The Past, Present, and Future of the Russian Federal State

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Where did Russia’s federal state come from, where has it been, where is it going, and why does it matter beyond a small circle of Russia specialists? Taking the last question first, the success or failure of Russia’s transformation into a stable market democracy will determine the degree of stability throughout Eurasia. For such a large multinational state, successful political and economic development depends on building an efficient democratic federal system. Indeed, one of the main institutional factors leading to the demise of the Soviet partocratic regime and state was the considerably noninstitutionalized status of the RSFSR (Russian Republic) in the Soviet Union’s pseudofederal, national-territorial administrative structure. Only a democratic federal system can hold together and effectively manage Russia’s vast territory, the awkward administrative structure inherited from the failed USSR, and hundreds of divergent ethnic, linguistic, and religious interests. Dissolution or even any further weakening of Russia’s federal state could have dire consequences for Russian national and international security by weakening control over its means of mass destruction.

Russia’s challenge is historically unprecedented. No state of Russia’s size and complexity has ever needed to develop national identity, democratize, marketize, and state-build simultaneously. Moreover, no empire has ever reformed itself into a federal democracy. The Ottoman, Austro-Hungarian, Imperial Russian, and Soviet cases are a few of the failures. The Soviet collapse can be considered the first stage of Russia’s effort to transform the legacy of empire and unitary rule into a functioning federal state. Its failure might be a harbinger of things to come. Russia, like the USSR, is a uniquely unwieldy entity territorially, ethnically, and confessionally. Its square mileage and border lengths dwarf those of other states, and its multitude of nationalities is rivaled by few. Demographically, non-Russians, in particular “ethnic Muslims,” have higher birth rates than do ethnic Russians. The national identity of non-Russians is

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growing, and as a consequence Russians will feel, if they do not already, that they are less welcome in the national republics than hitherto. Russia incorporates almost every religion and is the only state that borders the Confucian, European, Arab, and Islamic civilizations simultaneously. The “border” between the increasingly troublesome Islamic world and Russia’s Orthodox civilization runs through Russia. For those reasons, the challenge that Russia faces in building a democratic federal system is unparalleled. Succeeding is of the utmost importance for the Russian state’s preservation and transformation into a market democracy. However, the temptation of a unitary state is strong for leaders whose Russian volkstaat is a large majority of the population (80 percent) spread across a tenuously interconnected supercontinent. This instinct is reinforced by the recent time of troubles, emerging threats along its borders, and a growing gap between its economy and the globalizing international economy. In short, much in Russia works against an impulse to federalize.

Moreover, Vladimir Putin inherited from Yeltsin a Russian state that was poorly institutionalized—a chaotic, mixed, quasi-federal/quasi-confederate state barely able to negotiate its multitude of interethnic and interconfessional relationships or to establish a market, democracy, or the rule of law. There have been persistent danger signs regarding the federation’s cohesion. The Yeltsin era of “take as much sovereignty as you can swallow” allowed many regions to maneuver into a relationship with Moscow that was highly attenuated, ranging from de facto independence in post-Khasavyurt Chechnya (1996–99) to loose, treaty-based federative relations for a majority of the national republics, and even confederate relations for Tatarstan. The ability and willingness of the center to continue to buy off the national republics with budgetary handouts are limited by a shortfall of financial resources and a Russian ethnic state wary of militant Chechens and potential Tatar, Bashkir, or other separatists. This is impinging on Russia’s capacity to manage interethnic relations in the North Caucasus and along the Volga—a task Moscow must undertake while it simultaneously struggles to preserve its sovereignty over eastern Siberia and the Far East, which are dangerously destitute, depopulated, and deluged with illegal immigrants and business interests from overpopulated regions across the Chinese border. Thus, Russia is threatened by interethnic instability, even violence and disintegration in three megaregions: Russian Asia, the North Caucasus, and the Muslim Volga regions of Tatarstan and Bashkortostan. Putin’s federative reforms risk increasing dangers from the latter two regions.

Revolution from Above and Russia’s Asymmetrical Federalism

Russia’s revolution from above against the reforming Soviet communist regime of Mikhail Gorbachev encouraged ethnonational and regional assaults from the Russian Federation’s periphery against the post-Soviet regime in Moscow. This was a consequence of intense infighting among three elite factions of the party-state apparatus set in motion by Gorbachev’s early ideological and institutional reforms. For each of the factions, institutional reorganization was the political weapon of choice. Horizontally, Gorbachev transferred significant power from
the party apparatus to state organs, such as the soviets and the new USSR executive presidency, and began the process of separating the party and state apparatuses. Vertically, Gorbachev supported some decentralization of power from Moscow to the republics, ostensibly to realize the false promise of federalism in the Soviet Constitution. Boris Yeltsin, in attempting to push Gorbachev to reform faster and to undermine his power, used the RSFSR protostate's apparatus to push for not only a full division of the party-state and democracy but also the creation of a loose Soviet confederation that would leave the center with minimal authority over domestic affairs. To achieve the former goals, he began to expel party organizations from RSFSR state bodies and enterprises and created an elected Russian presidency. To achieve the latter, he backed a financial revolution, the Baltic and Georgian drives for independence, and other union republics' pushes for sovereignty, signing economic treaties with them to circumvent the union state apparatus and Gorbachev.

In response, Gorbachev won adoption in April 1990 of an amendment to the Soviet Constitution giving the autonomous national republics in the RSFSR status equal to the union republics as "subjects" or members of the union. This extended the parade of sovereignties to the regional level and later in some places to the subregional level. Not only Gorbachev but Communist Party hardliners tried to play this game, urging party organizations in regions, particularly in the national autonomies, to push for secession or extended sovereignty from the RSFSR and sovereignty- and independence-minded union republics in the Baltics and Transcaucasia (North Ossetia and to some extent Tatarstan and Bashkortostan in the RSFSR, South Ossetia and Abkhazia in Georgia, Narva in Estonia). Yeltsin countered by co-opting the movements for sovereignty in Russia's national autonomies. Two months after his election as chairman of the RSFSR Supreme Soviet and the RSFSR's adoption of the Declaration of Sovereignty, Yeltsin traveled to Tatarstan's capital, Kazan, on 5 August 1990 and told Tatars and Russia's regions to "take as much sovereignty as you can swallow." In Tatarstan, which had the strongest nationalist movement at the time, Yeltsin's gambit allowed the republic's leader, former Tatarstan Communist Party first secretary and then Tatarstan Supreme Soviet chairman Mintimer Shaimiev, to co-opt moderate Tatar nationalists, Russians, and moderate communists for backing extended sovereignty rather than secession. This undercut the radical Tatar independence movements and hardline Russians and communists at the ends of Tatarstan's political spectrum. Shaimiev could also tell hardliners in the CPSU, of which he was still a leading member, that his sovereignty drive was undercutting Yeltsin's efforts to destroy the Soviet regime and union state.

