

Putin's Federal Reforms

Reintegrating Russia's Legal Space or Upsetting the Metastability of Russia's Asymmetrical Federalism

GORDON M. HAHN

An indicator of whether President Vladimir Putin's policies will strengthen or weaken Russia's fragile semidemocracy is his reform of federal-regional relations. On assuming the Russian presidency in May 2000, Putin placed at the top of his agenda a policy of strengthening the Russian state's "executive vertical" and reintegrating the Russia Federation's economic and legal space. Many Russian and Western analysts interpret Putin's federal reforms as a course that, intentionally or not, will re-establish a tsarist-style unitary state, even Soviet-style centralization. Nikolai Petrov has argued that although Putin's goal is not the dismantling of either Russian semidemocracy or federalism, his policies are leading to just such an outcome.¹ Leonid Smirnyagin has argued the very opposite: that although Putin's federal reforms have been intentionally "antifederalist," they have functioned to strengthen Russian federalism.² In reality, the policy appears to have a sophisticated and yet ambiguous intent and inspiration.

Federal authorities have documented thousands of violations of the Russian Constitution in various regional constitutions and laws. According to Russian democrat Vladimir Lysenko, a third of Russia's regions are authoritarian, with constitutions and laws that violate the Russian Constitution and its provisions on democracy and civil rights.³ For example, in Tatarstan, Komi, and several other regions, laws allow the local government to appoint, sometimes with the legislature's approval, mayors and district (raion) heads. Federal law requires that such officials be elected by popular vote. Thus, re-establishing central control over the wayward regions and re-establishing the unity of Russia's legal space are to a certain extent necessary for the stability of the Russian state and the consolidation of its weak democracy. The same may be true for the consolidation of Russia's bureaucratized, kleptocratic capitalism. Republican leaders frequently argue that

Gordon M. Hahn is a visiting research scholar with the Hoover Institution at Stanford University, political analyst for *The Russian Journal*, and the author of *Russia's Revolution from Above, 1985–2000: Reform, Transition, and Revolution in the Fall of the Soviet Communist Regime* (Rutgers University, NJ: Transaction Publishers, 2002).

regional law is often more progressive than federal law, but the fact is that regional law constrains market development as much as it does democratic development. As Minister for Economic Development and Trade German Gref notes, regional authorities have constrained business development by carrying out exclusively federal functions like licensing. Although the federal government requires the licensing of some five hundred types of commercial activity (soon to be reduced to ninety-one), regional authorities required the licensing of another 1,500 types.⁴ If such are the goals of Putin's federal reforms, then the concerns expressed about them are misplaced.

Putin's federal reforms appear to be a concerted effort to eliminate a form of federal "asymmetry" that is particularly malignant for the development of the rule of law and therefore for the development of democracy and markets. Asymmetry—that is, inequality between some regions' relations with the federal authorities—may come in two forms. Formal or institutionalized asymmetry is found in all but one (Switzerland) of the other multinational democratic federal states (India, Belgium, Canada, and Spain).⁵ Nor is Russia unique in developing asymmetry through constitutional-treaty (or "contract") federalism based on bilateral federal-regional treaties. India and Spain have constitutional statutes providing special autonomy and rights to more than ten of their respective federations' subjects. Russia's federation problems are rooted in its noninstitutionalized asymmetry. Much of Russia's asymmetry is the result of open violations of the federal constitution and of regional constitutions and laws not institutionalized by formal federal-regional agreements.

To determine whether Putin's federal reforms are moving in the direction of centralization for centralization's sake and limiting the formation of stable federalism and law-based democracy, we must address two issues: the methods he uses to reintegrate Russia's legal space by attacking noninstitutionalized asymmetry and his moves to eliminate institutionalized asymmetries that protect the rights of national minorities and their autonomous formations. In this article I address the first of these issues by examining the post-Soviet Russian leadership's attempts to grapple with regional autonomy and regional violations of federal law under Yeltsin and their intensification under Putin, with a particular focus on the new mechanisms for "federal intervention."

The Prehistory

The fracturing of Russia's legal and economic space has a more than decade-long pedigree, rooted in Russia's revolution from above against the Soviet partocratic regime. The dismantling of the regime and the dissolution of the unitary Soviet state were accomplished as state and institution building—including their dissolution, reorganization, and co-optation—was infused with political instrumentalism and expediency, becoming the weapons of choice in the political struggle between competing factions inside the Soviet regime and state. Party radicals and opportunists-turned-oppositionists against the Communist Party regime took over the Russian Soviet Federated Socialist Republic protostate's apparatus in May 1990. They used Russia's June 1990 declaration of sovereignty and support for

secessionist and sovereignty movements—"the parade of sovereignties"—in the union republics and in its own national republics, provinces, and districts to separate the party apparatus from the state bureaucracy and overthrow the partocratic CPSU regime.⁶ In turn, the Union leadership also encouraged the parade of sovereignties in the Russian Federation to counter Boris Yeltsin's revolutionary Russian protostate. In response, Yeltsin attempted to co-opt the parade of sovereignties in Russia's national autonomies, urging regional leaders to "take as much sovereignty as you can swallow." As a result, autonomous republics declared themselves sovereign union republics, autonomous oblasts declared themselves sovereign autonomous republics, and autonomous districts (okrugsy) declared themselves sovereign autonomous oblasts.

All this came back to haunt Yeltsin in autumn 1991, when the Republic of Chechnya declared its independence and the regime of General Dzhokar Dudaev amassed its own armed forces. After this first Chechen crisis was resolved and the USSR dissolved, Yeltsin's revolutionary Russian state employed several mechanisms to put the genie of sovereignization and state collapse back in its bottle. By 1993 the first of these mechanisms, the federal treaty, had yielded limited results, and the autumn counterrevolutionary crisis in Moscow prompted Yeltsin to give regional leaders an even longer leash to win their support in his battle with the Congress of People's Deputies, accelerating the devolution of more power to the regions.

The December 1993 constitution took the first steps toward establishing federalism, but the desire for sovereignty and even independence remained high in some national autonomies, especially Tatarstan and Chechnya, which was still insisting on its state independence. In attempting to negotiate a special relationship with the Dudaev regime on the basis of a separate treaty between Moscow and Grozny, the Russian leadership decided to use bilateral treaties and agreements between the federal center and individual autonomous national republics to hold the crumbling federation intact. On 15 February 1994, the first federal treaty was signed not with Chechnya, but with Tatarstan, led by the cautious and practical president and former communist first secretary of the republic Mintimer Shaimiev. The Russian-Tatar treaty marked the beginning of codification of the breakup of the federation's legal and economic space and the turn to asymmetrical "treaty" or "contract" federalism based on the unequal status of subjects of the federation, as established in negotiations between the Kremlin and individual regions. By the end of 1995, six more national autonomies had hammered out bilateral treaties with Moscow. That the first treaties were signed only with non-Russian titular national autonomies sparked a backlash from the Russian krajs and oblasts. In January 1996, four Russian regions—Krasnodar, Kaliningrad, Orenburg, and Sverdlovsk—also garnered treaties. Subsequent treaties and supporting agreements would eventually involve sixty-eight of Russia's eighty-nine subjects, extending asymmetry and the dissolution of Russia's economic and legal space throughout the federation.

Many bilateral treaties and attendant agreements transferred constitutionally designated spheres of federal jurisdiction to joint federal-regional jurisdiction and

gave joint jurisdiction spheres to the sole jurisdiction of the regions. Article 78, paragraph 2 of the Russian Constitution allows federal authorities to transfer spheres of jurisdiction under its sole purview, as listed in Article 71 of the constitution, to the subjects of the federation, but the Constitutional Court has repeatedly affirmed the "impermissibility" of such a transfer of authority, casting a shadow over the constitutionality of this process.⁷

First Deputy Prosecutor General of Russia Yuri S. Biryukov pointed out that only four of the forty-six treaties between the federation and individual regions do not violate the federal constitution: those with Astrakhan, Voronezh, and Kostroma oblasts and the Republic of Buryatiya.⁸ According to a presidential envoy in charge of one of the

newly created federal districts,

the Urals' Pyotr Latyshev, forty-eight of the agreements signed between federal authorities and the regions to support the treaties violate federal law as well.⁹ One expert argues that the Russian-Tatarstan bilateral treaty contains at least nineteen violations of the Russian Constitution, more

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than any other bilateral treaty or agreement.¹⁰ Regardless of whether they are violations of the constitution or not, these contradictions with the constitution paved the way for subsequent treaties and agreements with other national republics to further gut the federal powers established in Articles 71 and 72 of the constitution. One example of the first bilateral treaty's rewriting of the constitution occurs in its introduction, which refers to Tatarstan "as a state united [*ob'edinena*] with" the Russian Federation, suggesting a confederation of two sovereign states rather than a single federal state.¹¹ Article 2.6 of the treaty transfers to Tatarstan the authority over "issues of the ownership, use, and disposal of land, minerals, water, timber and other natural resources, as well as state enterprises, organizations and other movable and immovable real estate under state ownership located on the territory of the Republic of Tatarstan."¹² This contradicts (though may not necessarily violate) the federal constitution's Article 72.1.a, which places those spheres under joint federal-regional jurisdiction.

Although the majority of the articles of federal-regional treaties and agreements that officials cite as violating the constitutionally designated spheres of jurisdiction involve the ethnic republics and okrugs, many involve the Russian oblasts and krais. In February 2001, Biryukov cited treaties and agreements with Bashkortostan, Kabardino-Balkariya, Komi, the Komi-Permyak autonomous okrug, North Osetiya-Alania, Sakha, Taimyr, Tatarstan, Udmurtia, and the Yevenky autonomous okrug as being in violation of the Russian Constitution. Treaties and agreements with the Russian regions of Amur, Chelyabinsk, Irkutsk, Magadan, Murmansk, Nizhny Novgorod, Omsk, Perm, Rostov, Sakhalin,

Sverdlovsk (mentioned thrice), Ulyanovsk, and Yaroslavl; Khabarovsk and Krasnoyarsk krajs; and the city of Moscow were also in violation. Violations in treaties and agreements made with the federal branch by both the Russian oblasts and krajs as well as by the national autonomies and republics of non-Russian titular designation involve not only spheres designated by the Russian Constitution as belonging to the joint jurisdiction of the federation and subjects, but also spheres whose jurisdictions are designated as strictly federal.¹³

In many cases, the treaties (and violations) preceded the adoption of republican and regional constitutions—providing both the legal rationale and political impetus for those also to violate federal law. As with the destructive phase of the revolution from above, so too in the constructive phase was institution and state building conducted from above and in the service of political ends. The bilateral treaties and agreements were negotiated between the top leaders of the federal and individual regional governments. Conflict and bargaining among officials and bureaucrats, not the rise of civil society and culture, led the process. In this way, Russia's asymmetrical federalism was superimposed on weak semi- or quasi-democratic institutions and not embedded in strongly democratic institutions, as was the case, for example, in the democratic transition in Spain. In contrast to Madrid's approach, Moscow violated its own poorly embedded federal constitution and involved neither parliaments, referenda, nor the courts in taking the route of treaties and agreements negotiated by the executive branch.¹⁴

The result of Russia's federal asymmetry and the devolution of jurisdiction from Moscow to Russia's regions and republics was a mounting caseload of violations of the federal constitution in regional legislation, constitutions, charters, and executive directives. By 1998, according to the chairman of the Judicial Collegium for Civil Affairs of the Supreme Court, Viktor Knyshev, there were 2,016 cases where regional laws were ruled invalid for violating the constitution.¹⁵ By February 2000, according to Minister of Justice Yuri Chaika, some 20 percent of regional legislation did not conform with Russia's constitution.¹⁶ In essence, the treaties, the numerous additional special agreements between individual subjects and Moscow, and the violations of federal law in regional and republican constitutions created a Russian state that by 1997 was in the process of becoming a confederation. The Yeltsin administration formulated several methods of addressing the problem, only some of which were implemented.

