

Russian Federalism

1. Russia's distinguishing features.

Russia is a country with a vast territory, diverse geography and climate. It also has a large number of ethnic groups, counting as many as 193. The Russians comprise the vast majority, with 80% of the population identifying as ethnically Russian in the 2010 census. The ethnic composition varies across the country: indigenous people are a minority in Komi, Karelia and Udmurtia, but a majority in Khakassia, Mordovia and Buryatia. Ethnic nationalism is marked in some areas, such as Tatarstan and Bashkortostan, while in Chuvashia, Russian and ethnic Chuvash maintain close cultural links. Natural resource exploration has affected the ethnic composition in areas previously mostly populated by indigenous population, where economic migrants have now outnumbered local people. Although the Soviet Union exhibited some features of federalism, in reality it was a highly centralized state, with federal entities having no real power.



Source: AllRussias.com

2. Russia's federalism - main features

The Russian Constitution was adopted in 1993 after the dissolution of the Soviet Union and was preceded by a Federal Agreement signed by the different constituent entities of Russia. Only Tatarstan and Chechnya did not sign the federal agreement and unilaterally proclaimed their independence. Several republics adopted their own constitutions including the right to succeed from the Federation.¹ However, republican constitutions have been amended multiple times, as the centre was regaining power.

The Russian Constitution officially recognizes two levels of government, and mentions local self-government at the municipal level. Russian federalism is characterized by different federal entities, called subjects of federation, in total counting 85. The subjects were originally 89, but several mergers happened in the past decade. Of these 89, 32 were ethnically defined subjects, while the other 57 were territorially defined.

Republics have the highest level of autonomy and have a significant proportion of ethnic population. Autonomous areas are ethnic populated areas that are part of Russian-majority regions/territories. There are 21 republics, 49 regions, 6 territories, 4 autonomous areas (formally 10), 3 cities of federal significance (Moscow, Saint-Petersburg and now Sevastopol in Crimea) and 1 Jewish autonomous region. All subjects are equal according to the Constitution. However, in practice, Russian federalism is asymmetric, with different constituent entities enjoying different levels of autonomy. Furthermore, 4 (formerly, 10) autonomous areas are included in 7 regions/territories, which results in an overlap of jurisdiction between constitutionally equal federal subjects.

Besides different levels of autonomy, subjects differ greatly in their territorial size and levels of income. This in turn translates in unequal political power, as rich subjects,

¹ L.Kapustina, *Evolution of relations between the center and the regions and scenarios for federal development in Russia*, in *Federalism in Russia*, p.66

which contribute significant tax revenue managed to negotiate better relations with the centre, than those subjects depending on the centre for their economic survival.

Constitutions and Charters

Republics enjoy the highest level of autonomy. They have their own constitutions, a flag, an official anthem and an ethnic language, but in addition to Russian. Many republics adopted constitutions before the present Russian Constitution took effect and provided for significant autonomy, but have undergone significant changes in the last two decades because of the pressure from the centre. Regions and territories do not have the right to draft their own constitutions, but they can have a charter. The charter is adopted by the legislative body of the corresponding subject of the Federation (according to the art.66 of the Constitution)

Legislature

All federal subjects have their own legislatures. No exclusive legislative powers are reserved to subjects of the federation, instead they are only granted with residual powers. All subjects are entitled to having their own legislature, which can also be bicameral. Furthermore, they are entitled to choosing the number of elected members of parliament and electoral procedure. The number of deputies comprising the legislatures differs, with the biggest parliament that of the Republic of Bashkortostan with 120 deputies, and the smallest one in the Nenets autonomous area, with only 11 deputies.

Executive Power

Russia is a semi-presidential republic. The federal-level executive power is vested in the President of the Russian Federation and the Prime Minister. The president is elected by direct vote for a six-year term (previously four), while the Prime Minister is nominated by the President and is confirmed in the lower house. At the regional level, different subjects of the federation present different government structures and procedures to elect their government heads. Republics fall into three categories:

1. The republic has both the President and the Prime Minister. The President is elected by direct vote, while the Prime Minister is appointed by the parliament upon the nomination by the President (similar to the federal government). The president of the republic does not head the government directly, since this role is vested in the Prime Minister (Republic of Tatarstan).
2. The President of the Republic is the actual head of the government, and there is no post of the Prime Minister. The President would normally be elected by direct vote (Republic of Chuvashia).
3. The President is the head of government and is elected by the Parliament from among three candidates presented by the President of the Russian Federation (Republic of Dagestan).

In 2010, Russian President Dmitry Medvedev issued a directive ordering presidents of subjects of federation to be renamed as “heads of subjects of federation”, so that there is only one post of “president” - that of the President of the Russian Federation. All but one republic (Tatarstan, where ethnic nationalism is high) have since used the word “head” to describe the chief regional executive, despite their constitutions mentioning the position of a president.