In some Russian regions Yeltsin's policy helped lead to a national liberation revolution from above (violent in Chechnya under General Dzhokhar Dudaev, and peaceful in Tatarstan under Shaimiev). In most regions former communist leaders retained power and resisted Yeltsin's democratic revolution from above. Some began quiet authoritarian counter-revolutions (in most national republics). In almost all regions, political and economic power was retained for the old nomenklatura, though some went along with Yeltsin's semidemocratization. The
bureaucratic method of establishing the national autonomies' sovereignty and dismantling the party-state and union from above by way of presidential decrees and other laws both before and after the failed August 1991 coup preserved the nomenklatura's power. On the other hand, although revolution from above blocked rapid democratic and market transformation, its conservative nature may have prevented or at least forestalled civil war and the dissolution of the Russian Federation in the wake of the ancient régime's demise.

After the Soviet Union crumbled, the underdeveloped RSFSR protostate was unable to contain the sovereignty movement from above that it had encouraged across Russian territory. Even in the "Russian" regions, the sovereignty movement caught on. Sverdlovsk Oblast governor Eduard Rossel declared the oblast "the Urals Republic" to give it access to the special status that the autonomous oblasti and republics had won for themselves. Below the regional level, some districts began to set up customs posts and forbid "exports" as the sovereignty movement broke up not only the union's but the RSFSR's common economic organism. To halt the free fall, Yeltsin proposed a Federation Treaty for Russia, much as Gorbachev had sought a Union Treaty to save at least some of the USSR.

From here a spectrum of degrees of autonomy or sovereignty within the highly asymmetrical federation emerged: from de jure and de facto independence to loose confederate, confederate, loose federal, and federal relations. Chechnya and Tatarstan refused to sign the 1992 Federation Treaty. However, Dudaev declared Chechnya's secession from the Russian Federation and stockpiled weapons purchased from other sources, as the decaying Soviet military was torn asunder by the revolution from above. Chechnya soon found itself in civil war. Subsequently, Chechnya has gone through several stages in relation to the federation. They include de facto, and arguably de jure, independence after the 1996 Khasavyurt agreement ending the first post-Soviet Chechen war until the second war began in September 1999, followed by military occupation and direct federal rule since 2000.

Tatarstan was able to forge a loose confederate relationship with the center, leading the way in building Russia's rather loose "asymmetrical federalism." In February 1994 Kazan was the first to sign with Moscow a bilateral federal-regional treaty on sharing competencies and powers, after two years of difficult negotiations. Such power-sharing treaties, according to the Russian Constitution's Article 11.3, may redistribute between Moscow and a region the joint federal-regional competencies and powers listed in the Russian Constitution's Article 72. However, the Moscow-Kazan treaty went further, redistributing some Article 72 federal powers to Kazan and stipulating that the republic was "a state united with the Russian Federation," as opposed to a subject of the federation. This relationship, the treaty reads, is based on not only the treaty and Russian Constitution but also the 1992 Tatarstan constitution. The latter constitution stipulated that the republic was not united but was a "sovereign state" merely "associated with" the federation and was an independent subject of international law. It also contained numerous violations of the Russian Constitution and federal law (as did Tatarstan's legislation), including the superiority of regional law over federal law in the event of contradiction. Subsequent agreements with Moscow gave Kazan even more rights,
including the right to retain 75 percent of tax revenues collected on its territory, 50 percent more than allowed to most other regions, particularly those that never signed a treaty with Moscow.

Eventually, forty-five regions, mostly the national republics, would follow Kazan’s example and develop this elite-negotiated, legalized, or “official” form of asymmetrical federalism. Exclusively “unofficial asymmetry” was maintained among forty-three regions that did not sign a treaty with Moscow and enjoyed few or no special rights or status in relation to the center. Many of these regions—like the others but less so—took liberties for themselves in adopting regional constitutions (or charters) and legislation, violating the Russian Constitution and federal laws. Unofficial asymmetry is thus distinct from official asymmetry in that it is not juridically sanctioned either by treaty, as with Russia’s other regions, or by referenda, constitutions, and joint federal-regional legislative approval, as in other asymmetrical but more democratically institutionalized federations such as India’s and Spain’s.

Under the extensive sovereignty and official and unofficial asymmetry of the Yeltsin era, governors and especially republican presidents expropriated many executive functions and federal organs located in their regions. Police, tax, court, and other federal officials became subservient to regional governments, despite the federal constitution’s stipulation that such agencies are subordinate to the federal government. Tens of thousands of laws, constitutional clauses, executive orders, and resolutions adopted in the regions violated the constitution and federal law, often at the expense of democratic governance, political and civil rights, and market development. Thus, some “gathering in” of Russia’s regions became necessary after Yeltsin for Russia to build a law-based democratic federal state.

The Impact of Putin’s Federative Reforms on Federal Democracy

On assuming the Russian presidency in May 2000, Putin placed at the top of his agenda a policy of strengthening the state’s “vertical executive” power and reintegrating Russia’s “legal space.” The ensuing federative reforms—the reorganization of the Federal Assembly’s upper house, the Federation Council; the creation of seven federal districts; greater centralization of tax revenues; and the abrogation or revision of federal-regional bilateral treaties and agreements to do away with official asymmetry—have led to a considerable recentralization of power in the federal government and have weakened the influence of regional actors at the federal center. However, the elimination of unofficial asymmetry, by forcing regional governments to bring their constitutions and laws into conformity with the federal constitution and laws, could support democratization in the regions.
Federal Bureaucratic Recentralization

Putin’s reorganization of the Federation Council has tipped the balance of power too much in Moscow’s favor. Replacing governors and legislative chairmen with appointed representatives allows Moscow to shape the council’s membership, especially through the appointments of the governors’ representatives. (It is easier to convince one official than fifty to one hundred.) Former federal officials and Moscow-based oligarchs now make up about one-third of the council, buttressing a large pro-Kremlin majority. Thus, the council functions less as an upper chamber in a federal system should—as the regions’ voice in federal lawmaking—or as a legislature should, as a check on executive power. A new law on legislative reconciliation procedures, adopted this year, confirms (since the council approved it) and compounds the regions’ loss of voice at the center. Previously, a draft law in the Duma had to be reviewed by joint federal-regional reconciliation commissions if there was a protest from either the executive or legislative branches of one-third of the regions. Now a region is considered to have protested only if both the executive and legislative branches issue a protest. More positively, a bill before the Duma would give regions more power to recall senators, subordinating them more to their regional elites’ interests, at least.

