in Russia are rooted in the country's centuries long history of authoritarian rule and the absence of a federal and democratic tradition (Ross 2005: 347). The 1993 constitution provided Russia with all of the major institutional prerequisites necessary for a federation. However, presence of institution does not mean true federalism as D. J. Elazar (1987:78) stresses, "True federal systems manifest their federalism in culture as well as constitutional and structural ways" and "the viability of federal systems is directly related to the degree to which federalism has been internalized culturally within a particular civil society". Ronald Watts (1999:99) further asserts, federalism requires a legal democratic culture with "recognition of the supremacy of the constitution over all orders of government".

D. Kempton (2001: 262) notes that, "although Russia inherited a federal structure, it did not inherit a federal tradition". The Russian state that emerged out of the ashes of the Soviet Union in January 1992 was bequeathed by a highly authoritarian political culture and there was no genuine tradition of federalism that the leadership could call upon to support it in its new state building strategy. Although the USSR was formally a federation, and the Russian Soviet Federated Socialist Republic (RSFSR) was a ‘federation within a federation’ in reality, Soviet federalism was a sham. As Mikhail Gorbachev (1989) admitted, "up to now our state has existed as a centralized and unitary state and none of us has yet the experience of living in a federation".

The declaration of sovereignty on 12th June 1991 by Russia from USSR was followed by many of Russia’s regions also declaring their sovereignty. One of the manifestations of sovereignty by the regions as Richard Sakwa (1996:185) says is the “presidentification of Russia republics”, which again was followed by the regions, after Russia adopted presidency. With the disintegration of USSR, the issue of territorial arrangement came to forefront. The country was increasingly divided into

^3 From the collapse of USSR in 1991 to the adoption of Russian Constitution in 1993 the 1978 Constitution of RSFSR was still the Law.
segments not only geographically but also on political authority. The Federation Treaty was signed on 31 March 1992, which allowed a significant degree of decentralization failed to reconcile the differences between the center and the regions. Against this background, the post soviet Russian Federalism came into being.

The fundamental political issue of the Russian federal system during the 90s was the struggle by local authorities in the republics, oblasts, and krais for greater autonomy and a more equitable (as they see it) sharing of power with Moscow. Within the context of this struggle for power, the most contentious issues were economic: controlling natural resources and land, setting economic priorities and policies, and paying taxes. Not surprisingly, the push for greater regional sovereignty has been strongest and were even successful when the center was weak, often driven by its own internal rivalries between the executive office and parliament (Clark and Graham 1995: 329-351).4

This shifting balance of power between the center and the regions has been constant in Russian politics since the demise of the Soviet Union. To note just the most perceptible of these shifts: in early 1992, with the culminating attempts to develop and sign a new Federation Treaty, Moscow appeared to have reasserted control over most of the country's constituent parts. Even in this case, however, divisions at the federal level between the president and parliament allowed the republican and regional leaders some leverage in their negotiations. By the summer of 1993, with the drafting of the new Russian constitution, the balance seemed to shift toward the units. They obtained Moscow's recognition of their sovereignty, while Yeltsin and the parliament continued their own struggle for power. Then, following Yeltsin subduing the parliament after bombarding it in October 1993,5 Moscow again appeared to regain the upper hand, as the sovereignty clause was deleted from the final version of the constitution, which was officially approved in December 19936.

4 Conflict between President Yeltsin and Parliament has been discussed in Chapter 3.
6 See chapter 2 of this thesis under section constitution making a point of contention.
Chapter IV

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FEDERALISM AS PER 1993 RUSSIAN CONSTITUTION

The constitution adopted on 12 December 1993 finally gave legal status to Russia’s federal system. During the drafting of the constitution and signing of the Federation Treaty, the republics were having edge over the center and many had aspiration for sovereignty and substantial autonomy. One of the reason being that Yeltsin was weak and appeared to be increasingly losing his struggle for power with the Russian parliament. Yeltsin's victory over the parliament in October 1993 turned the tables, and Yeltsin sought to take back in December 1993 what he had been forced to give up in March 1992. Thus, much to the chagrin of the ethnic republics, the text of the Federation Treaty was left out of the new constitution and Article 5 declared that all subjects of the federation were equal. The constitution also stripped the republics of their rights of sovereignty and secession.

Part 1 of the Article 1 of the Russian Constitution names the state as “Russian Federation”. Article 4(1) states that, "The sovereignty of the Russian Federation extends to the whole of its territory," and Article 4(3) declares that, "The Russian Federation ensures the integrity and inviolability of its territory." Further Article 4(2) guarantee the supremacy of the federal constitution which is enshrined as, "the constitution of the Russian Federation and federal laws are paramount throughout the territory of the federation" and Article 15(1) declares that, "the Constitution has supreme legal force, is direct acting and applies throughout the territory of the Federation. Laws and other legal enactments adopted in the Federation must not contradict the Constitution."

Article 5 of the Constitution elaborates the nature of the federal system and speaks of the constitutional autonomy of Federation entities (Article 5 (2)), the unity of the system of state power and the division of that power between the bodies of state government of the Russian Federation. It also secures the principle of equal rights for each constituent part of the Russian Federation (Article 5 (3)). A detailed description of the federal system is enshrined in Section 3 of the Constitution and in Articles 65-79. The regulation of the federal system and provisions setting out the composition
and authority of the Federation Council are enshrined in Article 95 (2), Article 101 and Article 102.

The distribution of powers between the federation and its subjects is set out in Articles 71-73 and is "based on the fundamental principle that the subjects of the Federation 'enjoy full state power' in all areas that have not been expressly delegated to the Federation or defined as spheres of joint competence." (Danilenko and Burnham 2000:166). The authority secured in Articles 71 and 72 of the Constitution is further defined in the legislative realm by the provisions of Article 76 and in the executive realm by the provisions of Article 77. On the basis of parts 2 and 5 of Article 76, legislation passed by the constituent parts of the Federation on subjects under joint authority may not be at odds with federal law, but the Constitution does not stipulate any limitation for the central government in subjects under joint authority.