Putting the Sovereignty Cat Back in the Federal Bag under Yeltsin

Several remedies were proposed to address the problems of "official asymmetry" and the growing confederalization of the federation represented by the bilateral treaties and agreements. State Duma deputy Vladimir Lysenko proposed extending any new competencies and powers achieved by one subject of the federation through a treaty or agreement with Moscow to all federation subjects.¹⁷ Although this would have resolved the problem of official asymmetry, it would have exacerbated the problem of unconstitutional redistribution of federal functions to regional authorities. Then Presidential Administration head Anatoly Chubais proposed a mechanism for federal intervention not unlike that adopted by Putin,

organizing big-city mayors as a counterweight to the growing power of regional governors and republic presidents.¹⁸

Eventually, in 1997, President Yeltsin signed a federal law to deal with the problem of official asymmetry—"On the Principles and Procedure for Differentiating the Areas of Jurisdiction and Authority between the Organs of State Power of the Russian Federation and the Organs of State Power of the Subjects of the Russian Federation." At the time, Putin was head of the Presidential Administration's Control Department and likely had a role in the drafting of this law. The law established procedures for and limits on the drafting of bilateral federal-regional treaties to ensure that both past and future bilateral treaties and agreements would be brought into compliance with the constitution and federal law. Article 3.2 of the law limited the policy areas whose jurisdiction could be redistributed to those with exclusive regional jurisdiction. (The constitution's Article 73 establishes that spheres of exclusive regional jurisdiction are only those not belonging to exclusive federal jurisdiction or joint federal-regional jurisdiction, as enumerated in the constitution's Articles 71 and 72, respectively.) The competencies delegated to exclusive federal authority and to joint federal-regional authority, therefore, became explicitly nontransferable, and any transfer of competencies could only involve regions' giving away authority, not receiving new spheres of jurisdiction. The new law also stipulated that all previously concluded treaties and agreements had to be brought into conformity with the constitution and federal law within six months.¹⁹ As is often the case in Russia, this did not happen.

In July 1999 another such law was adopted, extending the deadline by which federal-regional bilateral treaties and agreements must be brought into line with federal law by July 2002. Thus, less than a year remains for regional and federal authorities to resolve this vexing problem. This second streamlining law also required that all regions bring their constitutions, laws, and other legal documents into line with federal law by July 2000, by which time Putin had graduated from acting to elected and then sitting president.²⁰ That deadline passed unnoticed but was effectively written out of law with the establishment of Putin's mechanism for federal intervention. Precursors to this initiative were evident even before Putin's election and inauguration. After Yeltsin's surprise resignation on New Year's Eve 2000, Putin immediately began to target Russia's fractured legal space, preparing both administrative and judicial mechanisms for reining in Russia's regions.

Putin's "Prerevolutionary" Steps toward Legal Reintegration

To strengthen the state so it might better uphold federal law, Putin attempted as acting president to invigorate several of the administrative organs, in particular the Justice Ministry and the FSB. Putin's first step was to create a special administration for legislation (UZ) and an interdepartmental commission for constitutional security (MKBK) under the Justice Ministry. The idea of the UZ may have had its genesis under former premier Sergei Stepashin, who tried to establish Justice as the key department for vetting proposed presidential decrees, parliamentary legislation, and other normative acts. In spring 2000, the Justice Ministry

became quite active in refusing to register regional laws, thus nullifying their legal force and applicability. However, under Acting President Putin, the ministry also stepped up its vetting of federal laws and normative acts, rejecting registration of numerous federal government orders and instructions.²¹ A year later, the Presidential Administration initiated an examination of the functions and staffs of federal organs in the regions, employing the presidential envoys and federal districts. Each district assembled a team of federal district experts and regional and local administration representatives; the teams were then given two months to analyze a specific sphere—economic functions, law enforcement, and so on—in a sampling of their district's regions and to report back to the Presidential Administration

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and Putin.²² This reflects a desire on Putin's part to put the entire inventory of Russian law and the functioning of the administrative apparatus in order, eliminating contradictory and poorly drafted laws and overlapping jurisdictions emanating from both the federal and regional levels.

In creating the MKBK, Putin appears to have drawn on his previous experience as head of the Presidential Administration's Control Directorate and as chief of the FSB and Security Council, where constitutional security departments were already in place. As Control Directorate head, Putin was responsible for ensuring that laws of the subjects of the federation corresponded with the constitution and federal law.²³ To further empower the Justice Ministry in this area, then-premier Putin's government proposed changes to the Civil Code that would allow the Justice Ministry to challenge regional legislation that violates the constitution and federal laws in courts of general jurisdiction rather than only through the Constitutional Court. The high court is overloaded with cases and moves slowly, allowing regional and federal law to diverge without timely remedy. The Justice Ministry also began preparing draft legislation that would hold regional leaders accountable for adopting unconstitutional laws.²⁴

Putin also moved to empower the Russian general prosecutor through the courts of general jurisdiction. On 15 February 2000, at the behest of Acting President Putin and the Supreme Court, the Constitutional Court began to consider whether courts of general jurisdiction should have the authority to check the constitutionality of regional laws and constitutions if prosecutors want to pursue a decision in the courts. Previously, the Constitutional Court had ruled that it alone had sole responsibility for examining regional laws. Since the Constitutional Court lacked the resources to review the numerous laws passed by the regions that violated federal norms, the federal government could not react to them. In 1998, the Constitutional Court had ruled that local courts should not have authority to review laws for constitutionality. However, a section of the decision quali-

fied the ruling, arguing that such authority could be extended to regional courts if the federal government adopted a constitutional law to this effect. The Supreme Court, on the other hand, fully supported the extension of constitutional oversight to lower courts and prepared a draft law to do that. The State Duma amended the draft law, but the Federation Council's regional leaders refused to pass it.

The Supreme Court then petitioned the Constitutional Court for a ruling on the constitutionality of the law "On the Procuracy," which allows prosecutors to turn to any court for a ruling on the validity of a local law. Then Acting President Putin and the Supreme Court subsequently filed in the Constitutional Court for a resolution favoring local courts on this issue.²⁵ On 11 April 2000, the Constitutional Court ruled constitutional the provisions in "On the Procuracy" that permit prosecutors to appeal to courts of general jurisdiction for decisions on whether the laws of subjects of the federation correspond to the Russian Constitution. It also ruled that courts of general jurisdiction could declare that laws found to be in violation of the constitution should not be applied. At the same time, Russia's Supreme Court ruled that general courts could not declare laws in violation of the Russian Constitution or federal law invalid.²⁶ This decision could lead to greater conflict over who has jurisdiction over constitutional interpretation: the federal constitutional and supreme courts and courts of general jurisdiction, on the one hand, or regional constitutional courts, on the other. There is no provision in federal law or the constitution for the latter to rule on federal-regional legal contradictions, but according to the federal law "On the Court System," regional constitutional courts function as appeals courts for decisions made by courts of general jurisdiction. Nevertheless, the April court ruling seemed to strengthen President Putin's hand in bringing regional laws into conformity with federal norms.

That victory, along with Putin's remarks on and actions related to the judiciary at the time, indicates some willingness on his part to rely on the courts as the means for addressing problems of federation-regional relations. On 16 March, Russian Supreme Court Chairman Vyacheslav Lebedev told journalists that Putin had told him that he wanted all financing of the courts to be returned to federal jurisdiction; Putin also reportedly promised to extinguish the center's debts before the judicial system, increase funding in the 2001 budget, and raise judges' salaries to a "significantly higher level."²⁷ Since a presidential decree signed by Yeltsin in 1994 allowed local courts to use funds contributed to local and regional budgets by outside persons, the independence of Russia's courts has been in serious doubt. Under the current practice, federal expenditures on the local court system barely pay court officers' salaries. To cover remaining expenses, regional courts typically have been beholden to equally cash-strapped and corrupt regional authorities. Yet, regional financing of the courts contradicts the federal constitution's Article 124, which states that funds for the courts are to come only from the federal budget. Thus, for example, twenty-three courts in Tomsk had to cease work in 1998 because regional authorities refused to cover their debts for heat supplies.²⁸

Despite his early focus on the courts, Putin also included administrative means and state reorganization in his plan for federal revolution from above after his inauguration as president in May 2000.

The First Wave of Putin's Federal Reforms

In spring and summer 2001, Putin initiated changes to federal law to reintegrate Russia's legal space and strengthen its "executive vertical." First, in May he created by presidential decree seven federal districts, each headed by a presidential envoy and subsuming six to eighteen regions, as a means to rein in Russia's more independent-minded governors and regional legislatures. The reform is likely unconstitutional. All administrative subdivisions of Russian territory are enumerated in the Russian Constitution's section on "Federal Structure" (Articles 65–79), and the federal districts just created are not included. Although Article 66 and Article 67.3 allow for changes in the status or the borders of the subjects of the federation, respectively, there is no provision for introducing new structural or administrative divisions above the level of the federation's subjects.

Another reform was adopted in July by the Federal Assembly's upper and lower houses, the Federation Council and State Duma, and signed into law by Putin in August. It reorganized the Federation Council, which until the new law had consisted of the heads of the executive and legislative branches of the eighty-nine subjects of the federation or regions of Russia. (Chechnya still lacks a legislature that can be represented in the council.) This new law "On the System of Forming the Federation Council of the Federal Assembly of the Russian Federation" requires that regional governors and legislative chairmen on the council be replaced by senators by 1 January 2002. The region's governor will appoint one senator, the region's legislature another.²⁹ A reform of the council was implied in Paragraph 9 of the 1993 constitution's "Concluding and Transitional Statutes," which mandates that only the Federation Council's first convocation would not sit on a continuous basis. This meant that after the first convocation either the governors and regional legislative chairmen who made up the council would convene in Moscow on a continuing basis—clearly unsuitable for regional governance—or the principles by which the council's membership was composed would have to be changed.

Putin's Mechanism for Federal Intervention

Perhaps the most important reform consists of Putin's amendments to the federal law "On General Principles of the Organization of Legislative [Representative] and Executive Bodies of State Power of the Subjects of the Russian Federation," which the Duma and the Federation Council passed in July 2001. Those amendments establish the mechanisms for "federal intervention" (*federal'noe vmeshchatel'stvo*) in regional lawmaking should a regional executive or legislature persist in violating the Russian Constitution or federal laws.³⁰ Those mechanisms include, but are not limited to, removing a governor from office and electing a new regional chief executive, and disbanding a regional legislature and electing a new one.