The creation of seven federal districts (FOs), each composed of six to fifteen regions and headed by a presidentially appointed envoy (polpred), reinforces bureaucratic-authoritarian aspects of Russian governance. Putin intended the FOs to reintegrate Russia’s legal space and executive vertical and reassert federal control over the Procurator General’s Office; the Internal, Finance, Tax, and Foreign Ministries; and other federal departments’ regional branches. The FOs arguably are unconstitutional. They form an administrative division of the country not stipulated in the constitution by adding a new level of bureaucracy at the FO level within executive structures. Lack of clarity regarding their functions allows for greater noninstitutionalized power and extralegal interference in the regions. Polpredy have used law enforcement agencies to interfere in regional politics, including elections. The Southern FO engaged in arbitrary administrative interference during Ingushetia’s presidential election in May 2002. Surely at Moscow’s behest, it arranged for the annulment of one leading candidate’s registration and a criminal investigation into another, ensuring an election win for the region’s FSB chief.

Putin also has moved to recentralize tax revenues. Under Yeltsin revenues were split roughly fifty-fifty between the federal and regional levels of government. The power-sharing treaties and attendant agreements signed between Moscow and forty-six regions, however, allowed some regions to keep more tax revenues than other regions. The national autonomies, especially the republics of Tatarstan, Bashkiria, and Yakutia (Sakha), were the greatest beneficiaries of interbudgetary asymmetry. For 2002, the federal-regional revenue-sharing ratio will likely be sixty-three to thirty-seven, violating the Russian Budget Code’s fifty-fifty requirement. This has drained regional coffers just as Moscow raised the salaries of state workers and the electricity monopoly demanded prompt payment of arrears and current accounts. The word is that the 2003 interbudget ratio will be more balanced.
Moreover, as of April 2002 Putin had abrogated or let expire without renewal thirty of the forty-two federal-regional bilateral treaties with forty-six regions (some treaties were signed by more than one federation subject). The rest were supposed to be brought into conformity with the constitution and federal law by 28 June, but this did not happen. In his 18 April annual message to both houses of the Federal Assembly, Putin acknowledged for the first time that such treaties were constitutional. Indeed, Article 11.3 forms the basis of official asymmetrical federalism by allowing for power-sharing treaties and agreements. Some treaties, therefore, are likely to be saved if they are brought into conformity with federal law. Negotiations have begun with Tatarstan and Bashkiria. Although these republics may win a few compromises from Moscow, the elimination of most official asymmetry seems certain. In combination with other factors discussed below, the repeal of asymmetry—important pillars of legitimacy and stability in the republics—could mobilize the republics' titular nationalities and destabilize the federation (see below). However, Putin also proposed that future power-sharing treaties be approved by both houses of the Federal Assembly. To some degree, this would democratically embed and legitimize the treaties, which until now have been products of interexecutive (federal-regional) branch negotiations.

Putin is also moving to eliminate the real source of much unofficial and official asymmetry: the Russian Constitution's Article 72. Its Articles 71–73 apportion various spheres of activity to federal, joint federal-regional, and regional jurisdiction, respectively. Article 73 gives regional authorities all spheres not listed in Articles 71 and 72. The provision of powers to regional authorities according to the "leftover principle" would not be so problematic if almost every competence imaginable were not listed in Articles 71 and 72. Moreover, the stipulation of joint federal-regional jurisdictions leads directly to contradictory federal and regional laws, especially since much regional and local lawmaking and many constitutions preceded the 1993 Russian Constitution and federal legislation and later simply ignored federal lawmakers. Article 11, which provides for power-sharing treaties and attendant agreements as one mechanism by which contradictions between federal and regional laws can be resolved, also refers to the courts. Article 85 provides for conciliation procedures and, in the case of illegal acts issued by regional executive branches, even presidential abrogation. However, these mechanisms never achieved the desired result. Treaty clauses often violated the constitution and federal laws, and agreement procedures were hardly used. Only the threat of federal intervention and removal from office seems to have been effective in harmonizing regional norms, but this has created considerable dissatisfaction among regional leaders, especially in the national republics.

To compensate for the end of asymmetry—both official (the bilateral treaties) and unofficial (regional laws and constitutions/charters that violate federal norms)—Putin established a federal commission to examine the issue of a redistribution of jurisdictions and powers. It could call for distributing the joint federal-regional competencies mentioned in Article 72 across federal, regional, and local jurisdictions. In late July, the commission, headed by Presidential Administration
Deputy Head Dmitry Kozak, submitted to the president its “Concept for Delineating Competencies and Powers between the Bodies of Power of the Russian Federation, the Subjects of the Federation, and of Local Administration.” If enough competencies and taxation authority go to the regions and local leaders, then many problems plaguing Russia’s asymmetrical federalism would be resolved. Giving all regions considerable autonomy could reduce the national republics’ demands for asymmetry and the envy of it by the “Russian” regions.

The reforms outlined above have inordinately increased centralization and strengthened bureaucratic-authoritarian elements in Russian federalism. The Federation Council’s “deregelionalization,” the centralization of tax revenues, and the dismantling of treaty federalism have inordinately increased centralization. The FOs promote arbitrary bureaucratic-authoritarian interference in regional politics. Another reform—the harmonization of regional law with federal law—partially compensates for these setbacks in federal democracy but over the mid to long term may undermine political stability.