A similar unitary approach can also be observed in the field of the executive. The structure of the executive and legislative branches within the constituent parts of the Federation must be based on general principles set out by federal law. Thus, there is no real autonomy for the constituent parts of the Russian Federation. An important article in the constitution is Article 78, which allows the center to transfer "the implementation of some of its powers' to the federal subjects and vice versa." This article was used by the Yeltsin regime to promote the development of bilateralism and "contract federalism."

The constitution also contains a number of ambiguous or even contradictory articles. For example, Article 11 states that central-periphery relations are determined "by the Federation Treaty and other treaties," which suggests that the Federation Treaty and the constitution are both still valid. Furthermore, although Article 5(4) declares that "all components of the Russian Federation are equal with each other in their interrelationships with federal bodies of state power," some subjects are clearly more equal than others. Once again, as in the Federation Treaty, the republics were granted greater powers than the other subjects of the Federation. For example, only the republics were granted their own constitutions, official languages, and citizenship rights. Furthermore, in contradiction to Articles 4(1) and 4(3) discussed above, Article
5(2) defines the republics as "states" implying that they have independent rights of sovereignty and secession.

The status of the autonomous okrugs is also ambiguous, to say the least. According to the constitution, the okrugs have equal status with all other federal subjects, although nine of them are situated inside the territories of other subjects (oblasts and krais). This would seem to suggest that the okrugs are simultaneously subordinate and equal to the regions in which they are situated.

Federation members have their own legislative and executive branches. The third branch, the judiciary only has a partial representation. Articles 118-129 of the Constitution provides constitutional provision concerning the judiciary and, the only courts mentioned are federal courts. The constituent parts of the Russian Federation have no right to independent judicial authority hence, no right to independently administer law. which from the standpoint of federalism is insufficient. It can therefore safely be argued that the third branch in the Federal units is nonexistent.

Other provisions scattered throughout the whole constitution such as Articles 106, 125 and 130-133, regulate such aspects of federal relations as participation of the constituent elements of the Federation in the process of federal decision making or in the organization of local self-government. Analyzing all those norms from the viewpoint of division of power between the federal units or from the viewpoint of the units it can be concluded that there is no authentic decentralization of power.

The constitution and its chief arbiter, the Constitutional Court, insufficiently protect the exercise of powers in the regions. Accordingly, Russian federalism was still far from being institutionally predictable and lacked strong sanctions and law enforcement mechanism. For instance, the implementation of the rulings of the Constitutional Court in cases relating to regional violations of constitutional norms remained irregular. Even if the Constitutional Court was consistent in its rulings, conflict over the exercise of its powers is inherent in the constitution. The vagueness of the concept of "concurrent jurisdiction" has blurred the lines of assigned powers (Gruder 2002 b: 162). The mutual and institutionally protected trust in territorial assignments of powers remains precarious. Insufficient clarity in the distribution of

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powers reflects the stalemate between the regions and the central government in the years 1991-1993, which became a feature of the constitution itself.

Although, December 1993 constitution took the first steps toward establishing federalism, but the desire for sovereignty and independence remained high in some national autonomies, especially Tatarstan\(^8\) and Chechnya, which were still insisting on their state independence. Despite some contradictions, the Russian constitution sought to significantly equalise all republics, provinces, regions, cities and make them subject to the laws and decisions of the federal authority. While the provision of the treaty are reflected in the new constitution, the text itself is no longer bodily incorporated to underline the principles that Russia is a federation based on constitution and not on treaty. The new constitution sought to prioritise civil over collective rights and at the same time tried to prevent ethnic differences becoming the foundation of local or central statehood, a development that could only exacerbate centrifugal tendencies (Sakwa 1996: 198).

**The Weak Legitimacy of the Russian Constitution**

A crucial aspect of any federal state is that it should be founded on a voluntary union or covenant. In Russia, Yeltsin's presidential constitution was imposed on the country from above and although the constitution was supported by 58.4 percent of the voters nationwide (according to official statistics), it failed to be ratified in forty-two of the eighty-nine subjects\(^9\). The referendum to ratify the constitution was boycotted altogether in Chechnya.\(^{10}\)

It was not long before a number of those republics whose citizens had rejected the constitution declared that the federal constitution was not valid in their territories and difference between the republics and the federal center emerged even stronger than before. By 1996, the Yeltsin administration reported that nineteen of the twenty-one republican constitutions were in breach of the federal constitution. As Smith

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notes, such violations included, "declaring the republic a subject of international law, establishing illegal taxes and dues, and proclaiming the right to decide questions of war and peace and the right to grant citizenship" (Smith 1999: 139). Those constitutions (Chuvashiya, Sakha, Chechnya, Tatarstan, and Tuva), ratified between the signing of the Federation Treaty in March 1992 and the ratification of the Russian constitution on December 12, 1993, were the most confederal, including declarations of sovereignty, rights of secession, and citizenship. Later, on 15 February 1994 Tatarstan signed a treaty and declared that it was an associate member of the Russian Federation. Only Chechnya went so far as to declare its complete secession, and in 1994 and 1999, Russian troops had to be sent into Chechnya to restore federal control.

In the light of above discussion it is clear that the obedience to the federal constitution was not throughout Russia. The referendum was not passed in all of the federation's components, hence, its legitimacy is debatable. There is possibility of separatist movement in those regions who did not participated in referendum and failed to accept the constitution. Moreover, localities have the right to their own constitutions, and almost three-quarters of the republics have written their own constitutions with majority of them containing declarations of some sort of sovereignty.

Except in the case of Komi and Karelia, the republics' constitutions directly contradicted the federal constitution by declaring that the land and resources belong to the peoples in those republics. The constitutions of Tyva and Yakutia are said to violate federal rights on matters of war and peace. In short, although Moscow has begun to establish a more coherent federal structure - through the 1992 Federation Treaty and the 1993 constitution - the Federation continues to be held together by a series of bilateral treaties and agreements between Moscow and the constituent republics, oblasts, and krais. Yeltsin's chief of staff, Sergei Filatov stated that, "Manipulating the situation in Chechnya, reactionary forces in individual regions are

13 Ibid.
trying to tear pieces of power away from the federal authorities". Moscow officials expect that eventually they will conclude such agreements with all the components of Russia, and in September 1994, they established a commission (at that time under Vice Premier Sergei Shakhrai) to prepare such treaties. However, Shakhrai explicitly noted that treaties cannot be concluded with those components whose constitutions or charters contravene the Russian Federal constitution.

