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4. The Value of the Tatarstan Experience for Georgia and Abkhazia

Introduction

In the 20th century Russia has seen two changes in the way in which its component parts are joined. In the first case, in 1917-1922, the Tsarist empire, after two revolutions and a civil war, gave way to the full version of Soviet federalism. The two basic tenets of Soviet federalism were, firstly, the internal division of the state according to the ethno-territorial principle, and, secondly, the theory of dual sovereignty.¹ The ethno-territorial principle provided for the allocation of territory to each compact ethnic group inhabiting a certain area. It was in this area that the ethnic group in question could organise its administrative bodies and cultural institutions using local languages. The theory of dual sovereignty meant that sovereignty was vested both in the federation and in its subjects (members), the Union republics. On the basis of that principle the latter, as sovereign states, had the constitutional right to secede. This right of secession, along with the Treaties of Union between the Union republics, provided for an element of formal confederalism in the Soviet polity. In contrast to the USSR, which was based on a Treaty of Union, the Russian Soviet Federative Socialist Republic (RSFSR) was considered to be based on the existence of autonomous units (including Tataria, now officially called Tatarstan) created by Bolshevik fiat from above, not by treaty or agreement. The only case (among the republics still forming part of Russia now) where an agreement was initially concluded between an autonomous republic joining the RSFSR and the RSFSR itself was Bashkiria (now officially called Bashkortostan), where fighting against Bolshevik rule in the civil war was particularly fierce. In March 1919, the Russian Soviet government made a formal agreement with the Bashkir non-Bolshevik nationalist government of the day which sanctioned the creation of the autonomous Bashkir republic as part of the RSFSR. The Soviet government broke that agreement in May 1920 by subordinating all the Bashkir people's commissariats (ministries) and the army to central government bodies, thus reducing Bashkir autonomy effectively to naught.²

The autonomous republics had no right of secession. In the Soviet era, the period of stable dictatorship achieved after the civil war saw a gradual erosion of federalist principles and effective reassertion of the unitary state. The vehicle of unitarisation was a top-down framework of Communist Party bodies controlling administration at all levels. One may safely assume that by 1936, the year in which the Stalin Constitution was adopted, Soviet federalism had become an empty shell despite its initial success in shaping the national life of the Soviet republics.

In the second case, in 1989-1993, perestroika and the break-up of the USSR caused Russia's evolution from late-Soviet quasi-federalism towards a new federal system. This system, unlike the classical Soviet federalism of Lenin's time, did not create a new state or signal a complete break with the old one. The ethno-territorial principle was preserved, despite the fact that few non-Russian republics within Russia had a majority non-Russian population. The principle of dual sovereignty was expunged from the national Constitution in 1993, but the principle of local sovereignty is retained in the constitutions of republics within Russia. At present, politicians and scholars in Russia claiming to speak for national interests favour the gradual abolition of both ethno-territorial federalism and the sovereignty of non-Russian republics. The administrators and intellectuals in the latter, on the other hand, seek to preserve them and to institutionalise them further.

Due to the country's ethnic diversity, the nationalities' problem has loomed large in the changing parameters of Russia's statehood. The ethnic movements received a strong impulse from the Russian revolutions. Revolutions initiated in the centre caused a sharp intensification of local nationalism. Both Bolsheviks and Yeltsinites had to appeal to ethnic minorities in order to win their support in their struggle for power. Thus, a range of opportunities arose for non-Russian elites. In the post-Communist phase, some of the ethnic minorities used these opportunities to secede from the USSR, others to enhance their Soviet-era status, to shape their national identity or to gain greater opportunities for economic and cultural development. The new elites in the Russian centre, beneficiaries of the 'Yeltsinite revolution', could not ignore ethnic demands and were compelled to accept them, at least partially and often grudgingly, in the new forms of statehood. Thus, the ground was laid for a transition from late-Soviet quasi-federalism to present-day asymmetrical federal arrangements. Russia's evolving federalism today is a compromise between the largely centralist-minded ethnic Russian elites, still smarting from the aftermath of the break-up of the USSR, and the non-Russian elites in some republics who demand 'real federalism' as a means of furthering their own national projects.

By 'national project' we mean a predominating, coherent vision arising out of a complex of alternative development models proposed by the various political forces and individual thinkers in a given community. In the case of Tatarstan, its

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national project, as formulated by the republic's mainstream public opinion, seems to be a process, extended over time, of sovereign multi-ethnic state formation, entrenchment of its own political identity and economic self-sufficiency, and securing recognition of its special, associated-state status by Moscow and the world.