**Putin’s Legal Harmonization Policy**

The main goals of Putin’s federal reform agenda are to strengthen the Russian state’s executive vertical and reintegrate its economic and legal space. To accomplish these goals, thousands of violations of the constitution and federal laws in regional constitutions and legislation have to be repealed or amended. To uproot these sources of unofficial asymmetry (and regional autonomy), Putin instituted a mechanism for “federal intervention” that allows the Russian president to remove regional chief executives or disband regional legislative bodies and call for elections after a series of court decisions and a presidential warning. The president may also terminate a term if the General Procurator finds evidence that a governor or republican president committed grave crimes. To disband a regional legislature, the president must also get final approval from the State Duma.

The built-in constraints on the president’s federal intervention powers are sufficient to stay his hand in all but the most egregious cases of willful violation of the law. Indeed, Putin has yet to issue a presidential warning, and the Kremlin has limited itself to leaks that such a warning might be forthcoming. Releasing a listing by federal prosecutors of potential recipients of a warning has been enough, it seems, to spur regional legislatures to redress violations. The moderation of Putin’s course is underscored by other factors. Regional laws and acts found to be in violation of the constitution or federal laws before 1 August 2000 were to be brought into accordance with federal norms by 1 February 2002. This target was not met, but Putin still refrained from issuing a warning even to weak regional violators like the Republic of Adygei.

Putin’s legal harmonization drive began in fall 2000. Prosecutors aggressively set out protesting regional laws and constitutions and challenging them in court. According to an April report, of more than six thousand laws regarded by prosecutors as violating federal norms at the beginning of the harmonization process, some 5,800 were brought into conformity with federal law by April 2002—an average of sixty-four per region. Some, but certainly fewer, new
regional laws and acts are still being passed that violate federal law. By April 2002 all but some ten of the more than sixty regional constitutions found by prosecutors and/or courts to be in violation of the federal constitution were brought into conformity. Thousands of subregional or local laws and acts that violate federal law are only now beginning to be harmonized.

Many regions, especially sovereignty-minded republics like Tatarstan and Bashkortostan, are resisting the elimination of unofficial asymmetry and their autonomy. Thus, the republic constitutions of Tatarstan, Bashkortostan, and a few others remain in violation of the constitution, according to federal authorities. As late as June 2002, Bashkortostan still had fifty-five acts on its books violating federal norms, according to federal prosecutors. Despite two court decisions that struck down most of those, the republic decided merely to set up a commission to begin drafting constitutional amendments, rather than repeal the offending clauses. Tatarstan’s legislative State Council abruptly recessed for the summer after federal prosecutors filed yet another protest against its constitution, just amended in May under the federal harmonization drive, thus ensuring that its constitution would remain in violation of federal norms until at least September 2002. These republics have repeatedly employed such delaying tactics.

Of all Putin’s federative reforms, the legal and constitutional harmonization process has the most direct bearing on issues of democracy. By the end of Yeltsin’s tenure, about one-third of the eighty-nine subjects of the federation had authoritarian regimes, with constitutions and laws that violated not only the Russian Constitution and federal laws but in particular its provisions on democracy and civil rights. Especially in the national republics, strong, almost Soviet-style executive powers and authoritarian rule persisted. Regional constitutions and election laws still allowed regional chief executives, especially republic presidents, to appoint local and city administration heads. The latter in turn were permitted to run for seats in the regional legislature. This violated the democratic principle of the separation of powers and helped regional chief executives, who control administrative resources during elections, to pack pocket parliaments with supporters. In these and other spheres, the harmonization policy is doing away with many undemocratic regional laws and, perhaps, practices. This is occurring as other federative reforms undermine the federal-regional balance of power that democratic federalism presumes.

**Harmonization and Democratization in the Regions**

The harmonization process appears to be facilitating democratization in several spheres, including the separation of executive, legislative, and judicial powers; election law; political and civil rights; and the demand for democratic law. By reopening the issue of institutional design and division of powers, harmonization has led in several cases to conflict between executive and legislative branches over institutional design, which has frequently weakened authoritarian regional regimes by reducing executive branch powers and enhancing legislative branch powers. It is also convoking stakeholders in civil society who support not just harmonization but more democracy. In Tatarstan, Bashkortostan, Marii El, and
Kursk, legislatures have revoked executives’ power to appoint local and municipal administration heads and laws allowing such officials to then run for regional parliament seats in of federal law. Moreover, the process created demand for an amendment to federal law that would forbid the latter practice altogether. On 7 May 2002 Putin signed such an amendment to the law on the formation of regional government, strengthening the separation of executive and legislative powers in the regions.

The harmonization process is also providing an opening through which other imbalances of executive and legislative power can be redressed. Executive powers, including those of appointing regional premiers, deputy premiers, and ministers, have been redistributed to many regional legislatures. In the regions of Kursk, Saratov, and Tver and the republics of Bashkortostan, Kalmykia, Komi, Tatarstan, and others, charters and constitutions have been or are being amended to increase the legislature’s confirmation powers, checking executive power. In Komi, the political tug of war last year between the republic president, who had run Komi for twelve years, and the legislature not only led to more balance between executive and legislative power, it also contributed to the victory of the legislature’s more prodemocratic chairman in the republic’s presidential election. In Kalmykia and other authoritarian regions, elections of local and city administration heads have been reinstated, as have the elections of councils. In some cases, courts are mandating that elected councils elect administration heads. In some regions, such as Primor Krai, local councils’ powers have been enhanced to check those of administration heads.

In federal democracies, the federal government must lead in limiting the arbitrary actions of regional officials, who for ideological or local political reasons willfully violate citizens’ constitutional political and civil rights, as occurred during the black civil rights movement in the United States. Putin’s harmonization drive appears to be contributing to new protections of political and civil rights in some regions, even as the secret services continue to violate them in other spheres. For example, the Republic of Kabardino-Balkaria’s newly amended constitution restricts republic authorities’ power to ban public demonstrations, meetings, and rallies, in accordance with federal law. In Tatarstan the new constitution anticipated the new federal Legal Code’s ban on detaining citizens for more than forty-eight hours without a court warrant. In Krasnodar Krai, prosecutors are preparing a court challenge to the Krai policy of deporting Meskhetian Turk refugees from the region, deeming it a violation of federal law.