Although the president is given an important, even major role in federal intervention, his powers in this regard are circumscribed in at least one of the two methods of intervention. The first, more democratic method involves not only the Russian president, but the courts and the State Duma. The second and more

authoritarian method relies on only the president and the general prosecutor's office. Analysts usually overstate the powers of federal intervention granted to the president in Articles 9 and 29 of the amended law, while they underestimate the power provided in paragraph 4 of the latter article, which gives a more "administrative" approach to the president. Often, analysis of the federal intervention amendments conflates the two methods, both underestimating and overestimating the two powers granted the president.³¹

It is best to parse the mechanism in detail. Regarding the disbanding of regional legislatures provided for in the new Paragraph 4 of the law's amended Article 9, Putin may begin the process of disbanding a regional legislature only after a first court has ruled that one of its laws violates federal law and the legislature has failed to correct the violation within six months. Expiration of this grace period may prompt a warning from the president, after which follows another three-month grace period. Thus, only after the passing of two grace periods over at least nine months may the president then ask the State Duma in a federal law to approve disbanding the regional legislature. The Duma, moreover, has two months to vote on the federal law, in effect giving the regional legislature in question another grace period. Election of a new regional legislature then must take place. Within that time the president may also present to the regional legislature his own finding that it has passed a law violating federal law, which may either prompt conciliation procedures or convince it to adjust the offending law on its own.³²

As provided for in Article 29, Russia's president begins the process of removing a regional chief executive from office by issuing a warning after a court decision has found that a decree, directive, order, or law from the chief executive or top executive organ he heads is in violation of federal law. The president can issue a warning if the regional chief executive does not bring a regional normative document into line with federal law within a determined period after a court finds that the document violates the federal constitution or federal laws. The president may also issue a warning if a regional chief executive has failed to respond within two months to a presidential decree abrogating one of the executive's decrees or other orders for being incompatible with federal law. The Russian president must issue a warning within six months from the publication of a court decision or his own decree requiring that an executive document be amended or abrogated, unless the regional chief executive has turned to an appropriate federal court to resolve the dispute. Presidential warnings and removals of regional chief executives are executed by presidential decree. Once the regional chief executive is issued a warning, he must remove the violation within a month, or the Russian president can remove him from office. If a region's governor or president is removed, the executive body (government, state council, *el kurultai*, or the like) must resign.³³

Finally, as provided for in Paragraph 4 of the amended law's Article 29, Russia's president may also opt for a more administrative, potentially authoritarian approach by removing a regional chief executive simply if a prosecutor presents information showing that the executive has committed "a grave or especially grave crime." This power, fraught with the potential for abuse and arbitrariness,

has a check in that the accused official has ten days to appeal the decision before a court. The window may be as much as twenty days, given that the amended law stipulates that a decree on removing a regional leader comes into force only ten days after its publication. If the top official of a region is removed, his duties are executed temporarily by an official appointed according to regional law covering this eventuality. If no relevant regional law exists, then the president appoints a temporary or acting chief executive.³⁴

So far, despite expectations driven by widespread analysis that views Putin as in essence a dictator, Putin has been reluctant to use this new power. As I discuss below, violations of federal law and defiance of court decisions have continued

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more than a year after the power of federal intervention had been established and six months after the legal deadline of 29 January 2001 for bringing regional law into conformity with federal law (six months after the amendments providing for federal intervention were adopted, as set in Article 2 of the law). Yet Putin has not once initiated the federal

intervention process by issuing a warning. Even in the outlandish case of Primore governor Alexander Nazdratenko, who was at least partially responsible for the failure to deliver electric power and heating this past winter to citizens of his frigid region and who was regarded as perhaps the most corrupt and even criminal regional leader in Russia, Putin chose instead to bargain for the governor's resignation. Although it is possible that in his late February phone call to Nazdratenko Putin may have threatened the use of one or the other mechanism of federal intervention, all we know for certain is that Putin enticed Nazdratenko to resign voluntarily in exchange for an appointment as chairman of the Russian State Fishing Commission. From this post he is likely to frustrate the Kremlin's attempts to reform the system for distributing fishing rights to companies, as well as efforts to root out corruption in Russia's Far East. This is a sign of neither dictatorship nor competent governance, but of semi-democratic governance and continuing *nomenklatura* interfactional cryptopolitical contest. As long as such quasi-bureaucratic administration and informal, non-institutionalized rules of politics persist, so will the possibilities for semiauthoritarian rule.

Administrative Trump Cards

Even with the roles designated for the courts and the Duma under the first mechanism for federal intervention, the federal reforms raise the specter of arbitrary, bureaucratic, even authoritarian interference in what should be judicial matters. In theory, federal authorities are wresting control of regional prosecutors' offices and the courts from corrupt, authoritarian regional leaders by way of the April

court ruling and federal reforms described above. Federal prosecutors protest regional laws in courts of local jurisdiction; the courts find in favor of federal authorities; and Putin can remove governors or call for new elections of regional legislatures if the regional authorities persist in defying the courts and the president. However, as bureaucratic and legal infrastructures now stand, administrative methods threaten to trump judicial ones. This is true even without the option of citing a prosecutor's claim of grave crimes committed by a governor.

Such administrative methods include both formal and informal variations. One formal administrative method is the Justice Ministry's recently enhanced power not only to review regional laws for compatibility with federal law, but also to reject regional laws (and federal normative acts as well) from entry on its register, rendering them invalid. Delay in registration combined with a presidential warning may suffice in many cases to resolve the issue, forcing regional authorities to back down even before the courts are brought in. The federal government has sought to shift the share of tax revenues assigned to federal coffers heavily in its favor. There are rumors that the federal-regional revenue-sharing ratio will be 70/30 percent, and several federal districts' presidential envoys have urged that the right to distribute money from the federal budget to the regions and the power to organize regional economic policies be given to the districts. Such fiscal power could allow federal authorities to force regions into submission without resorting to courts or federal intervention.

More dangerous to democracy are the potential informal administrative means of intervention. These may include pressure on the courts from prosecutors and other officials on behalf of federal authorities or Kremlin-tied political and economic interests through the nomenklatura-style telephone rule and the use of *kompromat* (compromising materials) by the president and other federal authorities to coerce regional officials. The reform involving the creation of the federal districts may affect the balance between legal and formal democratic means of federal intervention, on the one hand, and informal administrative means, on the other hand. Of the seven governors-general, five are former KGB, military, or internal affairs officials. Schooled in Soviet telephone rule, they are unlikely to be proponents of strict adherence to procedure and the rule of law. They will be tempted to pressure courts deciding federal-regional legal disputes and prosecutors investigating regional official crime and corruption.³⁵

Furthermore, despite the federal authorities' claim that one purpose of creating the federal districts is to reduce bureaucracy, the growing record suggests that the *apparati* of the federal districts will far surpass those established by Yeltsin's chosen means of federal control over the regions: presidential representatives to each of Russia's eighty-nine subjects of the federation. The new districts' presidential envoys are creating staffs and departments and appointing inspectors to each of their six to fifteen regions, reproducing the old envoys' staffs as well. The Justice, Internal Affairs, Tax, and Foreign Ministries, the federal prosecutor's office, the Auditing Chamber, and the human rights ombudsman's office are establishing branch offices in the federal districts. They are also setting up federal district councils of key federal officials (the regional prosecutors, Justice

Ministry and Audit Chamber officials, and the heads of the MVD and FSB, and such) to coordinate their work. All this is clearly an effort by the federal authorities to seize control over law enforcement and financial flows from regional authorities. But a large, nomenklatura-staffed bureaucracy will be disposed to the kind of arbitrariness and corruption that has limited democratic governance in Russia to date. These measures are no more likely to lead to the establishment of federal-regional relations embedded in judicial procedure than they are to encourage bureaucratic and informal means of controlling the regions.

Federal authorities can manipulate financial flows to the regions from the federal budget or federally controlled banks. A week before the presidential election, Putin used credits from and debts to the state bank Vneshekonombank as carrots and sticks to ensure the loyalty of governors.³⁶ Federal authorities can also exploit energy supplies from the federally controlled gas and electricity monopolies, GazProm and United Energy Systems, against recalcitrant regions. The president and federal district officials may combine official warning, telephone rule, *kompromat*, and financial machinations to get regional authorities to bend to the federal authorities' preferences before a court ever hears a case. It is known that Putin himself has begun meetings with regional governors with whom he has a conflict by placing folders of compromising materials on the table.³⁷

On the other hand, informal administrative interventions may "grease the wheels" by smoothing over conflict between federal and regional authorities created by formal legislation. If one or another side was to insist on confrontation based on the inviolability of one or more court decisions in a period when the legal infrastructure is still far from complete and consistent, a potentially explosive federal-regional conflict could erupt. Like corruption, a muddled legal and administrative field allows bureaucratic cliques and allied oligarchs to conduct politics and commerce according to their whims and the laws they pay to have applied. Only when the legal space is reunified will the legal gaps and overlaps that allow corrupt bureaucrats to use legal ambiguity disappear and a legalistic political culture emerge.

The Early Results of the Integration Campaign

The early results of Putin's attempt to streamline Russia's legal space by merely posing the threat of the legal removal of regional leaders from office without using the power of federal intervention suggests that mere threat may not be enough. Official reports on the federal authorities' effort to reintegrate Russia's legal space suggest that a mix of administrative and judicial means is being used and that the results to date are likewise mixed. The methods prescribed by the direct presidential federal intervention amendments have not been used. Instead, the Kremlin has focused on regaining control over the appointment of prosecutors and officials of the Interior and Justice Ministries in the regions and using this and the implied threat of such intervention represented by court decisions against the regions to pressure regions into legal conformity.

Representations and protests from federal district and regional prosecutors, together with court decisions favorable to federal authorities, succeeded in get-

ting most but not all violations redressed. Some regions, including a few national republics, responded immediately to the new threat of federal intervention. On 22 June 2000, even as the amendments providing for federal intervention were still being debated in the federal Duma, the Republic of Mordovia's parliament formed the Commission for Bringing Local Legislation into Compliance with Federal Law.³⁸ In fall 2000, in response to federal prosecutors' protest, Mordovia repealed a law that required a regional identification mark on all tobacco and alcoholic goods imported into the republic.³⁹ Since then, Mordovia has not been mentioned by federal officials as one of the republics retaining legislation that violates federal law.

In a January 2001 meeting with prosecutors, President Putin thanked them for helping to bring sixty constitutions and 2,312 regional laws into conformity with federal legislation.⁴⁰ The Presidential Administration's deputy head Dmitri Kozak reported that a month earlier some 80 percent of regional laws checked by the administration had either been brought into compliance with federal law or were being reviewed in the courts. According to Kozak, about 2,500 laws had to be amended—that is, 236 more than Putin had reported the previous month.⁴¹ First Deputy Prosecutor General Yuri S. Biryukov wrote in February 2001 that his office had uncovered 3,273 illegal acts by regional governments over the last six months, of which 2,544 were abrogated. Of the abrogated laws, 702 (28 percent) were abrogated by courts after being petitioned by prosecutors. By far most (1,842 or 72 percent), however, were resolved by a representation or protest by prosecutors, without resort to the courts. In addition, sixty-four of the constitutions or charters of the eighty-nine subjects of the federation had required changes. However, the prosecutor-general's office still had pending 702 appeals regarding constitutions and charters. Of those, more than half (384) were under review by courts, while the others were being challenged by prosecutors directly to the offending offices.⁴²

At Putin's January meeting with prosecutors, Biryukov reported that more than fifty-two thousand regional legislative acts were vetted and invalidated. This suggests that prosecutors focused on executive directives and departmental instructions as well as regional constitutions and legislation.⁴³ The vetting of such documents likely was organized at the federal district level by the seven presidential envoys along with representatives of the General Prosecutor's office and the Justice Ministry in the regions. The presidential envoy in charge of the Urals federal district, Pyotr Latyshev, was reportedly deeply involved in this process in his district.⁴⁴ Thus, the courts appear to be playing a greater role in cases involving higher-order documents such as regional constitutions and charters, a lesser role in cases involving regional legislation and decrees, and a still lesser role in cases involving executive directives and instructions. In spheres where the role of the courts recedes, prosecutors and Justice Ministry officials appear to take up the slack.