**Presidential Federalism**

Presidential federalism in Russia is distinguished from parliamentary federation which exist in Canada or presidential legislative federations as in United States by having executive power concentrated in the presidency. The presidency has strong centralist features: rule by decree, veto power over the legislative branch, control over regional administrations, and emergency powers (Guder 2002b: 67-91). Furthermore, legislative and executive powers are merged in the presidency. Although certain aspects of the federal divisions of powers limit presidential powers, most notably the authority of the Federation Council and the constitutions, nevertheless, the concentration of presidential power and the federal division of powers represents opposing principles that interacts in a manner creating permanent tension. Presidential Federalism is a governmental system in which conflict between centralism and regionalism is systemic feature.

The principal flaws of the presidential system like that of Russia is the weak incentives for the formation of parliamentary parties, charismatic leaders instead of parties with programs, polarization of the electorate, and authoritarian tendencies. These flaws endanger the federal division of powers and diminish the federal potential for conflict resolution (Linz 1994: 47). The approval of a strong presidency by regional executive elites could be relied on so long as these elites are appointed by the president himself (Gruder 2002b: 68). With president Putin imitative of further centralisation and enhancement of presidential power through the right to dismiss regional governors and creation of seven federal district ensuring full presidential control over the regions, today Russia is truly a presidential federalism.

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RUSSIAN FEDERALISM UNDER PRESIDENT YELTSIN

The constitution that came into existence in 1993 ensured a strong federal control over the country's territorial divisions. Nevertheless, Yeltsin government was immediately faced with demands for genuine autonomy from several republics having large non-Russian population. Tatarstan, Bashkortostan and Chechnya openly threatened secession. Likewise, Yeltsin also faced similar problems with non-ethnic administrative units, several of which echoed demands for autonomy and even withheld tax revenues they were bound to give to the federal government (Kort 2001: 401-402).

Yeltsin's dealing with these problems was quite erratic from the beginning. Instead of dealing these problems through the 'rule of law' he resorted to backroom politics (informal understanding), and went to the extent of urging the federation subjects to 'take as much sovereignty as you can swallow'\(^\text{16}\) . In his speech to fifth CDP on 28 October 1991, Yeltsin urged the congress that "the process of self determination of peoples, which began even before revolution of 1917, but which was interrupted by crude force for many decades, is now entering its decisive phase. A new national consciousness is forming among Russians that is democratic in its very essence".\(^\text{17}\) As a result, autonomous republics declared themselves sovereign union republics, autonomous oblasts declared themselves sovereign autonomous republics, and autonomous districts (okrugs) declared themselves sovereign autonomous oblasts.

One of the reasons for Yeltsin conceding to their unreasonable demands was that, he needed the support of the regional political elites for his regime to counter the increasingly hostile legislature. The lack of genuine reciprocal and transparent relations between the centre and the regions was one of the most significant failures of Yeltsin's Presidency (Sakwa 2002: 7).

\(^{16}\) "Yeltsin Address Latvian Parliament", Riga Radio, 1 August 1990, translated in Summery of World Broadcasters, 1 August 1990, SU/05671.

Treaties and Emergence of Asymmetrical Federalism

Yeltsin sought to rectify flaws in Russian federalism through accommodation by signing a series of treaties in a departure from the principal enunciated in the constitution, the solution that was bought at a cost of undermining the federal constitution and sanctioning authoritarianism. As Furman (2000: 4) notes, "The federal center agreed to grant the republics more rights than the Russian provinces, allowing them to develop into 'vassal kingdoms' in whose internal affairs Moscow did not interfere as long as they regularly paid Yeltsin their 'tribute' in the form of votes—which they did in every important federal election."

On 15 February 1994, the first federal treaty was with Tatarstan signed by the president of republic Mintimer Shaimiev. The Russian-Tatar treaty marked the beginning of codification of the breakup of the federation's legal and economic space and the turn to asymmetrical "treaty" or "contract" federalism based on the unequal status of subjects of the federation, as established in negotiations between the Kremlin and individual units. By the end of 1995, six more national autonomies had signed bilateral treaties with Moscow. The first round of treaties were signed only with non-Russian national autonomies sparked a backlash from the Russian krais and oblasts (Hahn 2001: 498-530). In January 1996, four Russian regions Krasnodar, Kaliningrad, Orenburg, and Sverdlovsk also garnered treaties. Subsequent treaties and supporting agreements eventually involve sixty-eight of Russia's eighty-nine units, extending asymmetry and the dissolution of Russia's economic and legal space throughout the federation (Hahn 2001: 498-530). The signing of bilateral treaties gave the local signatories a whole host of political and economic privileges.

Many bilateral treaties and agreements transferred constitutionally designated spheres of federal jurisdiction to joint federal-regional jurisdiction and gave joint jurisdiction spheres to the sole jurisdiction of the units. Article 78, paragraph 2 of the Russian Constitution allows federal authorities to transfer spheres of jurisdiction under its sole purview, as listed in Article 71 of the constitution, to the subjects of the federation. However, the Constitutional Court has repeatedly affirmed the

"impermissibility" of such a transfer of authority, casting a shadow over the constitutionality of this process. Moreover, in many instances the bilateral treaties actually legitimized those extraconstitutional powers that the republics had unilaterally proclaimed in their republican constitutions. Special and often secretive agreements attached to the bilateral treaties have, in addition, granted the republics the right to appoint federal officials in their territories, conduct their own independent relations with foreign states, set up their own national banks, and create their own political and administrative organs. These treaties according to Richard Sakwa (2002: 4), "formalised the emergence of asymmetrical federalism" in Russia.

The signing of bilateral treaties was accompanied by debate in Russia and elsewhere. Supporters of bilateral treaties argued that the agreements made it possible to ease tensions between the center and the federal subjects, thereby allowing federal agencies the ability to take into consideration the specific features of each unit. Moreover, the bilateral treaties made the legal system more flexible and responsive to regional diversity and help promote consensus and compromise. The treaties also played a positive role in preventing the disintegration of the federation.