Often, the defense of electoral rights overlaps that of national minority rights. Discriminatory election laws have been repealed in Tatarstan, Bashkortostan, and
Adygei. For instance, Russia's Constitutional Court struck down as unconstitutional Tatarstan laws creating electoral districts extraordinarily unequal in size, which not only created unequal representation of individual voters but increased the number of Tatars in the parliamentary State Council to a percentage far above that in Tatarstan's population. Also, regional minorities are seeking federal support for equal language rights. In Bashkiria, local Tatars, appealing to federal authorities to put an end to President Murtaza Rakhimov's "Bashkirization" policies, are opposing the republic's state language law—which gives state status to Russian and Bashkir, but not Tatar—for violating the constitution. This marks a larger trend: NGOs and others, sometimes joining with federal prosecutors, are challenging regional violations of federal law and constitutional rights in the courts. Adygei's effort to stack a new upper house with representatives of the Adygei minority was overturned in this way.

Thus, the harmonization process is provoking a demand for judicial review of federal and regional laws and constitutions not only from federal prosecutors but also from regional elites "above" and society "below." Regional authorities are beginning to challenge federal norms that contradict their laws as well as court decisions that strike down their regional norms. Three regions even challenged the constitutionality of Putin's amendments to federal law that established the power of federal intervention, winning a decision that required at least an additional, third court decision to remove regional authorities from power. Regional national minority associations and NGOs are demanding implementation of federal laws, challenging discriminatory or repressive regional laws in the courts, and often winning. Thus, the process is helping civil society defend democratic legal norms and providing federal authorities with societal stakeholders in the harmonization policy, improving the odds of its implementation. In short, the reforms are not simply reintegrating Russia's legal space, they are assisting democracy-building. Critics of Putin's federative reforms should acknowledge this positive result, which mitigates some of the negative aspects of these and other Putin policies.

This is not to say that legal harmonization is eliminating authoritarian law or practice. In a few cases, the political opening created by the need to redraft constitutions led to a rolling back of democratic standards. Other democracy-constraining regional laws remain in effect. Tatarstan's law on holding public demonstrations still requires organizations planning to hold a demonstration, meeting, rally, or picket to petition regional authorities for permission. Federal law only requires notification of authorities regarding such plans. In addition, the tendency of the center to demand regional conformity with federal laws is prolonging the tendency of Russia's federal authorities to seize control of any and all functions, even if they regard a sphere better left to regional or even local authorities. For example, specifics in Tatarstan's laws on traffic violations and on awarding medals to mothers who give birth to more than one child were deemed to violate corresponding federal laws and ordered to be amended or repealed.

Also, other decisions indirectly related to federalism are tending to negate the democratic gains won by eliminating unofficial asymmetry. Constitutional
amendments requiring that 50 percent of a regional parliament’s seats be apportioned by proportional representation and mandating that only federal parties can put forward party lists or form electoral blocs of no more than three organizations will severely limit regional parties’ ability to take significant numbers of regional parliamentary seats. Thus, regional opposition groups, especially those standing for greater decentralization and regional autonomy, will lose a legitimate political voice in regional politics. The Constitutional Court’s 9 July 2002 decision to allow governors and republican presidents elected after October 1999 to run for a third term will allow many authoritarian national republican presidents to remain in power for third and fourth terms. For example, Bashkiria’s authoritarian president, Murtaza Rakhimov, could be in power until 2013.

Time will tell how the confluence of all the policies influencing Russian federalism and regional politics plays out. It is clear, however, that state-building, even when undertaken to centralize power, is not necessarily a zero-sum game won at the expense of democracy and the rule of law. At the same time, democratization in the regions, in combination with the reforms’ assault on regional autonomy as well as other factors, could contribute to increasing political and federative instability.

Possible Implications of Reforms for the Future of the Russian Federation

Putin’s federal reforms could have important unintended effects on the Russian state’s federal-regional, interethnic, and interconfessional relations and international security. Moscow’s recentralization of power and assault on the national autonomies’ sovereignty, combined with any long-term shift toward democratization of regional politics, could create tectonics that destabilize some of the national republics, perhaps most importantly Tatarstan.

The Tectonics of Federal-Regional and Intraregional Processes

Recentralization’s dismantling of what were essentially federative conflict resolution mechanisms, such as the bilateral treaties and the Federation Council, just as the reforms mobilize ethnoregional opposition to the repeal of national autonomy and deprive regional leaders of a tax base for solving social problems, creates a worrisome dynamic toward instability. Moreover, the effect of ethnic mobilization of regional and even federal-regional politics could be heightened by the harmonization process’s possible democratization effect in the regions.

The symmetry across regions and the imbalance between federal and regional revenues under Putin’s more centralized fiscal federalism, although they have little direct bearing on democratization, were crucial factors of state stability. Nationalism in national autonomies like Tatarstan and Bashkiria was contained by Yeltsin’s asymmetrical fiscal federalism. It allowed Moscow to buy off potentially destabilizing titular national autonomies, most importantly those with large Muslim populations like Tatarstan and Bashkiria. Republic presidents, like Tatarstan’s Shaimiev, were more easily able to marginalize radical nationalists by the mid-1990s, because relative socioeconomic strength reduced interethnic competition for resources and, in tandem with concessions by Moscow on sovereignty
and other issues, assuaged nationalist aspirations. The risks of seceding seemed prohibitive, given the fiscal and other rights won in treaties and agreements with Moscow. But Putin’s centralization of tax revenues is draining regional coffers.

Moscow is trying to preserve some fiscal asymmetry by compensating autonomy-minded republics such as Tatarstan through the financing of federal socioeconomic development programs. For 2002, Kazan was promised financing for its socioeconomic program, exceeding by a factor of ten the funds for programs to all regions in the Far East together. Such imbalances will not fully compensate regions for the revenues lost by the centralization of tax revenues, but they will anger governors of ethnic Russian regions and increase the odds of interethnic competition for resources. Republic leaders, like Tatarstan’s Shaimiev, already were complaining that budgetary and overall centralization leaves them with all the responsibility but no resources for governing. Such grievances were heightened by Putin’s mid-July musings that it would be good to put all natural resources under federal control again and allow the removal of governors who allow economic crises to develop in their regions.

Regional leaders could pool their efforts and try to form a regional elite opposition to Putin as Moscow mayor Yuri Luzhkov, St. Petersburg governor Vladimir Yakovlev, and Tatarstan’s Shaimiev did prior to the 1999 State Duma elections. However, indications to date are that this would fail. The Kremlin uses effectively the stick of kompromat and the carrot of compromise (such as offers of additional gubernatorial terms) to co-opt regional leaders. Moreover, at the same time that the federal government is making it more difficult for regional leaders to solve their regions’ socioeconomic problems, it is also preventing them from defending regional interests in the center, as it now largely controls the Federation Council. Also, to the extent that Putin’s harmonization policy democratizes politics, regional leaders, especially in the national republics, may be forced to turn “below” for allies among the mobilized ethnic opposition forces or be swept from power by them.