The procedure of election/appointment of heads of the subjects of federation is not specified in the Constitution, making it vulnerable to changes. From 2004 to 2012, all subjects of federation had their heads appointed by the Russian President, in the stated attempt to boost security in the wake of a huge terrorist attack. Currently regions and territories have their heads of administration directly elected again in most regions, except for some, where they are still appointed by the Russian President (currently in Crimea).

The Russian president can dismiss the regional head with the approval from the national parliament, if they violate the Constitution or the federal law, or in case of other misconduct.

Judicial power

The Russian Federation has a Constitutional Court, which is tasked with resolving disputes between the two levels of government. Members of the Constitutional Court and those of the Supreme Court are appointed by the President, subject to ratification

of the Federation Council. Subjects of Federation have the right to establish their own constitutional courts (for republics) or charter courts (for other subjects of federation), although they are not obliged to do so under the federal law, and indeed not all subjects did that. These courts are responsible for interpreting regional constitutions and charters and resolving potential disputes resulting from actions of local and regional governments. Their decisions are final and cannot be appealed to any federal court.

Defining relations and settling disputes between the levels of government

The constitutional court is tasked with resolving potential disputes arising from power sharing between the central and regional level. Subjects of the federation can approach the Constitutional Court through their regional legislatures.

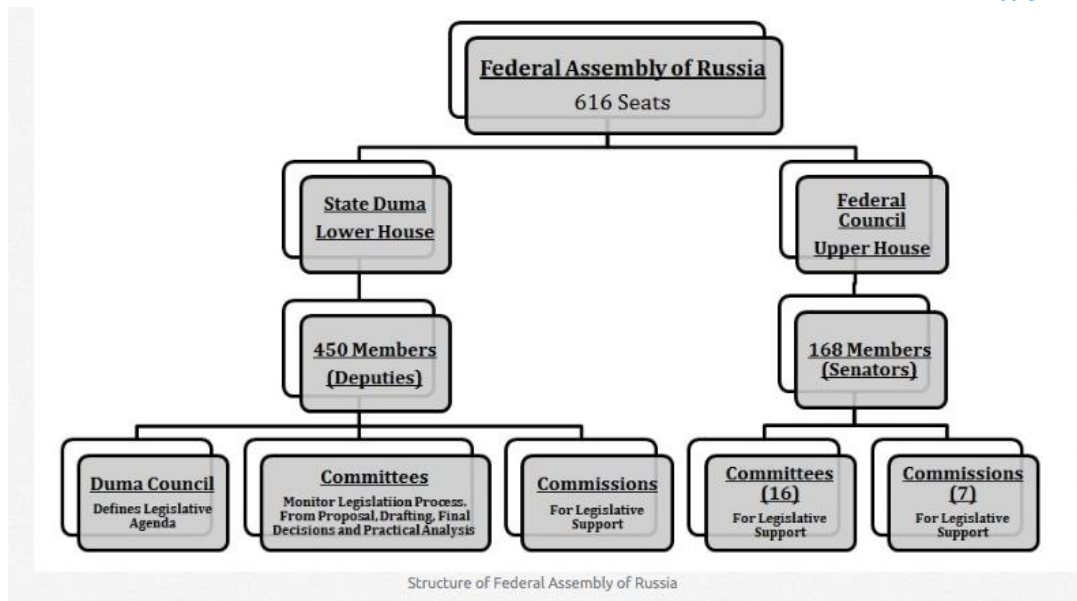
According to the article 78 of the Constitution, the federal bodies of executive power may transfer the fulfillment of a part of their powers to federal subjects by agreement with the bodies of executive power of the subjects, if that does not contradict the Constitution and the federal laws. This article opened an opportunity for negotiation of bilateral agreements, which now shape relations between the subject in question and the central level. Indeed, bilateral agreements have been renegotiated multiple times in the two decades of Russian federalism. When the Soviet Union fell apart in 1991, the new Russia had a weak centre, but since President Putin's ascent to power in 2000, the centre managed to significantly strengthen powers.

Overall, republics generally fared better in negotiating bilateral agreements. This in turn led to resentment from some regions. Bilateral treaties were essentially executive-led agreements, which were never challenged by the Constitutional Court. Finally, personal relationships between regional heads and central authorities proved to be important in obtaining a better deal from the centre. Relationships between an autonomous area and the region/territory containing it can also be defined by a bilateral agreement between the two.