Opponents of the treaties stressed that they contradicted the constitutional principles of federalism, destroyed the unity of the legal system, weakened the supremacy of the federal Constitution and federal laws, and violated the principle of the equality of subjects of the Russian Federation. The treaties have also been criticized for their lack of transparency and their absence of a democratic mandate. None of the treaties were ratified by federal parliament. Moreover, not one of the treaties was brought before the constitutional court for scrutiny. As Gordon Hahn (2001: 498-530) stresses, "Conflict and bargaining among officials and bureaucrats, not the rise of civil society and culture, led the process. . . . Russia's asymmetrical federalism was superimposed on weak semi- or quasi-democratic institutions and not embedded in strongly democratic institutions".

By the mid-1990s, political power had passed from the center to the regions and regional politics was firmly under the control of regional elites. As the Ministry of Justice reported, of the forty-four thousand regional acts adopted during the period

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of 1995-97 almost half were in violation of the Russian constitution and federal legislation. For Sakwa, Russia's "war of laws" created a process of "segmented regionalism," which fragmented the sovereignty of the polity and transformed Russia from a multinational state into a "multi-state state" (Sakwa 2002: 12). By June 1998, according to Ross Russia was governed by five competing and contradictory sources of law: (1) the federal constitution, (2) the federal treaty, (3) federal laws, (4) bilateral treaties, and (5) the constitutions and charters of the republics and regions (Ross 2005: 347-372).

The result of Russia's federal asymmetry and the devolution of jurisdiction from Moscow to Russia's regions and republics was a mounting caseload of violations of the federal constitution in regional legislation, constitutions, charters, and executive directives. By 1998, according to Viktor Knyshev the chairman of the Judicial Collegium for Civil Affairs of the Supreme Court, there were 2,016 cases where regional laws were ruled invalid for violating the constitution. By February 2000, according to Minister of Justice Yuri Chaika, some 20 percent of regional legislation did not conform to the Russian constitution. In essence, the treaties, the numerous additional special agreements between individual subjects and Moscow; and the violations of federal law in regional and republican constitutions created a Russian state that by 1997 was in the process of becoming a confederation. The Yeltsin administration formulated several methods of addressing the problem, only some of which were implemented.

Yeltsin's expediency created frictions among the constituent parts of Russia. In particular, concessions extracted from Moscow have not been applied universally throughout Russia. For example, Russia's republics have been given greater control over their natural resources and allowed to pay less tax to Moscow than the oblasts and krais. As a result, several of the oblast and krais tried to upgrade themselves unilaterally to the status of republics in order to obtain these rights; Sverdlovsk oblast, for example, proclaimed itself the Urals Republic. Also, many important leaders have talked about abolishing ethnically based republics which will increase domestic conflict in Russia (Clark and Graham 1995: 329-351). The popularity of this idea has,

admittedly, declined over the years, particularly because of its propensity to generate conflict, but it is still part of the ultranationalist program. In short, various local authorities will continue to maneuver to obtain their own best deal, which will result in continuing power struggles as long as rights are not equal throughout the Russian Federation.

**Yeltsin’s initiatives to Strengthen Federal Control**

In 1996, President Yeltsin signed a federal decree to deal with the problem of asymmetry created by series of treaties. The law established procedures for and limits on the drafting of bilateral federal-regional treaties to ensure that both past and future bilateral treaties and agreements would be brought into compliance with the constitution and federal law\(^{21}\). The new law also stipulated that all previously concluded treaties and agreements had to be brought into conformity with the constitution and federal law within six months. On 19 June 1999, the Russian parliament also adopted a law to regulate the treaties, which reiterated that all new treaties had to conform to the federal constitution (Ross 2005: 347-372). However, the law came too late to make any impact, as no new treaties were forthcoming after the last bilateral treaty was signed with Moscow oblast in June 1998.

Further, in summer 1997 Yeltsin issued a decree to limit the concentration of power in the hands of regional chief executive and bolster the role of presidential representatives as outposts of federal authority in the provinces. The decree sought to turn the presidential representative into powerful coordinators of the numerous federal agencies operating in Russia’s republics and regions. To prevent elected provincial leaders from expanding their influence over the provincial branches of federal agencies, Yeltsin explicitly designated the presidential representatives as the senior federal official in the provinces in July 1997 (Kempton 2001:83). They were to preside over the cabinet of the regions (Kollegii) composed of the heads of federal agencies in their provinces. The decree also authorised the representatives to take part in the meetings of the boards of federal executive agencies in the provinces. Furthermore, the decree placed the representatives in charge of relations between

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federal officials and the government of the subject territories, the organs of local administration, political parties and other social and religious organisation as well as citizens. Potentially even more threatening to provincial leaders were the decree provision expanding the prerogatives of the presidential representatives vis-à-vis the government of the subject territories (Huskey 1999: 195).

Assessing Russian Federal System under Yeltsin

The major flaw in Yeltsin’s federalism consisted in its unclear distribution of powers resulting from the broad interpretation of concurrent jurisdiction and deficiencies in the constitutionally sanctioned means of conflict regulation. Regional legislation often contradicted the federal constitution. Regions often assumed federal authority in cases where the central government proved unable to exercise its duties effectively. Deficits in implementation resulted from the weakness of the central government rather than from conscious disrespect for federal legislation and constitutional provisions on the part of the regions (Gruder 2000: 162). Further, the deficits of the Russian federal system under Yeltsin can be identified with the power accumulation and arbitrary rule of regional executives (e.g. their subordination of federal administration such as the tax inspectorate, the privatization agencies, the police and prosecutors), informal relations between center and regions with preference given to bilateralism instead of collective interest and, inefficient execution of federal laws.

The development of asymmetrical federalism during Yeltsin presidency may well have provided a framework for the flexible negotiation of individual tailor-made solutions to Russia’s diverse ethnic and political composition, but it failed to do this within the framework of universal norms of citizenship. Instead, segmented regionalism fragmented the country judicially, economically and, implicitly, in terms of sovereignty. By the end of Yeltsin’s term in office Russia was beginning to become not only a multinational state, but also a multi-state state, with numerous proto-state formations making sovereignty claims vis-à-vis Moscow (Pierson and Tormey 1999: 215-26). Thus, a situation of significant disparities between the constitutional and legislative frameworks of the federal government and its subnational components, as
well as between the eighty-nine administrative regions and ethnic republics was created.