Latyshev, Biryukov, and to a lesser extent Kozak have warned that the process is going less smoothly than Putin lets on. Although the national republics are most recalcitrant, there is ample evidence that the "Russian" oblasts and krais are also

resisting compliance. Kozak acknowledged that it was “more difficult” to establish order in national republics that signed power-sharing agreements with Moscow, such as Bashkortostan, Tatarstan, Sakha, and Tuva. This suggests that federal intervention has been most successful in the Russian provinces but is less so in the non-Russian titular national republics, which pose the real danger to the federation’s stability.⁴⁵ Biryukov charged that despite the Russian Constitutional Court’s 27 June 2000 decision finding that articles (on state sovereignty, on the validity of republican laws and rights over those of federal authority on their territories, on the status of the republics as subjects of international law, on the right of use and disposition of natural resources on their territories) in the constitutions of the republics of Altai, Adygei, Bashkortostan, Ingushetia, Komi, and North Osetia-Alania are in violation of the Russian Constitution, are therefore not applicable by courts, and are subject to abrogation, only North Osetia-Alania had brought the offending articles into compliance with the federal constitution.⁴⁶

Moreover, in November 2000 Bashkortostan adopted a new constitution in which, according to Yuri Biryukov, the number of violations of federal legislation increased to fifty-one from forty-four.⁴⁷ Nikolai Takhvatulin, first deputy prosecutor in the Republic of Sakha, reported on 14 February that Sakha’s legislature was not carrying out its work to amend legislation. He noted that in 1999–2000 republic prosecutors appealed to republic-level officials ninety times in regard to forty-three laws and thirty-five decrees that violate federal law, but only thirty-four laws and twenty-two decrees were changed.⁴⁸ On 10 March, six weeks after the 29 January 2001 deadline for harmonizing regional law with federal law, Sakha’s legislature once more refused to amend the republic’s constitution so that it conforms with federal legislation by abrogating its claim of sovereignty and control over all land and natural resources on its territory.⁴⁹ Even after reports surfaced that some regions might be in for a presidential warning, Sakha persisted. On 5 April, Sakha’s legislature again rejected amendments to its constitution proposed by Sakha president Mikhail Nikolaev that would have changed the noted articles providing for the republic’s sovereignty and its right of ownership to natural resources.⁵⁰ Sakha is just one of several republics that appear to be approaching a presidential warning and even open conflict with Moscow.

President Mintimer Shaimiev and/or the State Council of Tatarstan may be heading toward a presidential warning, as well. President Shaimiev has been one of the leaders of the as-yet-timid open opposition to Putin’s federal reforms (see below). His lawyers have aggressively defended the republic’s brief in the case brought against it by local prosecutors for its many laws that do not correspond to federal law. In late February 2001 they counter-sued, asking Tatarstan’s Supreme Court to consider whether prosecutors have the legal authority to bring such a complaint.⁵¹ On 20 March, the Tatarstan Supreme Court redirected to the Russian Constitutional Court a suit filed by Deputy Prosecutor General for the Volga Federal District (*Federalnyi okrug*) Alexander Zyaginstev for repeal of forty articles in the republic’s constitution.⁵²

In early April, in one of the more sensitive test cases between Kazan and Moscow, the Russian Supreme Court overruled its counterpart in Tatarstan for the

fourth time, finding the republic's electoral districts in violation of federal electoral law. According to prosecutors, 114 of 130 districts exceed the limit established by federal law of no more than a 30 percent range of difference in population, which is meant to ensure that representatives are elected by similar-sized electorates.⁵³ One source reports that one district exceeds another by a ratio of 80:1.⁵⁴ The republic's parliament, elected on the basis of an unconstitutional law, now may be ruled illegal and new elections ordered. This could upset the metastable balance that Shaimiev has fashioned in Kazan between the requirements of pluralism under democracy and nationalist movements that are likely to be even more irreconcilable to the republic's loss of sovereignty. In Dagestan, the republic's leadership continues to violate the constitution by setting aside seats in its parliament for specific nationalities and by appointing some heads of districts.⁵⁵ This has been justified by regional authorities and so far tolerated by federal authorities because of the republic's particularly complex patchwork of nationalities and its location on the border of war-torn Chechnya.

“President Putin declared victory in his effort to strengthen the Russian state and reintegrate the federation’s legal field.”

In the Republic of Khakasia, the legislature continues to defy federal law in doing battle with its president Alexei Lebed, brother of Krasnoyarsk governor and former general and Security Council secretary Alexander Lebed. At the end of 2000, the republic's prosecutor declared thirteen republican laws still in violation of federal norms despite his many representations. In the new year, he complained about finding additional violations in the new constitution adopted by the legislature on 21 November 2000. Articles violating the Russian Constitution, according to prosecutors, include those giving the republic's parliament the right to remove judges from Khakasiya's constitutional court, to monitor the implementation of federal laws, and to require the republic's executive branch to carry out legislative “instructions.” The prosecutor also demands that the constitution's phrase “Khakass and Russian languages” read “Russian and Khakass languages.” The prosecutor has protested many of President Lebed's orders as well.⁵⁶

Even the heavily federally subsidized and therefore dependent and politically weak Republic of Adygei defied Moscow in March by holding elections to the republic's legislature under an election law that violates federal law and had been declared unacceptable by the Russian Supreme Court. In November 2000 Adygei's president Aslan Dzhariimov persuaded Adygei's State Council to amend the republic's constitution and electoral laws to transform the republic's legislature into a bicameral one in order to create an upper chamber with an Adygei national majority, even though Adygeis make up only 25 percent of the republic's population. Members of the upper house were henceforward to be elected in

three-mandate districts along the territorial lines of the republic's administrative structure. The number of voters in those districts differed in some cases by a factor of sixteen, thereby violating federal law, which permits a maximum variation between election districts of only 30 percent. After failing to receive a suitable remedy from the republic's constitutional court, the republican opposition, including the Union of Adygei's Slavs, turned to the federal Supreme Court, which overturned the Adygei court's decision on 15 February and ruled that the law could not be implemented. President Dzhарimov defied the Russian Supreme Court and the republic's prosecutor by moving forward with parliamentary elections under the new system, and ethnic Adygeis won a majority of the seats.⁵⁷

By June Adygei's parliament had moved against most of the seventeen violations in its constitution cited by federal authorities, but there remained an Adygei language requirement for republic presidential candidates opposed by Adygei's Russian legislators. Also, a new regional electoral law that did not give individuals the right to be nominated for public office and contained several other violations of federal law was being considered, despite the republic prosecutor's warning.⁵⁸ Here is a case where democratic rights in federal law may be guaranteed at the regional level as a result of federal intervention. Adygei's persistent violation by a republican president and parliament is ready-made for Putin's powers of federal intervention. Adygei is very weak compared to more economically vital or ethnically sensitive regions like Moscow, St. Petersburg, Sakha, Tatarstan, Bashkortostan, and Dagestan. It remains to be seen if Putin will move against Adygei's leadership, perhaps as a warning to powerful mavericks like Tatarstan, Bashkortostan, and Sakha.

In the oblasts and krais, obstruction of streamlining Russia's legal space is less strident and widespread but persists all the same. The deputy prosecutor general for the Northwest Federal District, Vladimir Zubrin, singled out St. Petersburg and Pskov Oblast (in addition to the Komi and Karelian Republics) as presenting "serious difficulties" by ignoring demands by the prosecutors to change laws that violate federal legislation.⁵⁹ First Deputy Prosecutor General Yuri Biryukov singled out Murmansk's continuing resistance.⁶⁰ In Sverdlovsk, the tough presidential envoy to the Ural Federal District, Pyotr Latyshev, a former MVD official and prosecutor, ordered an aggressive investigation of this corrupt and criminalized region's legislation. The federal district prosecutor, however, had thirty-five of forty-six protests against Sverdlovsk law turned back by the oblast's court.⁶¹ This was a stern reminder to Moscow that regional governors often have the oblast courts in their pockets and that most cases will have to be brought to the federal court if they are to satisfy Moscow's petitions.

Ural Federal District envoy Latyshev also complained that while old laws were being harmonized with federal legislation, new laws that also violated federal legislation were appearing rapidly, requiring a mechanism for ensuring continued monitoring and harmonization. He added that the problem was no less formidable at the local level, noting that 92 percent of the municipal charters in the Ural Federal District violate federal law.⁶² Though new federal intervention provisions were also granted to regional authorities vis-à-vis local governments in amend-

ments to the federal law "On the General Principles of Organization of Local Self-Administration in the Russian Federation," regional authorities apparently are so busy fending off the federal assault on their own prerogatives that they have little time to turn their attentions below in an effort to compensate for power lost above. Yuri Biryukov also warned that regions continue to write laws in contradiction of federal law.⁶³

On 2 March 2001, the Security Council's interagency commission on constitutional security expressed concern over the continuing number of regional legislative acts that still had not been brought into line with federal law. However, the commission acknowledged that there are gaps in federal legislation that must be filled as well to reintegrate Russia's legal space.⁶⁴ In Putin's early April annual address to a joint session of the Federal Assembly's two houses, the president also cautioned federal authorities that it was as important to "reject unfounded attempts by federal structures to interfere in the regions' sphere of exclusive jurisdiction" as it was to combat regional interference in federal competencies.⁶⁵ These at least rhetorical nods to the regions' critique of Putin's reforms suggest that regional opposition to the effort to bring regional law into line with federal law is having some effect.

Regional leaders' opposition to federal intervention suggests why Putin so far has not used his new power of federal intervention to remove or even issue a presidential warning to a regional leader or legislature. A flaw in the law, which does not prevent a removed governor from participating in gubernatorial elections after he has been removed, may have proved decisive in Putin's failure to initiate federal intervention in the case of Primore's Nazdratenko. Putting those two factors together, Putin may have feared an early confrontation with governors, who might have rallied behind Nazdratenko as they did in 1997 when Yeltsin attempted to remove him. As it turned out, Nazdratenko was able to help arrange the election in June 2001 of a said protégé, Nikolai Darkin, suspected of illegal business activity, if not outright mafia ties.

Thus, in an interview published on 22 March, President Putin declared victory in his effort to strengthen the Russian state and reintegrate the federation's legal field, much as he has in the war in Chechnya: "[W]e managed to make significant progress forward in strengthening Russian statehood. Remember the kind of state we were living in only recently? One-fourth of regional laws were unconstitutional or contradicted federal legislation. Two-thirds of those regional laws have now been brought into compliance with the constitution."⁶⁶ This would mean that 8–9 percent of all regional laws still violate the constitution or federal law, and as I noted above, new laws that violate federal law continue to be produced. This estimate is approximated by the Justice Ministry's most recent figures. On 21 March Justice Minister Chaika said it had checked almost six thousand regional acts over prior weeks and found only 359 (6 percent) in violation. On this basis, he boasted that "an effective, constantly acting state mechanism of guaranteeing the unity of the legal space of the Russian Federation has been established."⁶⁷ However, Central Federal District envoy Poltavchenko has qualified the degree of success, saying that it was "too soon to speak of a unified legal space."⁶⁸ Indeed, two weeks

after the above claim by Putin, he announced different figures in his speech to the Federal Assembly's two chambers, reporting that only 80 percent of 3,500 non-conforming regional laws had been harmonized with federal law.⁶⁹

The quantitative nature of the Justice Ministry and prosecutors' reports of success in reintegrating the Russian Federation's legal space and reducing federal asymmetry could very well be figures padded in the old apparat tradition. The fact is that, much as during Gorbachev's perestroika and Yeltsin's revolution from above, the regional apparat is resourceful and resilient in delaying and obstructing reform both covertly, through quiet resistance and sabotage, and more overtly. It is no coincidence that after speaking of the progress that had been made in

“Regional authorities have waged a behind-the-scenes effort to delay if not obstruct implementation of Putin’s new federal policy.”

harmonizing Russia's legal space, Putin concluded by stressing, “However, there is a problem which is very serious: fighting bureaucracy in Russia is a very difficult undertaking.”⁷⁰ Thus, it was reported in early April that General Prosecutor Vladimir Ustinov had turned to Putin with a request that he issue a presidential warning to the republics of

Bashkortostan, Ingushetia, and Tatarstan. He reportedly also urged that if these governments fail to respond, then the Duma should disband their parliaments.⁷¹

At the same time, Putin may be preparing to move against obstructionist regional parliaments. It was reported in early March that Northwest Federal District presidential envoy and former premier Sergei Kirienko and Central Federal District envoy Georgy Poltavchenko were beginning to organize Duma deputies from regions in their districts.⁷² At the same time, State Duma deputy Alexander Chetverikov announced that he and several other deputies from Kursk Oblast were supporting the formation of an interfactional Duma group of deputies elected from the Central Federal District.⁷³ The organizing of Duma deputies on this principle may be preparation for a presidential warning to obstructionist parliaments, the disbanding of which requires Duma approval.