During the 'struggle for sovereignty' phase, the positions formulated by the Tatar national movement were echoed by national movements elsewhere in Russia, whereas Tatarstan assumed the role of 'locomotive' of Russia's regions (to use a phrase coined by the Russian politician Sergei Shakhrai) in their tug-of-war with the federal centre. The official Tatarstan line is based on a realistic assessment of the republic's political and legal position in the all-Russian context. It rests on the assumption that, without compromising on Tatarstan sovereignty as a constitutional principle, the Tatars — a highly educated people who possessed their own statehood in the distant past — now have to seek self-determination inside rather than outside Russia, for geopolitical and ethno-demographic reasons (since Tatarstan, located right in the centre of Russia, has no border with any foreign country and since the Tatars inside Tatarstan form only one-third of the total Tatar population of Russia). An added factor is the international community's refusal to recognise unilateral secession, had it been attempted. The compromise reached between Moscow and Kazan lies at the heart of Russia's asymmetrical federalism.

Russia's Federal Evolution and the Birth of Tatarstan's National Project

Both Russia's federal evolution and Tatarstan's national project were made possible as the major foundations of the Soviet regime crumbled one after another. The first to crumble was the CPSU, and with it the legitimising myth of the Soviet regime — a supra-national ideology that had bound together all the peoples and nationalities of the Soviet Union. Suppressed ethnic passions burst forth. In August 1991 the coercive apparatus broke down. The Soviet Union crashed later the same year. In Russia itself the next foundation to disintegrate was the old administrative chain of command based on the Party hierarchy, after August 1991. Simultaneously this period saw the demise of the central economic management system: Gosplan, Gossnab and the economic branch ministries. Since 1992, as a result of the drive towards a market economy and privatisation, a vast range of formerly nationalised property has been up for grabs, a process from which most of the population was excluded. The system of Soviets was abolished at the end of 1993. That process was entirely chaotic, with no orderly procedure, albeit with no civil war either. Thus, conditions were created for a transfer of

state property under the jurisdiction of the authorities in constituents of the federation and for greater autonomy for the regions, which were left to their own devices. Amid this self-inflicted chaos, the Russian authorities nevertheless managed to avert further territorial disintegration. They did this by having the constituents of the federation (except Tatarstan and Chechnya) sign a Federal Treaty, and by adopting a new Constitution.

It was quite natural that the Republic of Tatarstan, where the Communist-era state apparatus survived these years of instability, wished to make provision against losses associated with the transition to an unknown future. Its ex-Communist leadership managed to hold on to power and to embark on the republic's own state- and nation-building processes. In so doing, Tatarstan consciously opted for a rational way out of a perilous situation, choosing stability instead of following what it saw as a destructive policy prescribed by the centre. A set of constitutional, political and economic measures was implemented, laying the foundations for a new (if less than fully independent) statehood, and for the subsequent introduction of asymmetrical federal relations between this state, the Republic of Tatarstan, and Russia.

First of all we wish to establish the starting-point from which Russia (and Tatarstan along with it) embarked on the road to federalism. As pointed out above, the RSFSR, as distinct from the Soviet Union, was not based on a Treaty of Union and was regarded as a federation based on autonomous units. Some authors wonder why it was called a federation at all, whereas other Soviet republics that had autonomous entities within them – Georgia, Azerbaijan or Uzbekistan – were not. These authors think this was a tribute to tradition (the early decrees of Soviet power) rather than a reflection of the real state of affairs.³ It was federalism on paper, while the real executive chain of command (*ispolnitel'naya vertikal'*) was based on the dual political and economic hierarchy. Politically, the CPSU Central Committee (CC CPSU) gave instructions to regional Party secretaries (*sekretari obkomov*) who transmitted them to the Party network at enterprises and organisations. Economically, enterprise directors were answerable to branch ministries (*otraslevye ministerstva*), to which they paid taxes and from which they received funding. The legislative branch, the Soviets, served as a decorative camouflage of Party rule.