The Russian Federation under Yeltsin could therefore be best described as “contractual federalism in action”. (Gruder 2002: 68). The country was increasingly divided into segments, not only spatially but also in terms of fragmentation of political authority. Russia was moving towards what some called the ‘medievalisation’ of politics where overlapping jurisdictions fragmented administrative and legal practices (Sakwa 2002:1). The emergence of a single national community was impeded by the segmented regionalization of political authority.

(IV)

RUSSIAN FEDERALISM UNDER PRESIDENT PUTIN

Yeltsin left a legacy of dubious relationship between the centre and regions. Therefore, it is hardly surprising that Putin chose federal-regional relation to launch his presidency (Harter and Easter 2000: 11). During the 1990s the old hyper centralised Soviet state gave way to the fragmentation of political authority and contesting definitions of sovereignty. Under President Boris Yeltsin, a complex and unstable balance was drawn between the claimed prerogatives of the centre and the normative and de facto powers of the units. The tension between central and regional claims concerned not only practical issues of governance and finances, but also focused on fundamental competing sovereignty claims. In that context, the evolving practice of ‘asymmetrical federalism’ concerned the very definition of the state. A distinctive type of “segmented regionalism” emerged, whereby Russia in effect had ninety governments. The federal authorities at the centre entered into asymmetrical bargaining relations with the other eighty-nine subjects of the federation, one of which claimed outright independence (Chechnya).

Accordingly, the task of holding together a multicultural state was the first challenge to Russian president Vladimir Putin. Under his leadership as Russia's prime minister in 1999, Moscow restarted the protracted war against the breakaway republic
of Chechnya. Putin and the Russian elite justified the intervention with a straightforward argument: if we do not prevent Chechnya from seceding, a precedent will be set, and the whole Russian Federation will eventually collapse. The notion of a dangerously weak Russian state has been the talk of Moscow ever since the Russian Federation emerged out of the ashes of the Soviet Union. The common wisdom about the past and present of the Russian state is as follows: In the Yeltsin years, Russia was close to falling apart. In relation to the center, the autonomous republics became too powerful because Yeltsin's regional policy was in disarray. President Putin could gradually return order to Moscow's relations with its regions and republics (Thumann 2001:1).

**Putin's Federal Reforms**

Putin, unlike Yeltsin, never made secret of his desire to re-centralise the power (Thompson 2000: 14-16). On coming to office in early 2000, his response was to appeal to the principle of 'the dictatorship of law' and in particular unimpeded flow of constitutional and judicial authority through out the territory of the Russian federation\(^\text{22}\). Immediately after being inaugurated Putin started to reassert central state authority. According to Putin, the key to Russia's renewal is a strong state based on the centralized traditions and mentalities and expectations among the Russian population. As a matter of fact, this attempt is a renewed effort for obtaining a strong vertical power axis which Yeltsin already had aimed to institutionalize back in 1991. This effort consisted of several important political and legal steps.

Putin and other Kremlin officials saw all this as a product of the 1990s. From their perspective, regional leaders took President Yeltsin's famous exhortation to "take as much sovereignty as you can swallow"\(^\text{23}\) as a signal to create their own fiefdoms. These leaders defied Moscow, produced a myriad of new regional regulations, and they reduced and diverted revenue flows away from the federal government and into their own coffers. Electoral politics in the regions became deeply corrupt as local

\(^{22}\) "Putin's Inauguration Speech", Text Report by Russia TV on 7th May, translated in Summary of World Broadcasts, no. 158-167, 8 May 2000, SU/3834 B/1-B/2.

\(^{23}\) "Yeltsin Address Latvian Parliament", Riga Radio, 1 August 1990, translated in Summery of World Broadcasters, 1 August 1990, SU/0567 I.
mafias and business interests emerged as the primary backers of gubernatorial candidates and their campaigns.

From Putin’s point of view, decentralization under Yeltsin served to fragment the Federation and encouraged the kind of moves toward regional separatism that Chechnya embodied in its worst form. In his opinion, the self-interest of corrupt local elites, in Chechnya and elsewhere, came to replace the purported principles of self-determination that had led to the creation of Russia’s federal system in the Soviet period. Putin and those around him became increasingly frustrated at the growth of regional problems and disparities and at their inability to exert control over key parts of the Federation (Hill 2005). As a result, the Kremlin became convinced that restoring Moscow’s firm grip over regions was necessary to preserve national unity and public security from the twin threats of secessionism and terrorism.

Putin’s first offensive unfolded on 13\textsuperscript{th} May 2000, when he signed a decree creating seven federal districts in Russia. Each federal district is headed by the representative appointed by the president. The purpose of organisation according to official report was to “ensure the exercise by the president of the Russian federation of his constitutional powers, to make the work of federal bodies more effective and to improve control over compliance with their decision.”\textsuperscript{24} Not surprisingly, initially 5 out of 7 President Representatives had security backgrounds, which sometimes was not helpful for the administrative task assigned to the Presidential Representatives but was significantly conducive for keeping control of regional elite. The task of the presidential representatives include, 1) the control over implementation of presidential decrees, regulations of the government and federal laws and, the execution of the president’s personnel policy, 2) the co-ordination of federal organs in the regions, including law enforcement, participation in the work of regional power organs as well as parliaments and local self-government, 3) the suspension of legal acts contradicting the constitution; co-operation with the president’s administration, 4) and finally, the presidential representative are empowered to censure territorial organs\textsuperscript{25}.


The Presidential Representatives were also appointed as members of the Security Council and report directly to the head of the presidential administration. Their powers, which are not defined in details, may expand over time replacing the constitutional administrative hierarchy by presidential power vertical. It is more likely though that the central bureaucracies may successfully block attempts by Presidential Representatives to fulfill their function as an additional layer of administration between the centre and the regions.

A second element of the federal reform package was the revision of the law on the Federation Council. According to constitution, each member of the federation will have two representatives in the council, one each from the executive and the legislative branches (Article 95). Taking this advantage, the regional governors and speakers of the regional assemblies had occupied seats in the Federation Council and influenced the federal decision-making. Putin replaced the governors and speakers of regional assemblies, with two individuals appointed by the region representing the executive and legislature\textsuperscript{26}.