On 10 April, Russia's Deputy Justice Minister Yevgeny Zabarchuk stated that the ministry was preparing to propose to Putin that he issue a warning to twenty-three regions whose laws still contradict federal legislation, including the republics of Adygei, Altai, Bashkortostan, Ingushetia, Komi, Sakha, Tatarstan, and Tuva, the oblasts of Arkhangelsk, Chelyabinsk, Chita, Irkutsk, Kamchatka, Moscow, Novgorod, Novosibirsk, Pskov, Ryazan, Sverdlovsk, and Voronezh, as well as Krasnoyarsk Krai, and the cities of Moscow and St. Petersburg. Zabarchuk said the most serious offenders were the republics of Bashkortostan, Ingushetia, Sakha, and Tatarstan.⁷⁴ Justice Minister Chaika upped the ante the same day when he announced that the governments of Adygei and other unnamed regions were in contact with radical Islamic groups abroad and that his ministry would be

reviewing all agreements concluded by these regions with such groups.⁷⁵ From comments of a prosecutor in Sakha on 5 April to the effect that legislatures would be dissolved should they fail to bring their regions' constitutions into line with the federal constitution, it appeared that the Kremlin had decided to target first the regional legislatures with federal intervention.⁷⁶ As a political strategy this would make sense. Regional legislatures are weaker than regional chief executives and can be divided by various means.

Regional Opposition to Putin and His Federal Reforms

Many analysts argue that there is no opposition in Russia to Putin or his policies. They have reiterated that statement with regard to the regional elite's reaction to Putin's federal reforms. One analyst, for example, stated, "Today, no governor openly opposes the president or his policies; in fact, everyone declares that he is loyal to the president."⁷⁷ Such expressions of loyalty clearly mask the volatile politics of Russia's metastable federation and state. Sometimes reference is made to the Federation Council's acquiescence in passing the legislation that formed the legal basis for Putin's federal revolution. In fact, as the problems outlined above suggest, regional authorities have waged a behind-the-scenes effort to delay if not obstruct implementation of Putin's new federal policy in the traditional style of the former Soviet *nomenklaturshchiki* that the majority of them once were. Moreover, there has been quiet but persistent opposition by several important regional bosses expressed both openly and in the cryptic fashion of the old party apparatus from which they come. The fact of obstruction raises the issue of whether Putin's federal reforms are creating the motive if not the conditions for an organized regional opposition against the center. Who the leaders of such an opposition might be is evidenced by regional leaders' initial reaction.

The first sign of opposition to Putin's federal policy, though eventually overcome by the Kremlin, was the Federation Council's negative reaction to the proposed mechanism of federal intervention. After the Duma originally approved the amendments to the law, the Federation Council vetoed the bill, but on 19 July 2000, the Duma overrode the council's veto easily with 362 votes—sixty-two more than needed and representing an 80 percent majority. The dissenting voices included Yabloko and a few deputies from several other factions. Outside the Duma, two figures led campaigns independently of each other against the amendments: leading oligarch Boris Berezovsky and Chuvash Republic president and former Russian justice minister Nikolai Fedorov. This suggested that there might develop at the federal level a dynamic that many Russian analysts say has been created at the regional level by Putin's federal reforms: the strengthening alliance between regional elites and many of Russia's oligarchs, both federal and regional. This has proceeded apace as Oleg Deripaska (Siberia Aluminum), Roman Abramovich (Siberian Oil), Mikhail Fridman (Alfa Holding), Pyotr Aven (Alfa Bank), and regional oligarchs have forged close ties with regional elites as insurance against a possible Putin campaign against corruption and lawlessness. Berezovsky's threat to organize a broad regional opposition to Putin after Putin exiled him from the corridors of power after his inauguration turned out to be an idle

one. He was unable to carry through on his threat, as he came under intense pressure from Russia's general prosecutor (as did other oligarchs) for his role in the Aeroflot case and was forced to flee the country.

While Berezovsky went into self-exile, Fedorov persisted. He led the charge in the Federation Council's veto that was subsequently overridden by the Duma. After the override, Nikolai Fedorov charged the leadership with "stupidity" and "a low political culture" for having introduced a "poorly thought out" legislation. He regarded as sufficient the Russian president's existing powers defined in Articles 85.1 and 85.2 of the constitution, which allow him to suspend acts of regional executive offices that violate federal law and refer them to the courts and to refer disputes between federal and regional laws to the courts.⁷⁸ In another setback, Fedorov was unable to convince the Federation Council to petition the court as a body to challenge Putin's federal reforms, in particular the mechanism for federal intervention. The Federation Council's refusal may have been the result of a deal in which regional governors were bought off by a Kremlin promise to introduce later a new law that would allow many governors to run for third and fourth terms by redesignating the date from which the two-term limit came into force. The Kremlin won passage of the promised law in February 2001, allowing sixty-nine of eighty-nine regional chief executives third or fourth terms.⁷⁹

After this late October 2000 defeat, Fedorov personally appealed to the Constitutional Court.⁸⁰ The court began to hear the case on 13 June, but by the August vacation no decision had been announced.⁸¹ The court revealed the likely outcome of this case, however, in a 19 April decision on another court challenge to Putin's federal reforms: Volga Federal District presidential envoy Sergei Kirienko requested a clarification of a 27 June 2000 decision by the high court in which the court ruled that declarations of sovereignty and other clauses in the constitutions of several national republics were in violation of the federal constitution. In effect Kirienko's appeal was a challenge to the amended redactions of the Tatarstan and Bashkortostan constitutions adopted in late 2000, which retained their clauses on their sovereignty, and the persistent application by these and other republics of laws and constitutions that the high court had ruled were invalid. The court's clarification concluded that its previous decision on the unconstitutionality of the republics' constitutions and laws did not require further court action and that Putin could proceed with issuing warnings to republics that had refused to remove from their constitutions and laws their now illegal clauses.⁸²

Fedorov supported his legal effort with a public campaign. In a series of radio and television broadcasts and newspaper interviews and articles, he attacked the power of federal intervention as well as Putin's other federal reforms. In Berezovsky's *Nezavisimaya gazeta* Fedorov accused Putin of having a cavalier attitude to the constitution and rule of law and of trying to combine the incompatible: law and dictatorship.⁸³ In a radio interview, he condemned Putin's federal intervention powers as "absolutely unconstitutional" and furthering "legal anarchy." He argued reasonably that a decision as momentous as removing an elected governor from office or disbanding a regional legislature should only be made

by a court.⁸⁴ In a later interview Fedorov reiterated his charges, calling the policy a manifestation of “atavism” and of “the legacy of the totalitarian regime.”⁸⁵ Since the New Year, however, Fedorov has been largely silent on the reforms other than warning against giving the federal districts control over financial flows to the regions.⁸⁶ Ironically, his republic was one of the first to respond to the reforms, bringing its basic law in line with the Russian Constitution in fall 2000.

However, others have continued to resist Putin's federal reforms. Once Putin's most staunch backer among the governors, Novgorod governor Mikhail Prusak denied the need for federal districts, envoys, or federal intervention, claiming that none of the regions in the Northwest Federal District has legislation or constitutions that violate federal law.⁸⁷ This claim was discredited by Deputy Prosecutor Vladimir Zubrin and First Deputy Prosecutor Yuri Biryukov, who soon cited four regions in the Northwest Federal District—St. Petersburg, Pskov Oblast, Murmansk, and the Komi and Karelian Republics (though not Prusak's Novgorod)—as having legislation that still violated federal law.⁸⁸ Sverdlovsk governor Eduard Rossel, whose oblast was also cited by Biryukov as a violator, signaled his intention from the start to oppose the Urals Federal District envoy Pyotr Latyshev by arranging a conflict between the local citizenry and Latyshev over where in his region the federal district's staff would be housed. Rossel cleverly offered Latyshev the building of a children's center cherished by locals to use as his headquarters. Rossel subsequently charged that the Kremlin was replacing local prosecutors and customs officials with people “who used to manage three chickens.”⁸⁹

The presidents of the republics of Bashkortostan and Tatarstan have been most outspoken in attacking Putin's federal reforms. Bashkortostan's president Murtaza Rakhimov responded to the reforms, saying he would “cut all the telephone lines” to Moscow rather than have federal bodies like the general prosecutor's office control its officials in his bailiwick.⁹⁰ He has charged that while the center was struggling to reintegrate the federation's legal space and executive vertical and to regain control over financing to the regions, it was ignoring the regions' social and economic problems.⁹¹ Rakhimov shows little desire to comply with Moscow's demand that Bashkortostan bring its constitution into line with the federal constitution or to redress prosecutors' protests against the appointment of district and municipal heads by governors and presidents like Rakhimov.

Days after Putin's annual address to a joint session of the Federal Assembly in April 2001, Rakhimov in his annual address to his bicameral legislature drew the line between reasonable streamlining of regional and federal legislation and wanton federal interference in regional affairs and recentralization of power. Rakhimov warned, “Attempts to return the country to the unitary state model, reconsider the established constitutional-treaty character of federal relations, and violate the set balance of political forces can only deepen the problems that exist in Russia.” Contrary to Putin's line, he argued that the “systemic crisis of statehood” was not connected with “Russia's type of state construction” and that in the process of bringing regional legislation in line with federal law and the Russian Constitution “the essence and specifics of the republic's legislation must not be emasculated.” He set as the cornerstone of Bashkortostan's adjustments to Moscow's demands

for federal sovereignty the republic's incorporation into its constitution of the 3 August 1994 bilateral treaty between Ufa and Moscow, which, Rakhimov reminded Russia's president, Putin himself had once endorsed in a letter to Bashkortostan's State Assembly, thus "closing" the issue, in Rakhimov's view.⁹²

Rakhimov and other regional leaders are in effect hiding behind the political, if not legal, cover given by the center's complicity in the bilateral treaties, which often violate its own constitution and give regional chiefs the apparent right to do the same. More recently he has defied Moscow beyond the issue of federal intervention. Days after his address and during the peak of the NTV crisis (in which GazProm on the state's behalf secured control of that independent voice critical of the Kremlin), Rakhimov openly challenged Putin and the federal authorities by calling on regional leaders to purchase shares in NTV.⁹³ In July he turned to the Constitutional Court, asking it to clarify the meaning of its 19 April 2001 decision mentioned above under which regional (and federal) authorities are obliged to abolish legal acts that are "similar" or "analogous" to ones already ruled to be in violation of federal laws. Rakhimov is arguing that these words are ambiguous and that regional authorities cannot be subject to presidential warnings under federal intervention because of laws not specifically stricken down by a court.⁹⁴