In some of the most crucial of the thirty-two titular ethnonational republics, the assault on republican sovereignty is mobilizing some ethnic opposition. As regional electoral and other laws are reformed, regional chief executives may have a harder time holding on to parliamentary majorities or even office than they otherwise might have. This increases the prospects of radical nationalists’ coming to power in the Muslim republics, such as Tatarstan or Bashkortostan, opening the way for radical Islamists to proselytize and otherwise sow discord. Other Putin policies are increasing nationalists’ frustration over the federal assault on republican sovereignty. Encroachments on media freedoms could frustrate oppositional political ambitions. Radical ethnic movements whose voices are quashed (if not moderate authorities unable to defend their compromises of ethnonational interests) will be inclined to support exit from the federation sooner rather than later.

Changing Interethnic and Interconfessional Dynamics
This kind of dynamic has the potential of undermining interethnic relations in the national republics, most importantly Russian-Muslim relations in the seven
republcs, in addition to Chechnya, where the titular nationality is Muslim: Tatarstan, Bashkortostan, Dagestan, Ingushetia, Kabardino-Balkaria, Karachai-Cherkessia, and Adygei. However, ethnic, political, religious, and geographic divisions help confound the unity of Russia’s Muslims. Geographically, Tatarstan and Bashkortostan are located along the Volga River east of Moscow, separated by considerable distance from the North Caucasian Muslims. Ethnically, there are some forty considerably diverse groups. There are divisions over culture and language, for example, between Avars and Chechens and between Tatars and Bashkirs. Ideoreligiously, Sunnis, Sufis, moderate jadidists, and radical Wahabbis compete for the hearts and minds of Russia’s Muslims. Politically, there is considerable competition for the leading role among Russia’s Muslims among various parties and between the Ufa-based Russian and European CIS Countries Central Muslim Religious Board (TsDUM) and the Muslim Council of Muftis.

The role of the traditionally moderate but increasingly nationally conscious Tatars could be decisive for the fate of the Russian federal state. Much of Moscow’s pressure to harmonize regional constitutions and laws focuses on Tatarstan. Tatars are Russia’s second largest nationality, make up perhaps almost half of Russia’s 20 million Muslims, and have the strongest sense of national identity among Russia’s Muslim peoples. Moreover, the majority of Russia’s Tatars live outside the republic, with large constituencies in neighboring Bashkortostan, several other Volga region republics, Moscow, St. Petersburg, Sverdlovsk, Astrakhan, and Orenburg. There is a small Tatar presence in the North Caucasus, and Tatarstan’s TsDUM branch has spread Tatar and Islamic influence to other regions. Tatar identity is strongly connected with Islam. A recent poll showed that more than 50 percent of St. Petersburg’s Tatars relate their religious identification with Islam to their Tatar self-identity, as compared with Russians, who showed a rather low 20 percent identification with Orthodoxy.

To be sure, in the late nineteenth century Tatars were heavily influenced by the more secular and moderate “jadidist” Islamic educational system, and this “enlightened” Islam is enjoying a revival in post-Soviet Tatarstan. Also, Tatars were largely secularized during the Soviet era, and there are high rates of intermarriage between Russians and Tatars. However, if Tatar nationalists’ dream of autonomy is deferred, blocking their ethnonational aspirations, many Tatars will radicalize and identify themselves even more fervently with their religion, increasing the opportunities for the proselytizers of extremist Islam. It should be recalled that only after Dzhokar Dudaev’s regime in Chechnya was threatened by opposition forces backed by Moscow in 1994 did the Chechen dictator embrace the idea of an Islamic state. In short, a mass mobilization of frustrated Tatar nationalism would have national security implications for Russia and beyond.

Since 1990, Tatarstan’s President Shaimiev has been able to marginalize the radical Tatar nationalist opposition by winning a high degree of autonomy for the republic. He and his inner circle have employed a policy and proselytized a state ideology of “Tatarstanism,” which is multiethnic, multiconfessional, and based on the notion of Tatarstan’s (or the Kazan Khanate’s) instrumental role in Russian history and its right today to a high degree of autonomy from Moscow. In
short, the Shaimiev elite's legitimacy is based in large part on preservation of the republic's "state sovereignty." Any failure to uphold Tatar sovereignty plays into the hands of radical Tatar nationalist organizations. Since the onset of Putin's harmonization drive, pressure has been growing on Shaimiev to protect that sovereignty. The relatively moderate nationalist Tatar Public Center (TPC), which conditions its nonopposition to him so long as he defends Tatar sovereignty, organized a two thousand-person demonstration in late 2001. Demonstrators chanted anti-Russian slogans and called for independence from Moscow.

As the harmonization drive peaked in 2002, leading to an amended constitution in May, with much reduced autonomy for the republic, the TPC organized a united front of organizations to defend Tatarstan's sovereignty. Since then, the amended constitution was again challenged by federal prosecutors for containing clauses that still refer to Tatarstan as sovereign. Perhaps more ominously for Moscow, a 31 July closed meeting was held between President Shaimiev and leaders of Tatar civic and political organizations, including the TPC, on Kazan's relations with Moscow, including possible cooperation between the regime and the opposition in defending Tatarstan's sovereignty. At the same time, Tatar (and Russian) opposition groups are using the harmonization process to wrest greater political rights from the authorities. This is leveling the playing field before the 2004 legislative and 2005 presidential elections. The State Council's potential greater independence from the executive branch after harmonization will open up political space for new actors in Kazan's high politics and perhaps weaken Shaimiev, the republic's stabilizing force.

Moscow is further upsetting Kazan by attacking Tatar linguistic autonomy. In June, the Duma amended the federal language law to prohibit the use of any script other than Cyrillic. In 1999, Kazan adopted a policy of a gradual transition to "zanalif," a Latinized Tatar-language script. Thus, President Shaimiev and other Tatar leaders have condemned the Duma's decision. It was learned in July that, in violation of Russian census law, respondents to the countrywide census in October would not be allowed to indicate their first language. This has been condemned in Kazan as an attempt to reduce the number of Tatars registered by the census in Bashkiria, as the 16.9 percent of Bashkir who identified their first language as Tatar in 1989 would be counted not as Tatars but as Bashkirs. Tatar Bashkir wish to have Tatar recognized in Ufa as a state language, along with Russian and Bashkir.