With the new changes regional executives and legislative heads are no longer the ex-officio members of the Federation Council, instead they got the right to delegate representatives to the Federal Council. This reform deprives the regional political elites of an institutionalized role in the federal political arena. Even more important is the fact that they lost their immunity from prosecution that they had enjoyed as senators. In addition, the new delegation rule weakens any attempt of horizontal cooperation structure between the regions. As a concession, Putin created the State Council, which brings together the regions executive heads, the presidium of which has been granted an advisory role to the president.

Thirdly, president has been empowered to ask the Supreme Court to remove governors and disband regional legislatures who have violated two or more federal laws or the constitution. Furthermore, in the event of governors being suspended by the Court the president has been given power to ‘temporarily’ replace them by presidential appointees\textsuperscript{27}. This in effect has given the president ‘de facto’ power to

\textsuperscript{26} "New Look Federation Council to be Formed by 1 April", ITAR-TASS, 31 May 2000, translated in Summery of World Broadcasters, SU/3856 B/3, 2 June 2000. RIA News Agency, 2 June 2000.

appoint governors. In the same manner, the president has been empowered to ask the State Duma to dissolve the legislature of the federation member on the same grounds. However, in exercising this prerogative the president is subject to a very complicated and time consuming procedure (warning, responses by regional authorities, finding by various courts). Putin did not resort to this new power of the presidency.

Despite strengthening of the center’s role in national politics like his predecessor, Putin has also moved largely towards a non-confrontational relation with regional elites and oligarchs. This can be seen in legal machinations allowing many regional executives to get re-elected for the third and even fourth terms or the fact, that Putin refrained from purging regional foes (most prominently in this respect is the treatment of governors Nazratenko and Jakovlev) (Mangott 2004: 49-74). Thus, more of informal arrangements are taking place and are being less governed by law (Reddaway 2002: 31-40). Whatever might be the result, Putin’s moves in reasserting the central power in defiance of the spirit of the constitution are definitely a threat to democracy. This struggle against segmented regionalism could easily undermine the development of federalism, and in taking the form of traditional centralism would threaten the development of Russian democracy (Ross 2002:7).

Moreover, despite these bold changes, it has hardly made any difference in the relations between the president and the regional elites, or the centre and the regions. Putin’s dividing of Russia into seven super regions under presidential commissioner has had mixed results and faces uncertain future. For instance, governors have found numerous ways to resist commissioners and governments. Likewise, depriving the governors of their seats in the Federation Council probably has not weakened their ability to lobby in Moscow, which is done now through their representatives (Reddaway 2002: 31-40).

Putin’s reforms of summer 2000 opened a new re-centralising stage in Russia’s federal relations. Putin’s reforms focus on enforcing the implementation of federal laws, the creation of presidential representatives in the seven newly created federal districts, a changed formation of the Federation Council and the federal supervisions of regional executives and parliaments. By means of his representatives, the president is able to control regional governments in crucial regards.
Beslan Attack and Further Centralisation

On December 11, 2004, three months after the horrific terrorist attack on School Number One in Beslan in North Ossetia, Putin seized Beslan incident as an impetus to press on with his five-year campaign to reform the Russian federal system as a whole by re-establishing a strong, vertical (centralised) state as discussed above. On 13 September 2004, he announced that gubernatorial elections in all of Russia's regions would now be replaced by the direct appointment of their governors by Moscow (subject to nominal approval by local parliaments). The proposal was approved by the Russian Duma and signed into law by President Putin on 12 December 2004, despite considerable criticism abroad for curbing regional autonomy and seek to roll back democratic gains of the 1990s.

In ending the direct election of regional governors, Putin made it clear that his purpose was to ensure that governors are answerable to him, the President and not regional mafias. In sum, from Putin's perspective, his centralizing reforms were directed at rooting out the widespread corruption that facilitated the Beslan attack, at halting the manipulation of regional elections and politics that made regional leaders beholden to local interests rather than Moscow, and at making local leaders personally responsible to the President for the outcome of developments in their regions.

Putin's Federal Legal Reforms

The fissures in the Russian legal sphere greatly widened during the first post-Soviet Russian Republic as President Boris Yeltsin and his parliamentary opponents strove to outbid each other in concessions to the federation subjects to gain their political support (Sharlet 1993: 41-42). With the emergence of the second Russian Republic, the fragmentation of legal space worsened as Yeltsin continued his policy of ad hoc giveaways to demanding republican presidents and regional governors, for the purpose of securing political stability after the violent end of the first republic.

The most salient aspect of Yeltsin’s concessionary policy was several dozen bilateral, power-sharing treaties negotiated with various constituent governments.

Along with federal reforms discussed above President Putin took initiative to harmonise laws between the center and the regions. The Presidential representatives appointed to seven federal units served as the president’s political envoy, parleying with the governors and presidents within their jurisdictions to enlist voluntary compliance with Moscow’s legal unification policy. It was an effort to realign conflicting constitutions, charters, and treaties, as well as errant local legislation with federal standards (Sharlet 2003: 335-342). To assist the presidential representatives, the procurator-general appointed seven deputy procurator-generals to direct and coordinate the work of republican and regional procurators within each of the federal districts. The federal Ministry of Justice also assigned senior executives to the federal districts in support of the campaign for harmonising the laws of the central and regional units.

In effect, the presidential representatives (envoys) were fully empowered to deploy the law enforcement establishment to identify deviant legislation, file procuratorial protests, and issue judicial rulings to bring about compliance. In addition, the higher courts, the Supreme Court and the Constitutional Court of the Russian Federation, also added their authoritative voices through several decisions that gave impetus to the harmonization project.

As federal pressures for compliance mounted, resistance from below increased apace. While Putin’s campaign for the unification of legal space progressed, many provincial governors and presidents slowed its progress. That was especially apparent when the envoys opened a new offensive in the harmonization campaign, to counter the center’s attack on the forty-two bilateral treaties signed under Yeltsin. The federal cities of Moscow and St. Petersburg, and the Republics of Tatarstan and Bashkortostan declared their opposition to the new offensive, and their intention to hold firm in defense of their power-sharing treaties. In other instances, even more open defiance of the center was signaled, or giving up the treaty was coupled with

political bargaining. Two republics Sakha and Adygeia even challenged Putin's new controversial legal authority to dismiss governors and disband legislatures that repeatedly violate federal law, by asking the Constitutional Court to declare the statute in contravention of the constitution. That the court eventually found the law to be constitutional did not diminish the fact that a contentious political dispute was peacefully resolved through reasoned juridical discourse.