After August 1991, the Party chain of command was dismantled. In the whole of Russia except the republics, the former role of regional Party secretaries was now entrusted to heads of administration (*glavy administratsii*) appointed by the President of the Russian Federation (RF) with the consent of the RF Supreme Soviet. An attempt was thus made to make the hitherto fictitious power of Soviets real. The heads of administration were answerable to both the RF President and the RF Supreme Soviet. In Tatarstan, the heads of administration were appointed by the local government with the consent of the Tatarstan Supreme

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Soviet. The Soviets had a control function over the local administration all over Russia, but in places like Tatarstan they co-operated with the local presidents in pursuit of sovereign statehood, while in 'Russian Russia', both in Moscow and the regions, intractable conflicts arose over regulatory powers and economic policy. At the end of 1993, President Yeltsin abolished the Soviets in the non-republics by fiat, but only recommended their abolition in the republics. Tatarstan, for instance, did not follow the recommendation and kept its Supreme Soviet, elected in 1990, in operation until 1995, when it was replaced by the newly-elected State Council. After the abolition of Soviets in 1993, the heads of administration in the oblasts, kraia and autonomous territories (okrugs and the Jewish autonomous oblast) were directly subordinated to RF President, while the powers of the new legislative bodies installed instead of the Soviets were drastically curtailed; in fact they were subordinated to the local administration. Thus, as far as the executive and legislative bodies in the non-republics were concerned, there was a double breach of legitimacy during the 'Yeltsinite revolution': of the executive branch in 1991 and of the legislative branch in 1993. These breaches of legitimacy could be disregarded, since they were committed by the nationally elected President, whose legitimacy was paramount. Nevertheless, this means that as far as the non-republics were concerned, there was no real self-government or regional political self-identification apart from the centre.

In contrast to non-republics, in Tatarstan (as in a number of other republics) the old legitimacy, based on Communist internationalism and submission to Party rule by force of habit, was not broken in the Gorbachev and Yeltsin period, but smoothly transformed into a new legitimacy based on sovereignty. The composition of the ruling elites remained largely the same in Tatarstan, under Communist rule and after it. Political legitimacy and internal cohesion were at a premium, since Tatarstan was constantly faced with the centre's attempts to bring the republic into line, whether the point at issue was political obedience or tax collection. For a few years of economic reform, inner political stability was bought at the cost of a 'soft transition to the market'. Relations between the Tatar and Russian communities in Tatarstan have not been conflictual. There is a high proportion of mixed marriages in the republic (30 per cent on average, 40 per cent in Kazan). Due to Tatarstan's relatively well-balanced economy bequeathed from the Soviet period, a factor that was so prominent in the 'Chechen revolution' – a mass inflow into the cities of unemployed Islamic youth from the villages who could not find work anywhere in Chechnya and swelled the ranks of those fighting for independence – did not make itself felt in Tatarstan. In line with the non-violent strategy chosen by Tatarstan's leadership for implementation of its national project, radical Tatar nationalism is allowed to exist, at times manipulated into greater activity in order to extract concessions from Moscow, but generally kept under control.

Three Stages in The State- and Nation-Building Process

The state- and nation-building process in Tatarstan depended on the range of possibilities existing in Russia at particular times: 1) 1989 - August 1991, the period of the break-up of the USSR and anti-Communist struggles; 2) August 1991 - October 1993, a period of political instability in Moscow and struggles over the choice of federal models; 3) October 1993 – 1998, a period of relative calm along the centre-republics' axis, apart from Chechnya.

The *first period* lasted from the height of *perestroika* to the August putsch of 1991. It was then that the autonomous republics first raised the question of upgrading their status to the level of the Union republics, perhaps as an unintended consequence of Mikhail Gorbachev's strategy of political democratisation. This happened at the first Congress of USSR People's Deputies in May-June 1989. At the end of the year, the Communist Party plenum on the nationalities' question gave the autonomous republics an opportunity to air their grievances. In Tatarstan, the Tatar Public Centre (Tatarskii obschestvennyi tsentr, TOTS), formed in 1988, launched nationalist activity aimed primarily at securing the status of Tatarstan as a Union republic, a long-standing Tatar demand. It will be remembered that neither the Tatars nor other Muslim peoples had been direct signatories of the Union Treaty that laid the foundation of the USSR in 1922. In Tatarstan this was regarded as an indication of the second-class status of the Tatars (and of Muslim peoples in general) in the Soviet Union.