Tatarstan president Mintimer Shaimiev has been an even more persistent and powerful opposition voice from the regions. His republic's insistence on sovereignty and control over all land and natural resources on its territory was a main target of Putin's federal reforms. Shaimiev, like Rakhimov, has created a state nomenklatura-oligarchic system with all and more of the maladies of cronyism and electoral kleptocracy or "prebendalism" extant in Moscow and throughout Russia. He has used progressive issues such as land reform to strengthen his region's independence from Moscow. As one of only three regions (Samara and Satarov are the others) that have legalized the sale and purchase of land, Shaimiev has given the inhabitants of his region a stake in Tatarstan's sovereignty in a country where such land rights are limited. At the same time that Fedorov began his appeal to the Constitutional Court against federal intervention, Justice Minister Yuri Chaika was dispatched to Kazan to secure a written pledge from Shaimiev to bring the republic's constitution and laws into harmony with federal law. However, Shaimiev refused to comply and said negotiations would need to continue.⁹⁵

Joined by his close ally Farit Mukhametshein, the Speaker of Tatarstan's legislature (called the State Council), Shaimiev has led Tatarstan's executive and legislative branches in resisting all efforts to adjust republican law to the desires of Moscow. In this they have been supported by some republic opposition groups, such as the nationalist Tatar Public Center. The State Council again defied Moscow recently by preserving the requirement that republic presidential candidates be bilingual in Russian and Tatar, moving to switch the alphabet of the Tatar language from Cyrillic to Latin, demanding that the center preserve an entry in Russian passports designating nationality, and opposing corrections to the republic's constitution. Moreover, Shaimiev has at times been confrontational. He has suggested that the federal government must bring some of its laws into conformity with the constitution and that it has much to learn from regional law, especially his own "Tatar-

stan model.” When Putin announced a second wave of federal reforms on 17 July, Shaimiev issued a not-so-veiled warning to the Kremlin. He stated that Tatarstan and Chechnya are the only republics that did not sign the old 1992 federation treaty and that the “federal center needs to pay more attention to this fact.”⁹⁶

On the other hand, Shaimiev proposes two reasonable alternatives or supplements to Putin's approach as a compromise. First, joint federal-regional jurisdiction of the spheres designated in Article 72 of the Russian Constitution should be eliminated and divided between the center and the regions. This view is gaining currency among both officials and some Russian scholars.⁹⁷ Second, a new mechanism should be created for regional authorities to submit draft legislation to the Duma.⁹⁸ Shaimiev proposed giving each Federation Council member a “delaying veto,” which would force a second review of any piece of legislation in the Federation Council touching on issues of national minority rights. This is a moderate version of the kind of consensus-based (versus majority-based) or “consociational” democracy found in some federal democracies such as India. But it is much more robust than Article 13 of the above-mentioned 25 April 1997 Russian federal law “On the Principles and Procedure for Differentiating the Areas of Jurisdiction and Authority between the Organs of State Power of the Russian Federation and the Organs of State Power of the Subjects of the Russian Federation.” It stipulates that if more than one-third of the subjects' legislatures “speak out against” a draft law before its second reading in the Duma, then a conciliation commission must be set up, consisting of Duma deputies and representatives of the opposing federation subjects.

After the Kremlin got a look at his proposals, which he was scheduled to deliver to a 20 February session of the new advisory State Council (made up of the regions' chief executives and created to compensate for their loss of seats on the Federation Council), Putin changed the session's agenda to land reform. By the State Council's March session, the membership of its presidium was “rotated,” removing Shaimiev from the body and his proposals from the national agenda for what a Web site closely associated with the Kremlin predicted would be the last time.⁹⁹ In May, Shaimiev was re-elected by a nearly 80 percent majority. His authority in Tatarstan, the forty or so continuing Tatar violations of federal law, and Tatarstan's appearance on a list of regions supposedly on the verge of receiving a presidential warning suggest the growing potential for a crisis between Moscow and Kazan, particularly if Moscow tries to abrogate or fails to renew their bilateral treaty.

Although powerful regional leaders like St. Petersburg mayor Vladimir Yakovlev seem to have reached a tenuous accommodation with Putin, they likely await an opportunity when he is politically weakened. Yakovlev's ostensible *modus vivendi* aside, the bad blood between the two, evident after the death of former Petersburg mayor Anatoly Sobchak in February 2000, must not be overlooked. Putin's ill-fated attempt to run Russian government official Valentin Matvienko against Yakovlev was scuttled not through any truce, but likely as a result of Yakovlev's having *kompromat* on Putin from the period when they worked together under Sobchak in 1990–95. The next Duma and presidential

elections in 2003–04 could give Yakovlev and leaders such as Shaimiev and Rakhimov the cover to mount a regionally oriented opposition movement of the kind that emerged in 1999–2000 under *Otechestvo* and *Vsya Rossiya*. Any move by Putin against them during a campaign could be couched in terms of violations of democratic principles and could threaten to complicate Russia's relations with the West.

Conclusion

It is still too early to give a final assessment of the success or failure of Putin's effort to streamline federal and regional law and of the utility of the new institution of federal intervention. Federal officials have vetted only the regions' constitutions, most high-profile laws, and some administrative directives. They have just begun to examine more obscure laws, executive orders, and other official documents, amounting to "hundreds of thousands," according to Russian deputy prosecutor Alexander G. Zvyagintsev.¹⁰⁰ In April 2001 they were also proceeding to vet district and municipal laws. Deputy envoy to the Volga Federal District Alexander Yevstifeev said that in the majority of his district's regions, municipal regulations contradict federal law.¹⁰¹ This suggests how much work there is left to do to reintegrate law and administration. Though early in the process, it is still useful to consider the early results, their implications, and the possible paths that federal-regional relations and Russian federalism might take in the future.

To date, Putin's "federal revolution," particularly the mechanisms for federal intervention to reintegrate Russia's legal field, combines both administrative and judicial methods. But in practice administrative means, bureaucratic *proizvol*, even authoritarian methods could hold sway. The results of this sort of approach have been found wanting in Russian state building since Mikhail Gorbachev's perestroika. One positive aspect of Putin's federal reforms is that they have gone a long way toward removing the unofficial, noninstitutionalized asymmetrical federalism represented by the contradictions between federal and regional law. But they have not resolved the official asymmetry of Russia's treaty-constitutional federalism based on bilateral federal-regional treaties and supported strongly by republican presidents like Shaimiev, Rakhimov, and others.

Ironically, federal courts and central authorities are in effect demanding under the threat of federal intervention the repeal of powers given to regional authorities in regional constitutions and laws, which ostensibly violate federal law but which are approved by the bilateral treaties signed by Moscow. This can be seen in the abrogation of articles regarding republican control over natural resources, foreign affairs, and foreign economic relations in the constitutions of the republics of Tatarstan and Bashkortostan and in the existence of similar articles in the bilateral treaties between these republics and Moscow. Some of these articles cover spheres of joint federal-regional jurisdiction laid out in the Constitution's Article 72 but designated as transferable under Article 78.¹⁰² Taken together, these constitutional and treaty/agreement articles are the main sources not only of asymmetry, but of conflict between the center and the regions. Whereas India's federal constitution also divides up policy spheres between federal, joint federal-

regional, and regional jurisdictions, the respective competencies are delineated in much greater detail, reducing contradictions that create a lack of clarity and lead to conflict. The problem of Russian federalism is not so much asymmetry, or at least official asymmetry among the relationships of different regions with Moscow, but the legal contradictions between bilateral treaties and the constitution and the lack of specificity in Articles 71–73 of the constitution, which function as loopholes and sources of center-periphery conflict.

Moreover, the number of violations of federal law in regional law has been reduced beyond the level at which Moscow now will have to issue a presidential warning to powerful and entrenched regional elites in ethnically sensitive republics like Tatarstan, Bashkortostan, Sakha, Dagestan and Ingushetia. Russia's deputy prosecutor Zvyagintsev, charged with the Volga Federal District, has given notice that he will be "tough" in pursuing his district's only remaining delinquent constitutions—those in Tatarstan and Bashkortostan.¹⁰³ Reports of an impending presidential warning to twenty-three regions that include those republics have appeared. Thus, one unintended consequence of Putin's federal reform could be a dangerous confrontation with several sovereignty-minded national republics.

At the same time, any lack of political will in relation to defiant regions and national republics will send a message to regional elites that opposition to Moscow has few if any costs. That could catalyze a more concerted regional opposition to the Kremlin, particularly during the run up to elections in 2004–05. New or revitalized regionally-oriented national parties or electoral blocs could re-emerge, similar to Otechestvo-Vsya Rossiya in 1999 under the leadership of Moscow mayor Yuri Luzhkov, St. Petersburg's Vladimir Yakovlev, Tatarstan's Shaimiev, and Bashkortostan's Rakhmonov. On the other hand, if Moscow exerts too heavy a hand on the regions, the leaders and the elite in the national autonomies might try to rally local nationalist forces as allies in their struggle with Moscow. That could escalate the center-periphery conflict between elites over sovereignty into a national independence movement driven from below.

In addition, in many of the national autonomies it is Russians who are subject to discriminatory laws that violate federal norms, and as was noted in the case of Adygei, federal authorities are exerting pressure to redress the situation. Indeed, on 16 March, Southern Federal District presidential envoy Viktor Kazantsev met with the leaders of ethnic Slavic societies from his district's regions. Their representatives complained about the laws in national republics that privilege the titular nationalities. Kazantsev agreed with the societies to establish a coordinating council of Russian societies attached to his staff.¹⁰⁴ Rallying Russians to defend themselves from real or perceived violations of their rights or threats of Islamic terrorism risks a backlash in many republics. That danger will be more present as federal intervention continues to overturn regional laws to the detriment of regional elites. Under Yeltsin, they were able to contain non-Russian nationalism in return for and in part because of their relative freedom to run their regional politics and economies as they saw fit. Under federal pressure to harmonize local law, embattled non-Russian regional elites are being forced to choose between complying with Moscow and risking a nationalist backlash from below in their

regions or mobilizing an upsurge of national identity and nationalist feeling against Moscow to defend themselves. This could create a potentially explosive situation in national and federal relations across Russia.

Worse still, federal intervention could inordinately target opponents rather than allies of the Kremlin, democratic rather than authoritarian regional leaders, or leaders of non-Russian national autonomies rather than the Russian regions. On the other hand, if Putin neither negotiates with regional leaders to achieve clear separation of jurisdictions nor attempts to force regional compliance through federal intervention, it is likely that his federal revolution will produce little more than the meager results of many recent and ancient Russian reforms.

Putin's federal reforms touch on several key points critical to the formation of democracy in federal states. If administrative and prosecutorial intervention predominates over judicial resolution of conflict, then democracy is likely to be compromised. Here, the future of Putin's still-halting effort to fashion judicial reform will be pivotal. So far, it appears that prosecutors are relying on the courts. We do not know whether the use of *kompromat* and/or "telephone law" is prevalent behind the scenes. Giving the president a role in controlling federal-regional legal coordination and resolving federal-regional legal disputes risks injecting politics into what should be a technical legal matter for courts to decide. Will Putin give into the temptation to use the power of intervention to punish political opponents and strengthen his political position rather than to defend the civil and political rights of individuals against the regional state apparatus? Or will he use his power inordinately to protect the rights of Russians in the republics and national autonomies? Will Putin use the reforms to centralize power rather than streamline law and administration? Will authoritarian governors who bow to Moscow on some laws be allowed to continue violating others to lord over their regions?