In most instances, after initial reluctance and grousing, provincial executives and their legislative assemblies fell in line, renouncing their bilateral treaties, amending their constitutions or charters, and undertaking correcting of conflicting legislation. Each law that was revised to conform to federal norms required simultaneously amending numerous cognate legal acts, in effect causing a ripple through a region's or republic's body of law. Both harmonization and standardization had to be carried out by democratically elected, deliberative bodies containing various political crosscurrents and driven by the divisions of an open legislative process. Thus, the process of annulling a treaty or extensively amending fundamental law was frequently fraught with internal conflicts, while the more detailed work of revising ordinary laws sometimes moved very slowly, trying the patience of envoys and district procurators who were feeling pressure from Moscow to produce results (Sharelet 2003: 335-342). On the legal front of Putin's federal project, the work of the envoys and procurators, as well as the actions of the resisters, have both in their way contributed to the development of the rule of law in Russia.

Assessing Russian Federal System under President Putin

Apart from personal ambitions of Putin, certain systemic preconditions facilitated the recentralization of power after the decade of decentralization and federalization. With Putin's reforms, the balance between the opposing features of Russian federalism has shifted, though the features themselves remain in place. Constitutional federalism is strengthened at the expense of contractual federalism, presidential power concentrated at the expense of division of power, regions are equalized at the expense of ethno-federal privileges, and symmetry is strengthened at

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the expense of asymmetry (Gruder 2002a: 67-91). It is too early to judge whether the indirect representation of regional executive in the Federation Council implies strengthening of regional legislature or a general weakening of the second chamber. Putin's reforms have led to a recentralization of competencies ensuring the legal supervision of federal organs in the regions and improving regard for the supremacy of the law. Putin's reforms also bolstered the legal equality of citizens, regardless of their ethnic belonging and place of residence.

Although, Putin's reforms do not depart from the constitutional principles of federal governance, the absorption of regional powers into the presidential administrative hierarchy amounts to a significant reduction of exclusive regional competencies. The reforms are first of all oriented at the unity of the legal sphere, but at the expense of the federal idea of division of powers. Putin's reform exploits the constitutional failure to clearly assign competencies to different levels of government, that is, the absence of transparent and accountable definition of exclusive federal, shared, divided and residual powers (Gruder 2000a:67-91). The conflict is regulated by the exercise of presidential power, the very existence of the intermediary level of president representatives thus perpetuates the underlying lack of institutional clarity.

Furthermore, in moving to build a new political and administrative system in Russia entirely from the top down, Putin created a new cadre of regional leaders by inserting people from outside. In appointing presidential representatives and governors he has abandoned the task of developing and cultivating new leaders at the local level who can eventually win genuine popular support.

The approach of imposing regional leaders from outside will also put a strain on Moscow's own personnel resources. Putin's vertical of power is not a conventional pyramid with a broad base of support. This is because, unlike the secretary-generals or presidents of the Soviet period, Putin does not have a party structure or a system of collective leadership to rely on. Since coming to power in 2000, Putin has improvised with an informal system that has drawn on a coterie of colleagues from his service in the KGB and in St. Petersburg's municipal government. The new governance reforms will tax the limited pool of competent people at his disposal. Putin's governance reforms based on central appointments run the risk of creating a hollow state, rather than a strong or effective one at either the central or local level.
In essence, under Putin, Moscow is moving away from the conception of Russia as a multi-ethnic state. "Nationality" issues which were a dominant feature of politics in the North Caucasus and Russia's Volga region (including Tatarstan) under the Russian Empire as well as the USSR are being concealed under the more neutral label of "regional" issues. National territories, like Tatarstan and the republics of the North Caucasus, are being demoted to "regions" (Hill 2005). The autonomy of Tatarstan outlined in a February 1994 landmark treaty with Moscow has been diminished since Putin came to power in 2000. Moscow has stopped concluding similar power-sharing treaties with other regions and begun to roll them back. The Russian Nationalities Ministry, which was essentially abolished as a ministerial structure in March 2004, was reinstated after Beslan as the Ministry of Regional Development. Furthermore, there is a debate on Moscow appointment of regional governors.

(V)

IS RUSSIAN FEDERALISM SUSTAINABLE

It is generally believed that the Russian federalism under Yeltsin was "weak, prone to disintegration, undemocratic" (Slider 1997: 445). Following these judgments about Yeltsin's federal legacy, one would have welcomed Putin's attempt to address these alleged shortcomings. Yet, Putin's reforms received controversial assessments. While mostly benevolent in Russia, they were predominantly negative among western writers. Many who recently found fault in Russia's gravitation towards confederation are now complaining about Putin's centralism.

Federalism under Yeltsin represented a conflict system, although an institutionally regulated one. Despite the increase of regional powers, the central government still retained crucial direct and indirect leverage in determining regional policies. The taxation system remained largely centralist. In addition, the overwhelming majority of regions were the net beneficiaries of federal distribution. Furthermore, since socio-economic discrepancies among the regions prevented collective action the central government could still influence the behavior of regional leaders in the Federation Council (Gruder 2002: 68). Finally, renegotiating the terms
of bilateral treaties offered the centre flexible incentives for individual accommodation. With respect to the preservation of unity and diversity, the division of powers, and conflict regulation, since 1991, Russia had made sufficient progress to permit it to rule out at least some of the most feared disintegration scenarios.

President Putin’s effort to rectify the defects of Russian federalism under Yeltsin presidency and efforts to strengthen central grip over the regions have mixed result for the Russian federalism. Initially, many political analyst interpreted Putin's reforms as culmination of authoritarianism and centralism. It involved a militarization of the state apparatus and disregard for democratic values and procedures. Stoner Weiss boldly declared that Putin's reforms were a ‘recipe for disaster’. According to her, “recentralization was, in actuality, not consistent enough” and the new presidential representatives would become dependent on the regions (Weiss 2000). Richard Sakwa on the other hand welcomed Putin's reforms, claiming that they would help to overcome the weak execution of federal laws, the disregard for federal supremacy in the regions and the feudal absolutism among the governors. Later on he argued that Putin's reforms ‘ran perilously’ close to becoming de-federalisation’ (Sakwa 2002: 24). In order to establish whether post-soviet Russia meets crucial federal criteria one has to understand that all federations are by definition conflict systems in flux that permanently try to strike a balance between unitary and diversity, centralism and regionalism, power sharing and division of powers as well as symmetry and asymmetry.

