

Unitarization Of Federation: A Path To Stability? – The Contemporary Russian Case

Abstract

Federation and federalism are not equal categories. Sometimes federation is very formal with the absence of federalism, but flowering unitarism. Such form can be a result of the intention to provide more stability and security to the state, but where is the border which ensures the equilibrium in consideration of regional interests and rights and at the same time with paying respect to federal powers? This contribution analyses the implications of federalism and unitarism in a federal state on issues of stability and security using the example of contemporary Russia. The author reveals two major stages of contemporary federal development in Russia: one with huge decentralization, which led to cracked stability of the federal state at the end of the 20th century, and unitarization of the federation as the next step aiming to stabilize federation as the modern stage. This contribution concludes that what is important to understand is the border, where the level of unitarism is still acceptable in such a type of community in order not to lose control and equilibrium and finally to ensure stability and security.

Introduction

There is an opinion that a federation is a form of state territorial structure, usual for multinational countries with huge territory, where it is necessary to establish a mechanism of balance of core interests and stability. This approach permits to establish the equilibrium in the State to consider the interests of sub-national units simultaneously with relevant control over them by the federal government. The Russian doctrine approach is quite common that federalism is an integral element of any federation (Baglai, Entin, Leibo (eds.) 2016), however, it may be the case that it is not so straightforward and sometimes federation lacks federalism, getting up on rails of unitarism.

Professor Burgess noticed, that “simply put, federalism animates federation. It is the driving force of federation that is intended to protect, preserve and promote what we call ‘the politics of difference’, that is, the formal constitutional, legal and political recognition of and respect for diversity” (Burgess 2017).

Russia serves a very interesting example of state construction when at first federalism was used as a mechanism to consider interests of major national groups and other sub-national units by permitting very deep decentralization, but when the relations became too decentralized, the country has faced the real risk of dissolution. Later on, to unite and stabilize the country, the tendency had substantially changed and the government started to use all possible legal and political mechanisms that finally led to the factual unitarization, however still with some tracks of federal asymmetry. The main reason for the unitarization was security and stability, however, what is important to understand – where is the border for unitarization of the federal state to find the optimal balance of federal and sub-national interests and to guarantee security and stability. The author analyzes this concept based on discourses and developments in contemporary Russia.

General Overview

Russia is one of the largest multinational countries in the world. The contemporary Russian Constitution, which was adopted in 1993, proclaims it as a federation with 85 sub-national units, constituting the territory of the whole state.

There is no doubt that federation is a natural condition for such type of a state as Russia is: it has a huge territory, accommodates about 190 ethnic groups and nationalities with quite different historical and cultural background, but living together for more than hundreds of years. Chapter 3 of the Russian Constitution regulates the status of the federation as such and sub-national units with the spread of competence among federal and sub-national governments. It defines the status of six types of sub-national units, albeit giving preference to the republics, identifying them as the States permitted to have their official language at the same time as Russian as the state official language of the whole country. Russian doctrine supports the opinion that even by the Constitution Russia is an asymmetrical federation. Political approach confirms this view with the introduction of a lot of internal mechanisms that are used by the federal government to coordinate interests with some of the sub-national units. However, factual asymmetry does not mean pure federalization. In its contemporary history Russia has passed two major stages of federal development: one, from the beginning of 20th to the end of the century – the period of federal decentralization with vivid tracks of federalism and the second – from the beginning of the 21st century to the present day – the period of unitarization of federalism.

The Period of Fiscal Decentralization

At the very beginning of the 1990s, future Russian President Boris Yeltsin addressed the Russian sub-national units with his famous slogan: *“Take as much sovereignty as you can swallow”*. The purpose was quite straightforward – he needed their support to strengthen his political position. In return, sub-national units perceived this approach quite easily and started their famous bargaining policy to get more and more preferences from the federal government. This approach continued to

exist after he was elected as the President and even after the new Constitution of 1993 was adopted.

The period from 1993 to 2000 was characterised by an extensive variety of ways which were used by the federal government to approach concrete sub-national units. These differences in approach were based primarily on the political interests of the presidential power and its need for regional support, including financial support. Moreover, when some sub-national units proceeded to bargain with the central authorities, President Yeltsin responded with a round of concessions. These concessions were formalized through individual agreements with sub-national units on specific individual conditions. Between 1994 and 1998, the Federal government signed about 46 individual agreements with sub-national units (P. Popelier, M. Sahadzic, 406). What is necessary to stress is that each agreement between the State and sub-national unit was signed on individual conditions. The question remains: Did this approach bring stability?