If administrative pressure pre-empts judicial resolution of federal-regional conflict and is applied arbitrarily at the behest of certain political interests, it may combine with the final part of the package of federal reforms—the amendments to the law on local self-administration—to strengthen vertical integration but weaken democracy and the rule of law. If the new laws and other mechanisms are used to re-establish centralized "executive vertical" command over regional governors, and if they in turn re-establish executive control over local administration, interventionism will lead away from federalism and democracy and toward the restoration of the kind of hierarchical administrative order that was the backbone of the unitary Soviet state.

The two very different methods of federal intervention provided for in the new legislation and Putin's early reticence to make use of this new power say something about Putin's leadership style and power relative to other actors on the Russian political scene. First, the democratic and authoritarian methods provided for in the amended law suggest a hesitance on Putin's part about where he wants to take the country. Putin may be holding in reserve an authoritarian approach, if democratic and market methods fail to stabilize the state and economy. Second, despite the alleged influence of his KGB background and the purported dictatorial powers afforded to the Russian president by the constitution, Putin does not

appear to regard his power as sufficiently superior to that of other actors on the scene so as to allow him to proceed against undesirables like Nazdratenko without the political support of at least some of those actors or without offering compromise and compensation.

If the first relatively moderate wave of federation reforms fails or produces a political crisis with one or more regions, Putin may try to resort to more authoritarian variations of federal reform such as using the prosecutors' office to remove governors on alleged criminal charges, abolishing the Federation Council, and/or appointing rather than electing governors. On the other hand, should the mix of administrative and judicial means restore integrity to the Russian Federation's legal and economic space, and should judicial means become the sole and seldom-applied method of restoring legal uniformity, then the center may feel more comfortable in devolving functions to the regions and preserving the regions' role in federal law making. Such an institutionalization of Russia's asymmetrical federalism would help consolidate its nascent democratic federalism.

Until now, Putin's federal reforms have not undermined Russia's democratic federalism as it is conceptualized in theory. The central and regional governments continue to divide policy spheres between them in such a way that each has "some activities on which it makes final decisions."¹⁰⁵ Beyond this basic characteristic, the five "secondary characteristics" of federalism have been preserved as well. The 1993 Russian Constitution remains untouched as the basis of Russian federalism and may become more so should the federal-regional treaties and agreements be annulled or not be renewed.¹⁰⁶ The constitution's amendment by a Constitutional Assembly still requires the participation of the federation subjects through their representatives in the upper house, who must approve any convening of such an assembly by a three-fifths majority. And the federal center has no direct role in amending regional constitutions and charters. Equal or disproportional representation of the smaller federation subjects in the Federation Council is perhaps in some regards (a ratio of 370 to 1 of best represented to worst represented unit on the basis of population) overfulfilled in Russia's Constitution, which provides for one of the highest degrees of disproportionate so-called "*demos*-constraining" and "majority-constraining" representation among the democratic federal states.¹⁰⁷ The inordinate degree of disproportionate representation of smaller subjects may be addressed in the near future by one of the currently much discussed schemes for incorporating small and sparsely populated autonomous national okrugs and oblasts into their large but often sparsely populated oblasts and krajs.

Two secondary characteristics—budget federalism and bicameralism—though touched by the reforms nonetheless remain factors supporting rather than dismantling federalism. First, under Putin the percentage of tax revenues retained by the federal government was increased to a federal-regional ratio of 58/42 in the 2001 budget and will be between 55/45 and 60/40 in the 2002 budget. To be sure, Russia's extreme fiscal decentralization under Yeltsin, largely institutionalized in the federal-regional bilateral treaties, may have played some role in holding the federation together. However, it also led to the loss of administrative and fiscal

control and aggravated economic differences between rich and poor regions, creating the need for it to be reined in by Yeltsin's successor.¹⁰⁸ Moscow's treaties allowed Tatarstan and Bashkortostan to retain 70 and 80 percent of tax revenues, respectively, and the overall revenue sharing favored the regions over the federal budget. Despite fiscal centralization under Putin, the bottom line is that the revenue shared with the regions in Russia has been much higher than in Australia's federal democracy (70/30), which, although centralized relative to other federal democracies, is more decentralized than most unitary democracies.

Second, Putin's reform of the Federation Council's membership principle has not undermined bicameralism. In July the council blocked several measures pushed through the Duma by the Putin administration—including a measure to reduce the number of governors who will be allowed on a one-time basis to run for a third term and another that would establish a federal mechanism for merging federation subjects—and diverted them to conciliation committees of Duma and council members. However, since the new senators are appointed rather than elected they are the product of inter-elite bargaining rather than popular constituencies. The new State Council is not impinging on the Federation Council's constitutional powers or informal influence. In fact, it provides another forum in which regional leaders can shape federal policy. Finally, the institution of federal intervention this article focuses on impinges on Russia's noninstitutionalized forms of asymmetrical federalism, but it does not compromise any of the pillars of institutionalized asymmetry. Intervention is temporary, law-based, and ultimately democratic, leaving the final say to the courts and regional re-elections, except presumably in the case of governors found to have committed grave crimes.

As this article was being completed federal authorities were preparing for an assault on the bilateral treaties and agreements. In June the Putin administration announced the formation of a commission to review both Article 72 on joint federal-regional jurisdiction and Russia's institutionalized asymmetry founded on the bilateral treaties.¹⁰⁹ As I noted at the outset, a move to abrogate the latter should probably be viewed as one undermining the democratic possibilities in Russia's asymmetrical federalism, since it is noninstitutionalized asymmetry, not asymmetry per se, that threatens democracy, the rule of law, and stability in federations. However, a compromise could be in the making whereby a constitutional law is crafted handing over some or all the spheres of joint jurisdiction to sole regional jurisdiction in return for phasing out bilateral treaties as they expire. Shaimiev's inclusion on the commission and the consensual leadership styles of both him and Putin suggest that a compromise can be had, averting a second Chechnya and strengthening Russia's weak and tenuous democratic federalism. Either way, Putin's federal reforms will constitute a watershed in the development of the post-Soviet Russian state.

NOTES

1. Nikolai Petrov, "Russia under Putin: Consolidating the Centralized State, Weakening Democracy and the Federal System," *East-West Institute Russian Regional Report* 6, no. 23 (19 June 2001).

2. Leonid Smirnyagin, "Federalizm po Putinu ili Putin po federalizmu (zheleznoi pyatoi)?" *Brifing* (Moskovskii Tsentr Karnegi) 3, no. 3 (March 2001).
3. Vladimir Lysenko, comments at the conference "Federativnaya revolyutsiya v Rossii" at the Institute of Political Research, 22 July 2000.
4. RTR Program *Podrobnosti*, 15 March 2001, transcribed by the Federal News Service, www.fednews.ru, 15 March 2001. Two weeks earlier Gref cited a smaller figure of six hundred for types of business activity requiring licenses from regional authorities. Federal News Service, www.fednews.ru, 2 March 2001.
5. See Alfred Stepan, "Federalism and Democracy: Beyond the U.S. Model," *Journal of Democracy* 10, no. 4 (October 1999): 21, 29–32; and Alfred Stepan, "Russian Federalism in Comparative Perspective," *Post-Soviet Affairs* 16, no. 2 (April-June 2000): 145–49.
6. See Gordon M. Hahn, *Russia's Revolution from Above, 1985–2000: Reform, Transition, and Revolution in the Fall of the Soviet Communist Regime* (Somerset, NJ: Transaction, 2001).
7. See the Constitutional Court's "Po delu o proverke konstitutsionnosti otdelnykh polozenii Konstitutsii Respubliki Altai i Federal'nogo zakona 'Ob obschikh printsipakh organizatsii zakonodatel'nykh (predstavitel'nykh) i ispolnitel'nykh organov gosudarstvennoi vlasti sub'ektov Rossiiskoi Federatsii,'" *Postanovlenie* 10 (1 June 2000).
8. Yuri Biryukov, "Prokuratura bystrogo reogirovaniya," *Nezavisimaya gazeta*, 28 February 2001, 8.
9. *East-West Institute Russian Regional Report* 6, no. 9 (7 March 2001).
10. V. N. Lysenko, "Razdelenie vlasti i opyt' Rossiiskoi Federatsii," in *Federalizm vlasti i vlast' federalizma*, ed. M. N. Guboglo (Moscow: IntelTek, 1997), 184–86.
11. See the treaty in Guboglo, *Federalizm vlasti i vlast' federalizma*, 247.
12. See the treaty in Guboglo, *Federalizm vlasti i vlast' federalizma*, 248.
13. Biryukov, "Prokuratura bystrogo reogirovaniya."
14. See Alfred Stepan, "Russian Federalism in Comparative Perspective," *Post-Soviet Affairs* 16, no. 2 (April-June 2000): 145–49. See also Robert Agranoff, "Asymmetrical and Symmetrical Federalism in Spain," in *Evaluating Federal Systems*, ed. Berteus de Villiers (Dordrecht: Martinus Nijhoff, 1994).
15. *Kommersant*, 16 February 2000, 2.
16. *Kommersant*, 8 February 2000, 3.
17. Lysenko, "Razdelenie vlasti i opyt' Rossiiskoi Federatsii," 188.
18. See the section "The Russian State's Vertical Incohesion," chapter 11 in Hahn, *Russia's Revolution from Above*.
19. See the text of this law in Guboglo, *Federalizm vlasti i vlast' federalizma*, 838–46.
20. Biryukov, "Prokuratura bystrogo reogirovaniya."
21. *Kommersant*, 8 February 2000, 3.
22. See the interview with Valentin Stepankov, deputy to Volga Federal District envoy Sergei Kirienko, at <<http://strana.ru/state2001/03/30/985954596.html>>.
23. *Kommersant*, 8 February 2000, 3.
24. *Kommersant*, 8 February 2000, 3.
25. Maksim Zhukov, "Sudy bez pravil," *Kommersant*, 16 February 2000, 2.
26. *Novosti Konstitutsionnogo suda*, 11 April 2000, <www.garant.ru/consnews/11200004.html>. See also <www.polit.ru>, 11 April 2000.
27. Vladimir Shpak, "Podsudnoe delo," *Vremya novostei*, 17 March 2000, 1.
28. Shpak, "Podsudnoe delo."
29. See Federal'nyi Zakon Rossiiskoi Federatsii, "O vnesenii izmenenii i dopolnenii v Federal'nyi Zakon 'Ob obschikh printsipakh organizatsii zakonodatel'nykh (predstavitel'nykh) i ispolnitel'nykh organov gosudarstvennoi vlasti sub'ektov Rossiiskoi Federatsii,'" 26 July 2001 at <http://www.rg.ru/official/doc/federal_zak/106_fz.shtm>.
30. See Federal'nyi Zakon Rossiiskoi Federatsii, "O poryadke formirovaniya Soveta Federatsii Federal'nogo Sobraniya Rossiiskoi Federatsii," 5 August 2000 at <http://www.rg.ru/official/doc/federal_zak/113.shtm>.