Putin's federative reforms today are creating instability inside the Russian state like his predecessor Yeltsin. By increasing centralization, retracting regional sovereignty, and dismantling conflict resolution mechanisms such as the power-sharing treaties and agreements, the reforms are upsetting the delicate federal-regional balance of power on which stable federal democracies depend. At the same time, legal harmonization may creat conditions for mobilization of Muslim nationalism in North-Cacasus and Chechnya (Hahn 2003: 114-153). The confluence of these policies will likely destabilize the federation in the long term. The temptation to centralize further in the face of instability would be fatal for state and democratic federalism in Russian.

Seen in comparative perspective, Russia’s emerging federalism exposes systemic problems quite familiar to heterogeneous and multiethnic federations,
because soviet federalism institutionalized ethnic identities (Roeder 1991: 196-232), Russia’s federalization could start neither exclusively “from above” nor exclusively “from below”. Since 1992, Russia federalism has been partially understood as contractual federalism, the contractual element became formalized in the Federation Treaties of 1992 and the bilateral treaties signed since 1994. Although these treaties did not designate the regions as constituent entities, they nevertheless recognized them as partners to a federal contract.

The regions were thus protected against the eventuality of an unlimited concentration of power in the centre. At the same time, the contractual element of Russia’s federalism set boundaries for secessionism for it encompasses a form of constitutional federalism that excludes sub-national sovereignty. While a pure contractual federalism would have entailed the possibility of fundamental revision of the contract, a pure constitutional federalism would have only incompletely protected the multi ethnic nature of the federation. With the federation treaties of 1992, the bilateral treaties signed since 1994, and the acceptance of the constitutional order in principle, all parties, with the exception of Chechnya, actually assured each other of their adherence to a common order. (Gruder 2002: 68).

Caught between segmented regionalism and the Putin’s normative reconstitution of the state, federalism itself as the legal separation of powers in the spatial context is under threat. According to Preston King (1982: 77), the defining features of federalism is that “central government incorporates regional unites in its decision procedure on some constitutionally entrenched basis”. Although it is also true as Graham Smith (1995: 7) stress that the defining features of “federal policy making is the ‘politics of accommodation’”, the problem arises when the resources available to the various actors in the bargaining process are far from equal, and it is these inequalities that shape Russia’s distinctive type of federalism and encourage the development of segmented regionalism.

President Putin’s effort to solve the problem of segmented regionalism was characterised by departures from the principles of federalism include changes in the method of determining the membership of the Federation Council, the delegation of power to presidential representatives in seven districts to deal with regional governments, to the point of dismissing their governors and disbanding representative
institutions, to the President; and the centralization of budget authority. President Putin's recent efforts to strengthen the vertical nature of power have thus aggravated relations between the central government and the regions, making the prospects of federalism in Russia uncertain.

Conclusion

Under Yeltsin, regional regimes came to exert considerable autonomous authority over their 'fiefdoms'. Putin's reassertion of central authority in defence of the writ of the constitution represented the defence of a particular vision of democracy. His aim, literally, was to reconstitute the state, to place the constitution at the centre of the political process in regional relations. For some this was no more than a new form of Russia's traditional tendency towards recentralisation; but the case could be made with equal plausibility that it offered an opportunity to move away from asymmetrical federalism towards a more balanced form. Asymmetrical federalism not only granted differential rights to regional leaderships, but effectively established different gradations of democratic citizenship to those living in different parts of the country. The attempt to achieve a universal and homogeneous type of citizenship lay at the heart of Putin's attempt to reconstitute the state.

Since 1996, the presidential administration has implemented a variety of measures in order to limit the arbitrariness of regional leaders. Anatoli Chubais, then head of the presidential administration, sought to strengthen the presidential representatives in the regions. Accordingly, president issued a decree on July 1997 which enlarged the competencies of presidential representatives. They were assigned the task of controlling the distribution of federal funds in the regions and to unify all federal administration in the regions under one command. Evgenyi Primakov, prime minister since September 1998, also attempted to enhance the power of the presidential representatives.

Vladimir Putin himself, in 1998 responsible for regional affairs in the president Yeltsin administration ordered the preparation of documents which would

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combat regional corruption and strengthen the control of federal organs. On his becoming prime minister September 1999 he continued with the initiatives that he started and after getting elected as president on March 2000 implement various policies on federal reforms as discussed above. Apart from the input of the administration for territorial policy in the presidential administration, the Security Council played a leading role in elaborating the federal reforms from February to April 2000, since the presidential representative of seven federal districts were also made members of the security councils.

Putin’s administrative changes may complicate Moscow’s ability to govern the country effectively in the future which was undertaken at the cost of removing local participation in decision-making. This is not least because the changes raise the question of whether or not Russia can ultimately continue to be designated as a federal state, where powers are delimited between the center and the regions. The administrative changes also seem likely to increase political tensions in republics like Tatarstan, where pro-independence movements in the early 1990s were defused by devolving authority over certain aspects of economic, social and political life from Moscow to Kazan.

Russia’s traditional autonomous republics, like Tatarstan and the republics of the North Caucasus have consistently opposed the formation of a unitary state. The idea of federalism from the bottom-up was championed by Tatarstan under President Mintimer Shaimiyev which promoted political parity between the center and the regions, has been rejected by Moscow. Putin has made it clear that federalism, if it is to exist at all, will be created from the top-down. It will not be based on mutual agreements between the center and regions, but on what Moscow decides is appropriate. This unitary or symmetric policy will be particularly problematic in dealing with Chechnya and the North Caucasus politically, since reintegrating of Chechnya and North Caucasus will have to be dealt as a special case and devolution of power has to accommodate their aspiration and maintain genuine autonomy.

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32 Changes in made in Federation Council members’ representation and also Security Council where Presidential Representatives and not the regional Governors are members.