Moscow potentially faces similar political problems in Bashkortostan, which is likely to follow Kazan's lead in fighting to preserve or extend sovereignty
from Moscow. Ufa has resisted amending for a second time its constitution, forcing a major conflict with Moscow over control of the Bashkir Supreme Court and the regional procurator's office. With Kazan's surrender of much of its sovereignty in May, Ufa moved toward at least a temporary compromise, setting up a constitutional assembly to review possible amendments. Federal prosecutors are set in autumn to step up pressure on both Bashkortostan and Tatarstan to amend their already amended constitutions, suggesting that the Kremlin will not accept partial harmonization of their constitutions or preservation of any meaningful sovereignty.

As hinted at above, Moscow is using various devices to drive a wedge between Tatars and Bashkirs in an apparent attempt to "divide and rule" these Muslim groups. It ignores and may even support Bashkiriya president Murtaza Rakhimov's "Bashkirization" policies in language, education, and personnel. The decision to carry out a countrywide census in October 2002 conveniently is exacerbating tensions between the Tatar and Bashkir intelligentsias over these issues and others, such as national origins and assimilation, just as Moscow's push to rewrite the republics' constitutions peaks. After their autonomy is trimmed and the census is completed, Tatars and Bashkirs just might realize that only unity based on their common cultural—and that means religious—heritage will help them salvage their sovereignty. This would play into the hands of more radical nationalist and Islamic forces over the long or even mid term.

Several recent revelations suggest that there is a strong connection between Putin's federal reforms, Russia's Muslims in republics such as Tatarstan and Bashkortostan, and issues of international security and the war against Islamic terrorism. First, there is some circumstantial evidence that Wahabbism is making some inroads among Russia's Muslims. The chairman of the moderate Islamic TsDUM, Talgat Tadjuddin, acknowledged that he met twice with one of Osama bin Laden's brothers. Tadjuddin himself has been vociferous in accusing the leader of Russian Islam's less traditional wing, chief mufti of the Muslim Spiritual Board of Asian Russia Rafail Galiullin, of supporting Wahabbism. He recently appealed to Putin to "cleanse" Russia of Wahabbite influence, something he argues has led to takeovers of mosques in Penza, Ulyanovsk, and Moscow and instability among Muslims in Sverdlovsk. Chechnya mufti Akhmad Shamaev seconded Tadjuddin's claims, asserting that Wahabbis are close to winning the hearts and minds of Russia's Muslims. Chechnya administration head Akhmad Kadyrov recently warned that Wahabbis are developing great influence in Tatarstan and central Russia, and Kirov Oblast's chief mufti asked for help in building educational institutes to counter the growing influence of Saudi-trained radical Wahabbi teachers in the region's southern districts. Volga FO presidential envoy and former Russian prime minister Sergei Kirienko expressed similar concerns over growing Wahabbi influence.

Second, although it is now recognized that numerous Chechen field commanders and political leaders have ties to al Qaeda, there is evidence that Chechens and Tatars are closer allies than previously thought. According to Richard Kashapov, the leader of the more radical Chally branch of the TPC, there were at
one time two units of some seven hundred Tatars each fighting alongside the Chechens against Russian forces. Third, the TPC was inundated by numerous volunteers (according to some reports, hundreds) who wanted help in getting to Afghanistan to participate in the Taliban's post-11 September jihad against the United States. When three Russian citizens turned up among those being detained at Guantanamo in January for their alleged participation in Taliban and al Qaeda activities against the United States, it emerged that two were ethnic Tatars and two were residents of Bashkortostan. The other is a resident of the North Caucasian republic of Kabardino-Balkaria.

Fourth, there is some evidence that since 11 September, the more radical wing of Russian Islam, under the Council of Mufties of Russia, strengthened its position in Tatarstan, overcoming TsDUM's previous hegemony there. Fifth, militancy may be spreading among Russia's Muslim youth. Recent reports from Ufa and Moscow claimed that the Union of Bashkir Youth engages its members in military-style combat training activities, culminating in a loyalty oath to Bashkortostan. According to Kommersant on 31 May, the Union of Bashkir Youth criticized President Rakhimov for being too passive in his relations with Moscow and demanded a constitution that provided for radical sovereignty, including the right to secede. This underscores the connection between the federal reforms' assault on the national republics' autonomy and the possible emergence of radical, even militant Muslim nationalist forces.

Putin's support for the U.S.-led war against terrorism and the growing Israeli-Palestinian crisis may be interjecting new and potentially explosive tension into internal Russian-Muslim relations on the background of Putin's drive to rein in the autonomy of the national, mostly Muslim, republics. Although some of Russia's Muslim leaders were quick to condemn al Qaeda's 11 September attack on the United States, there has been little enthusiasm among Russia's Muslims for Putin's support for the U.S.-led war on terrorism. No fewer than six leading muftis, including Tadjuddin, and organizations representing Muslims across Russia, including those based in Tatarstan, Bashkortostan, and Dagestan, emerged criticizing or questioning the motives behind the U.S. war against al Qaeda and the Taliban in Afghanistan. So far they have been careful not to condemn Putin's support for the war. A 1,500-person demonstration in Kazan on 15 October 2001 condemned the imminent U.S. action in Afghanistan and included calls for independence from Russia. President Shaimiev and the leaders of other titular Muslim republics, acutely aware of the dangers of radical Islam and Russian-Muslim conflict to the federation, have been trying to walk the fine line between condemning and endorsing the U.S.-led war and Putin's support for it. At the same time, Putin was forced to state that the war is not against Islam and that Muslims are part of Russian society.