31. See, for example, Julie A. Corwin, "Has a Year without Yeltsin Been a Year Without Change?" *RFE/RL Russian Federation Report* 2, no. 10 (14 March 2001).
32. *Rossiiskaya gazeta*, 6 August 2000.
33. *Rossiiskaya gazeta*, 6 August 2000.
34. *Rossiiskaya gazeta*, 6 August 2000.
35. The Northwest Federal District's envoy, former KGB general and dissident-hunter Vladimir Cherkessov, has been accused of interfering in the Supreme Court's decision in the case of Alexander Nikitin, charged with revealing state secrets in exposing the environmental threat posed by Russia's inactive nuclear submarines. Through his wife, chief editor of the influential St. Petersburg newspaper *Chas Pik*, he has used the press to attack Nikitin, if not pressure the courts, prompting a liable suit from Nikitin.
36. Aleksei Makarkin. "Ideologicheskoe oruzhie Kremlya," *Segodnya*, 20 March 2000, 2.
37. From interviews with regional authorities in Pskov, Sverdlovsk, Tatarstan, and St. Petersburg by Peter Reddaway, discussed in his presentation at the Hoover Institution, Stanford University, 3 August 2000.
38. Igor Telin, "Prokuratura Mordovii kak instrument privedeniya mestnogo zakonodatel'stva v sootvetstvie s federal'nym," East-West Institute Web site, www.iewis.org/rrabout.nsf.
39. See <http://www.regions.ru/news/news.html?location=&date=2000-09-25>.
40. *RFE/RL Newslines* 5, no. 8 (12 January 2001).
41. *Obshchaya gazeta* 52 (December 2000).
42. Biryukov, "Prokuratura bystrogo reogirovaniya."
43. Putin identified this as an important function of prosecutors. Anna Zakatnova, "Genprokuratura nakanune reform," *Nezavisimaya gazeta*, 12 January 2001, 3.
44. *East-West Institute Russian Regional Report* 6, no. 9 (7 March 2001).
45. *Obshchaya gazeta* 52 (December 2000).
46. Biryukov, "Prokuratura bystrogo reogirovaniya." For the Constitutional Court's decisions, see "Opredelenie Konstitutsionnogo Suda Rossiiskoi Federatsii po zaprosu gruppy deputatov Gosudarstvennoi Dumy o proverke sootvetsviya Konstitutsii Rossiiskoi Federatsii ot del'nykh polozhenii konstitutsii Respubliki Adygeya, Respubliki Bashkortostan, Respubliki Ingushetiya, Respubliki Komi, Respubliki Severnaya Osetiya-Alaniya i Respubliki Tatarstana," 27 June 2000 at <http://ks.rfnet.ru/opred/o250700.html>. See also the resolution of the court on Altai, "Postanovlenie Konstitutsionnogo Suda Rossiiskoi Federatsii po delu o proverke konstitutsionnosti ot del'nykh polozhenii Konstitutsii Respubliki Altai i Federal'nogo zakona 'Ob obshchikh printsipakh organizatsii zakonodatel'nykh (predstavitel'nykh) i ispolnitel'nykh organov gosudarstvennoi vlasti sub'ektov Rossiiskoi Federatsii,'" 7 June 2000 at http://ks.rfnet.ru/pos/p10_00.html.
47. Biryukov, "Prokuratura bystrogo reogirovaniya."
48. *RFE/RL Newslines* 5, no. 32 (15 February 2001).
49. *East-West Institute Russian Regional Report* 6, no. 10 (14 March 2001).
50. *RFE/RL Russian Federation Report* 3, no. 13 (11 April 2001).
51. *RFE/RL Newslines* 6, no. 42 (1 March 2001).
52. *RFE/RL Newslines* 5, no. 57, part 1 (22 March 2001).
53. Yuri Alaev, "Legitimnost' Tatarstanskogo parlamenta postavlena pod vopros." <http://strana.ru/state/2001/04/06/986540371.html>.
54. Jeffrey Glazer, "Vybory v Gosudarstvennyu Dumu v 1990 godu v Tatarstane: zametki nablyudatelya," *Konstitusionnoe pravo: Vostochnoevropeiskoe obozrenie* 18, no. 2 (2000), at www.mpsf.org/kpvo/kpvo231/Etazi/glazier.html.
55. *Izvestiya*, 13 March 2001, 2.
56. *East-West Institute Russian Regional Report* 6, no. 5, 7 February 2001.
57. *East-West Institute Russian Regional Report* 6, no. 11, 21 March 2001.
58. Olga Krechet, "Parlament Adygei poshol protiv svoego prezidenta," www.strana.ru/state/districts/2001/06/22/993235465.html.
59. See Besik Pipiya, "Vladimir Zubrin: Na podkhode—krupnye dela," *Nezavisimaya*

gazeta—Regiony, 5, 27 March 2001, 3.

60. Biryukov, "Prokuratura bystrogo reogirovaniya."
61. Viktor Belimov, "Zatyanuvshayasya razvedka v tylu vraga," *Nezavisimaya gazeta*, 22 March 2001, 4.
62. *East-West Institute Russian Regional Report* 6, no. 9 (7 March 2001).
63. Yuri Biryukov, "Prokuratura bystrogo reogirovaniya."
64. *RFE/RL Newslines* 5, no. 44 (5 March 2001).
65. *Rossiiskaya gazeta*, 4 April 2001, 2.
66. *Izvestiya*, 22 March 2001, 1.
67. *RFE/RL Newslines* 5, no. 57, pt. 1 (22 March 2001).
68. *East-West Institute Russian Regional Report* 6, no. 10 (14 March 2001).
69. *Rossiiskaya gazeta*, 4 April 2001, 2.
70. *Izvestiya*, 22 March 2001, 2.
71. *RFE/RL Newslines* 5, no. 67 (5 April 2001).
72. *Kommersant*, 7 March 2001, 2.
73. *East-West Institute Russian Regional Report* 6, no. 10 (14 March 2001).
74. *Tatarstan News*, <<http://www.tatnews.ru/news/?id=1074>>.
75. *RFE/RL Newslines* 5, no. 71 (11 April 2001), and *Tatarstan News*, <<http://www.tatnews.ru/news/?id=1060>>.
76. *RFE/RL Russian Federation Report* 3, no. 13 (11 April 2001).
77. Robert W. Orttung, "How Effective Are Putin's Federal Reforms?" *East-West Institute Russian Regional Report* 6, no. 11 (21 March 2001).
78. *Segodnya*, 21 July 2000, 2.
79. Olga Tropkina, "U Fedorova prakticheski ne ostalos' edinomyshlennikov," *Nezavisimaya gazeta*, 25 October 2000, 3. Svetlana Sukhova, "Akskalky federal'nogo znacheniya," *Segodnya*, 14 February 2001, 2. As the writing of this article came to a close, the Putin administration was trying to push through an amendment that would reduce the number of governors allowed to run for third terms from sixty-nine to ten. However, it was running into opposition in the Federation Council from the supposedly Kremlin-controlled Federation faction, suggesting that the reformed upper chamber may not be as compliant as many analysts proposed the new reforms might make it.
80. Svetlana Sukhova, "Istets-odinochka," *Segodnya*, 3 November 2000, 2. Later Vladimir Platonov, Federation Council deputy Speaker and chairman of the Moscow city Duma, also filed an appeal. See *Segodnya*, 13 November 2000, 3.
81. Sergei Sklyarov, "Konstitutsionnyi sud reshil, mozhet li prezident otstranyat' gubernatorov," <www.strana.ru/state.districts/2001/06/13/992457726.html>.
82. For the clarifying *opredelenie* see *Rossiiskaya gazeta*, 16 May 2001, 10.
83. Nikolai Fedorov, "O diktature i zakone," *Nezavisimaya gazeta*, 25 October 2000, 3.
84. Radio interview with Fedorov on *Ekho Moskvy*, available at <www.echo.msk.ru/interview/interview/26.html>.
85. 19 October 2000 radio interview on *Ekho Moskvy*, available at <www.echo.msk.ru/interview/interview/1936>.
86. *Izvestiya*, 20 March 2001, 4.
87. *Nezavisimaya gazeta*, 8 February 2001, 3.
88. Pipiya, "Vladimir Zubrin: Na podkhode—krupnye dela," and Biryukov, "Prokuratura bystrogo reogirovaniya."
89. David Hoffman, "Putin Displays More Cautious Leadership," *Washington Post*, 23 October 2000, 6.
90. Hoffman, "Putin Displays More Cautious Leadership."
91. Marina Klashnikova, Lyudmilla Romanova, and Sergei Sokut, "Reformoi Oboronkoi Zanyalsya GosSovet," *Nezavisimaya gazeta*, 23 March 2001, 3.
92. Ezhegodnoe poslanie Prezidenta Respubliki Bashkortostana Murtazy Rakhimova GosSovetu RB, 7 Aprelya 2001 goda. See <www.regions.ru/documents/id/509424.html>.
93. *RFE/RL Newslines* 5, no. 71 (11 April 2001).

94. *RFE/RL Newslines* 5, no. 135 (19 July 2001).
95. *RFE/RL Russian Federation Report* 2, no. 42 (15 November 2000).
96. *RFE/RL Newslines* 5, no. 134, part 1 (18 July 2001).
97. Georgy Poltavchenko, presidential envoy in charge of the Central Federal District, supports this view. See Svetlana Sukhova, "My sotsobyazatel'stb ne beryom..."; *Segodnya*, 21 March 2001. At least one Russian expert on Russian federalism proposed the same as a member of Yeltsin's advisory Presidential Council. See Leonid Smirnyagin, *Rossiiskii Federalizm: Paradoksy, protivorechiya, predrassudki* (Moscow: Moskovskii obshchestvennyi nauchnyi fond, 1998), 70. For his critique of Putin's federal reforms see Leonid Smirnyagin, "Federalizm po Putinu ili Putin po federalizmu (zheleznoi pyatoi)?" *Brifing* (Moskovskii Tsentri Karnegi) 3, no. 3 (March 2001).
98. Yuri Alaev, "Mintimer Shaimiev budet dobivat'sya polnogo razvoda regionov i tsentra," available at <www.strana.ru/print/977821979.html>.
99. *East-West Institute Russian Regional Report* 6, no. 8 (28 February 2001); and Alaev, "Mintimer Shaimiev."
100. *Rossiiskaya gazeta*, 7 April 2001, 3.
101. *RFE/RL Newslines* 5, no. 71 (11 April 2001).
102. For example, compare the "Opredelenie Konstitutsionnogo Suda Rossiiskoi Federatsii po zaprosu deputatov Gosudarstvennoi Dumy o proverke sootvetstviya Konstitutsii Rossiiskoi Federatsii otdel'nykh polozhenii konstitutsii Respubliki Adygeya, Respubliki Bashkortostan, Respubliki Ingushetiya, Respubliki Komi, Respubliki Severnaya Osetiya-Alaniya i Respubliki Tatarstan," 27 Iyunya 2000, <<http://ks.rfnet.ru/opred/o250700.html>>, with articles in the federal-regional bilateral treaties and agreements between Moscow and these two republics in Gobuglo, *Federalizm vlasti i vlast' federalizma*, 248, 260–61, 437–38.
103. *Rossiiskaya gazeta*, 7 April 2001, 3.
104. *East-West Institute Russian Regional Report* 6, no. 11, 21 March 2001.
105. William F. Riker, "Federalism," in *Handbook of Political Science, Vol. 5: Governmental Institutions and Processes*, ed. Fred I. Greenstein and Nelson W. Polsby (Reading, MA: Addison-Wesley, 1975), 101.
106. Arend Lijphart, *Democracies: Patterns of Majoritarian and Consensus Government in Twenty-One Countries* (New Haven: Yale University Press, 1979), 170–71.
107. Stepan, "Russian Federalism in Comparative Perspective," 158–69.
108. Daniel S. Treisman, *After the Deluge: Regional Crises and Political Consolidation in Russia* (Ann Arbor: University of Michigan Press, 1999).
109. See the relevant *presidential ukaz* on the commission in *Rossiiskaya gazeta*, 27 June 2001.