Bicameral Legislature – Federal Assembly

The Federal Assembly of the Russian Federation consists of the State Duma (the lower house) and the Council of Federation (the upper house), which meet separately. Two representatives from each of Russia's federal subjects are sent to the Federation Council, regardless of the size of the population of the subject in question. The Council has the powers to veto the legislation of the lower house, which can be overturned by a two-thirds majority in the lower house. The Council can also independently draft federal laws. It has special powers that are accorded only to the Federation Council, such as approval of a change in borders between subjects of federation, approval of a presidential decree on martial law/state of emergency, impeachment of the President (the charges against the President are brought forward by a 2/3 majority in the State Duma), approval of the Constitutional Court Judges.¹

The Constitution does not mention the way these two representatives are chosen, and the procedure has been changed twice by Russian presidents. First, during the President Yeltsin time (1993-2000), the Federation Council consisted of the heads of the legislature and the executive branches from each federal subject. The procedure was changed under President Putin in 2000. The regional legislature and the executive each now send their delegates to the Federation Council, in the stated attempt to allow the Federation Council to meet 'full time'. The legislature sends its own representative for the time corresponding to its term (nominated by the Chairman of the legislature and confirmed by the legislature), while the head of the region also appoints its own representative corresponding to his/her term in office (must be confirmed by two thirds majority in the legislature).



Source: Ribbtes.com

Revenue sharing

The central government and subjects of federation have joint jurisdiction over land and natural resources, according to the article 72 of the Russian Constitution. Although Russian subnational governments are able to retain tax revenue, the amount is subject to the Russian tax law and has been changed multiple times during the years. For example, if before 2000, the Republic of Bashkortostan transferred around 20% of its tax revenue to the federal centre, the figure increased to more than 50% after 2000.² Living conditions differ greatly across the country. At the federal level there is a fiscal equalization fund and a system of intergovernmental grants. However, the provision of help only partly depends on the needs of the subject in question, and often it also depends on political relations.³

Office of the Representative of the President in federal districts

To strengthen the federal centre, President Putin divided the country into seven major districts (now eight), grouping together dozens of federal subjects in a way that each district included both territorially defined subjects and ethnic republics. To each

² C. Ross, *Federalism and Democratization in Russia*, Manchester University Press, 2002, p.88

³ M. Schrooten, *Fiscal Federalism and Regional Development in Russia*, Review Region et Developpement, n.18, 2003

district, he assigned the representative of the president, whose role is to check compliance with the Russian Constitution and federal laws, oversee the placement of staff in federal institutions at local level, as well as report back to the president on the state of affairs in subjects of the federation. Presidential representatives are accompanied by around 100 staff and are accountable to the president of the Russian Federation, while being funded directly by the presidential administration to make them less prone to influence by the regional heads.

Conclusions: Lessons relevant for Myanmar

Russian federalism is asymmetric, with different constituent units having different levels of autonomy, although according to the Constitution all federal subjects are equal. Russia has both ethnically and geographically defined constituent units of federation, which makes it a relevant case study. The relationships between the centre and each constituent state are defined bilaterally, and richer and more powerful subjects are capable of negotiating a better deal from the central government. Ethnically defined constituent units (republics) have generally fared better in negotiating agreements, due to the influence of local elites. Another interesting point to consider is the presence of autonomous areas/regions (ethnically defined) within the boundaries of a region (geographically defined). This can be relevant to Myanmar (i.e. special administrative zones and areas). The Russian case shows that relationships may become extremely complicated, in the absence of an efficient coordination mechanism between the three levels.

Overall, Russian federal structure since 1992 has been very unstable: it started with a very weak centre after the Soviet Union collapse and the centre managed to regain the power after 2000. The central government has continuously changed federal laws, which often made provisions in republics' constitutions invalid. It is difficult to say whether this could have been prevented. The Constitutional Court never challenged bilateral agreement between the centre and constituent units. At the same time, the possibility to constantly renegotiate relationships and obtain a better deal from the centre (fiscal transfers, revenue sharing arrangements) have likely contributed to the lack of strong opposition from the republics (ethnically defined) to a progressive decrease in their powers, while many less well-off regions (geographically defined)

could not probably afford to oppose, being dependent on the centre for their economic survival.

ⁱ A complete list of special powers accorded to the Federation Council is provided below. Source: Federal Assembly, *Russian Government Official Website*, available at http://www.gov.ru/main/page7_en.html

1	Approval of changes in borders between subjects of the Russian Federation;
2	Approval of a decree of the President of the Russian Federation on the introduction of martial law;
3	Approval of a decree of the President of the Russian Federation on the introduction of a state of emergency;
4	Deciding on the possibility of using the Armed Forces of the Russian Federation outside the territory of the Russian Federation;
5	Declaring of elections of the President of the Russian Federation;
6	Impeachment of the President of the Russian Federation;
	Approving the President's nomination of judges of the Constitutional Court of the Russian Federation, of the Supreme Court of the Russian Federation, of the Higher Arbitration Court of the Russian Federation;
8	Approving the President's nomination of the Attorney General of the Russian Federation;
9	Appointment and dismissal of the Deputy Chairman and half of the auditors of the Accounting Chamber.