The flare-up in the Israeli-Palestinian conflict in spring highlighted the rift between Putin's carefully calibrated foreign policy course and the fraternal inclinations of Russia's Muslims. Muslim leaders are inclined to condemn Israelis for causing civilian casualties rather than Palestinians for using suicide bombings against Israeli women and children. Russia's leading Muslim Web site, Islam.ru, has carried verbal attacks on "Sharon's bloody terror," repeating the Palestinian
propaganda campaign to the effect that Sharon’s early June raid into the West Bank “killed hundreds of refugees in days.” It also criticized Russian Jewish groups’ support for Israel in the present Mideast crisis as “cynical” and part of the “support of world Zionist capital and the U.S. government to Israel’s authorities to continue the aggression and occupation of Palestinian lands.” Some Muslims are organizing boycotts and other means of protest against Israel. Islam.ru reported on 14 June that a group of young Muslims in the titularly Muslim republic of Dagestan, under the patronage of the Makhachkala Central Mosque’s imam, Mokhammed-Rasul Saaduev, collected ten thousand appeals for a boycott of “American and Israeli companies” working in Russia that “support Israel,” to “stop the child murderers.” The anti-Israeli stance of many Russian Muslims contrasts with Putin’s even-handed approach to the Mideast and his policy of building closer relations with Israel and Russia’s Jewish community, which is driven in part by another goal—winning the good offices of American Jews. The tendency of Russia’s Muslims to back Muslim causes from Kashmir to Palestine—a quick glance at <Islam.ru> verifies this—seems to confirm Samuel Huntington’s notion of the “clash of civilizations.” The fault lines of that clash run through Russia.

As it is, Putin’s priorities include economic growth and strengthening the state, not democratization. The increasingly unstable international security environment and the potential for instability in Russian-Muslim or federal-regional relations are likely to move democratization further down the agenda, frustrating the sovereignty aspirations of some national elites and radical oppositions. Increased security measures in Russia are likely to lead to greater excesses by law enforcement organs, whose practices make American “ethnic profiling” pale in comparison. Indeed, some Russian Muslim leaders claim that heightened surveillance and harassment of Muslims began after 11 September. This, in turn, could exacerbate Muslim alienation from the Russian majority and mobilize Muslim nationalism. Countermobilization by ethnic Russians, equally frustrated in their national aspirations and expectations, and/or a counterreaction by the state could follow. Russians, resentful of the “privileges” allowed other nationalities, could give in to “Islamophobia,” aggravating already significant anti-chernye sentiment and a growing number of pogroms against North Caucasians, Azeris, and Africans. Indeed, a June attack targeted moderate Tatar nationalist Kashapov and Chally district TPC headquarters soon after Kashapov’s statement on Chechnya’s Tatar units. TPC premises were stormed by thugs, who severely beat him and several others and destroyed Tatarstan’s flag and symbol. Kashapov charged that Russian security agencies and nationalists organized the attack. Two weeks later unknown assailants fired shots at an Orthodox church in Tatarstan. Weeks later shots were fired at a mosque in Irkutsk Oblast, and skinheads in Volgograd Oblast defiled Muslim graves. Muslim-Russian tensions below the surface appear to be worse than thought. The threat of a cycle of ethnic mobilization and countermobilization cannot be ignored.

**Implications for U.S. and International Security**

Growing tension in Russian-Muslim relations and the federation’s weakness or collapse would have grave international security implications. On the most obvious
level, the fate of Russian federalism touches on the political stability and integrity of a nuclear power. But it also impinges on issues such as the successful integration of a stable, prosperous, and democratic Russia into Western and other international economic and security structures; the threat of Islamic terrorism; and the proliferation of weapons and other means of mass destruction. Russia is vulnerable to illegal as well as legal infiltration of Islamists from abroad. The titular Muslim republics border on and/or maintain close business, educational, and cultural ties to Chechnya, the Transcaucasus, and Central Asian states. Russia's own borders are extremely porous. Thus, these republics are subject to infiltration by and lending support to revolutionary Islamists from Muslim and Arab states. On 28 June Russia's Federal Migration Service reported that Russia is now a major transit corridor for illegal international migration and hosts from 1.5 to 5 million illegal immigrants. With Wahabbi infiltration among Russia's Muslims, Putin's support for the U.S.-led war against terror, and the pressure that federalist reforms are putting on federal-regional and Russian-Muslim relations, Russia is less stable and provides more fertile ground for the support of Islamic terror.

A small number of militants can cause great havoc. It is well known that Russian sites holding nuclear, chemical, and biological weapons and materials are far from fully secure. There have been several attempts to penetrate such sites and seize weapons or materials. Several years ago, Chechens claimed responsibility for leaving a small quantity of nuclear-grade uranium in several Moscow parks. In April 2002 a team of journalists made their way into a high-security zone near a nuclear material warehouse to highlight lax security. In mid-June, a resident of Tatarstan was detained carrying two kilograms of uranium in the upper Volga republic of Udmurtia.

**Conclusion**

The history of postcommunism is littered with the death and destruction that accompany the failure of multiethnic states much more manageable than Russia to negotiate construction of an effective and democratic federal system. Yugoslavia, Georgia, Moldova, and Russia's own Chechnya, Ingushetia, and North Ossetia are a few examples. Unfortunately, Putin's federative reforms are creating again an unstable tectonic inside the Russian state. 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 be creating conditions for a democratic opening for, and mobilization of, Muslim nationalism. The confluence of these policies will likely destabilize the federation in the mid to long term. The temptation to centralize further in the face of instability would be fatal for the Russian state and semidemocracy.

Moreover, the federative reforms are interacting with other factors—federal language policies, the upcoming Russian census, the war on terrorism, Putin's support for that war, Russia's ongoing war in Chechnya, and growing ties between Russia's Muslims and Muslims abroad, including Wahabbi—that increase the
likelihood of the destabilization of regional politics and federal-regional and Russian-Muslim relations. Those stresses on Russia’s political and state stability are likely to increase the cadre of Islamic extremists in Russia prepared to try to acquire or assist in the acquisition of means of mass destruction for the purpose of committing terrorist acts.

This has obvious implications for international and American national security and should be closely monitored by Western and Russian research and intelligence organizations. Russia’s 20 million Muslims and numerous and ubiquitous criminal organizations should be the focus of great concern and more research in the United States as well as Russia. Greater support is also needed for programs that reduce the size and increase the security of weapons and materials stockpiles in Russia and the FSU.

NOTES


2. This figure does not include regional executive orders, instructions, and resolutions. Svetlana Mikhailovich, “Konstitutsionnyi Sud schitaet, chto Prezident vprave smeshchat' gubernatorov,” *Rossiiskii Regionalnyi Byulleten’ Instituta Vostok-Zapad*, 4, 7, 8 April 2002, 6.