On the one hand – yes, it brought stability to the power structure – President Yeltsin was re-elected in the year of 1996 since he got more or less sufficient support from regional leaders and regional political elites. On the other hand – no – the country faced military campaigns in some Caucasian republics when the federal government involved the regular army to protect citizens. What is more, many sub-national units, particularly ethnically based Republics started to proclaim themselves independent and introduced such huge regional decentralization rules to their Basic laws and legislation that the federal government had lost factually but not legally most of its powers.

In this context, it is worth mentioning the constitutional rule of the dominance of federal legislation. Per the federal Constitution in the case of non-compliance, sub-national legislation does not automatically apply. The situation was different in practice, however, with sub-national entities continuing to apply their unconstitutional regulations. Closer to the end of 90s Russia had come to the verge of collapse. Thus we can recapitulate that deep federal decentralization did not bring stability and security to the state in this Russian example.

The next historical period, which started from the beginning of 2000 demonstrates the slope to a different angle when the federal government seriously unitarized the existing federal structure of the State to gain internal stability and security. Does it provide real security and stability? – this is the question which will be addressed below.

Unitarization of Federation

The opposite trend began to develop when former President Yeltsin resigned and the new President, Vladimir Putin, was elected in the year of 2000. One of his major goals was to stabilize the failing federation, which was done by a set of measures.

First of all, due to the high activity of the Constitutional Court of Russia, most of the sub-national laws contradicting federal Constitution were proclaimed unconstitutional, meaning the loss of their legal force. The leading role of federal legislation was restored as such.

New legislation which strengthened central influence over sub-national units was adopted by granting the President of Russia the right to remove governors and dismiss sub-national legislative bodies. Federal prosecutors were also encouraged to be more active in challenging sub-national units. Regional governors lost a significant part of their influence due to the reform of the Council of Federation. Beforehand, governors were represented in the Council of Federation (Chamber of the Russian Parliament), where they had more political influence and closer contacts with the Federal Government. However, after the new law on the formation of the Council of Federation was adopted in the year of 2000 they lost such rights and now the Council of Federation is formed by representatives from sub-national units, but not their leaders.

One more example of centralisation concerns the creation of a system of federal districts. The main goal of these efforts was to ensure that, in practice, presidential power could establish and coordinate relations with each sub-national unit and ensure that sub-national legislation was in line with federal laws. The country was divided into seven federal districts (today there are already eight districts). Each district is ruled by a presidential envoy, who has the power to implement federal law and coordinate communications between the President and the regional governors. The envoys are appointed and dismissed

by the President of the Russian Federation.

The presidential envoy is intended to facilitate interaction between the President and the sub-national executive and legislative authorities. This system, therefore, allows the central government to enforce its authority over the sub-national units.

The process was further assisted by the replacement of local political elites. Exercising his legal right to propose candidates for the positions of governor, the President installed new governors who were loyal to federal bodies or are members of the leading political party, which is close to the federal government. Although this process took several years, it was widely considered to have led finally to the stabilisation of relations between federal and local elites.

Another glue mechanism was the process of election of regional leaders, including governors. After the beginning of the 21st century, Russia introduced a new form of empowerment of the governors by the way of nomination by the President and approval by regional parliaments. This approval became more formal in nature since there were no cases of refusal from regional parliaments in practice. Thus the formation of major regional governmental bodies came under the control of the federal government, including the President. More recently, the legal regulations were amended and now most of the governors are elected by the people of the sub-national unit. However, still, there is high influence from the federal government on a political basis, for example through the party control.

One of the latest legislative amendments introduced the criteria of compliance by sub-national governors, which may lead to their dismissal by the President of State. In particular: the activity of a governor is evaluated on the basis of specific criteria: the level of trust of the government by the people, expressed during elections; some economic factors: level of the real average monthly wage; natural population growth; the quality of the environment; level of education, etc. In such a way, the control by the federal government over the regional leaders is intensified since non-conformity with the stipulated criteria might be used as a reason for dismissal of regional leaders by the President.

This is not an extensive list, but mentioned measures which factually have led to the situation when more or less important decisions which influence sub-national units are taken mostly on the federal level with a high prevalence of the presidential role in this mechanism. This makes it so-called “manual control”, which accentuates the real dominance of the federal government in all federal mechanisms. These decisions are fulfilled by regional authorities with quite a narrow square for regional rejection.

Conclusion

Although legally a federal state, the Russian Federation shows quite a lot of traces of unitarism in the balance of relations between federal and regional governments. As I have stressed in this article, the intention behind this process was to stabilize the State and bring more security to the citizens. However, the issue is that it is necessary to be sure what level of unitarism is acceptable in such type of community in order not to lose control and equilibrium in such “manual construction”. The shell of a formal federation but lacks the substance in its operation might be dangerous for the state, its security and stability as well. This risk is deferred, but still, it is in place.

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