Partly as a result of pressure by the autonomous entities on Moscow, the USSR Supreme Soviet on 26 April 1990 passed a law "On the Delimitation of Powers between the USSR and the Subjects of the Federation."⁴ Under that law, the autonomous entities were to form part of the Union republics on the basis of free self-determination of peoples and possessed all state power on their territory, with the exception of powers transferred to the jurisdiction of the USSR and union republics. Their equality of economic, social and cultural rights with the Union republics was stressed, barring those rights they voluntarily assigned to the latter. The autonomous republics could now conclude bilateral agreements with each other. Politically the law was an attempt to win the restive autonomous republics over to the side of the Kremlin, thus narrowing the power base of Yeltsin's democrats, who by then were locked in combat with the Union centre. The law of 26 April 1990 was interpreted in Tatarstan as conferring on Russia's autonomous republics the status of constituents of two federations at once – the USSR and the RSFSR. To avoid what seemed a dubious legal situation, Tatarstan ceased designating itself officially as a constituent of the RSFSR until the signature of a putative Union Treaty between the Union centre and all types of republic.

The Russian democrats, with only nominal power in the RSFSR, could offer Russia's autonomous republics little more than empty promises such as 'taking as

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much sovereignty as they could swallow' (Yeltsin's speeches in Tatarstan and Bashkortostan in August 1990). The Declaration of State Sovereignty of the RSFSR passed by the Russian Supreme Soviet on 12 June 1990 contained no provisions on Tatarstan's special status, although inadvertently it gave the Tatar national movement a powerful boost. What it did include was a proposition for a Federal Treaty to delimit competences within the RSFSR. This explains why the Tatar leaders sided with Gorbachev and not Yeltsin — the more so as the ethnic Russian opposition to the Tatar nationalists in Tatarstan was cloaked in democratic, pro-Yeltsin colours. The Tatarstan Supreme Soviet passed a Declaration of State Sovereignty of Tatarstan on 30 August 1990 in a climate of ethnic Tatar nationalist mobilisation. Article 6 of the Declaration read:

Pending the adoption of the new Constitution of the Tatar SSR and other laws and regulations of the Tatar SSR, the laws of the Tatar SSR, of the Russian Federation and of the USSR currently in force shall remain valid on the territory of Tatar SSR unless they are contrary to the Declaration of State Sovereignty of the Tatar SSR.⁵

Gorbachev's line of encouraging autonomous republics continued, with plans to have the Union Treaty signed by the Union republics and autonomous entities on an equal basis, as constituent members of the Union of Sovereign States (not to be confused with the Commonwealth of Independent States). Although Tatarstan was to remain in Russia's fold, the Union Treaty offered Tatarstan the opportunity to start a campaign for a budget separate from the RSFSR, for the division of state property and for opening representative offices in Moscow and abroad. Tatarstan's leadership invoked the republic's positive vote in the referendum on the preservation of the USSR of 17 March 1991 as grounds for its wish to accede to the Union Treaty.

Until August 1991 the RSFSR leadership also declared its support for the idea of a Union Treaty signed by all types of republics as constituents, with the RSFSR republics signing it as members of both the USSR and the RSFSR. This followed from a compromise formula reached in May 1991 between Gorbachev, Yeltsin and leaders of RSFSR republics.⁶ A protocol signed after the first round of negotiations by the Russian and Tatarstan delegations held in Moscow on 12-15 August 1991 contained an understanding that both sides, as parties to the Union Treaty, would henceforth build their relationship on a contractual basis.⁷ Indeed, the signing of the Union Treaty was scheduled for 20 August 1991, only to be thwarted by the Moscow putsch.

In the *second period*, from the August 1991 putsch until the dissolution of the Supreme Soviet in October 1993, the Yeltsin leadership, feeling strengthened by its victory over the putschists, reneged on earlier promises to Russia's republics. The idea that the Union Treaty would be signed by all types of republics as constituent members of the Commonwealth of Independent States was dropped. In

the second half of 1991, work on the Federal Treaty was cut short by Russia's legislative and executive branches. Instead of the Federal Treaty, an official working group proposed to adopt a law on the delimitation of jurisdictional subjects (*predmetov vedeniya*) and mutual delegation of powers between the state bodies of the Russian Federation and those of constituents of the federation.⁸ Such a law, to be drafted by parliament in Moscow, would have given the centre a legal framework for resisting what the centre viewed as excessive demands by the republics. The period until March 1992 saw strong pressure exerted by the republics to foil these plans and make the Russian leadership sign the Federal Treaty. Tatarstan's position was more radical than that of other republics: it demanded what amounted to a bilateral interstate treaty with Russia. According to its Declaration of State Sovereignty of 30 August 1990, it considered itself a Union republic until the very break-up of the USSR. When the USSR was no more, the Supreme Soviet of Tatarstan (on 26 December 1991) passed a Declaration of Tatarstan's Entry into the CIS.⁹ These latter claims were not recognised by Russia. The legal conflict with Tatarstan was unresolved. In the context of the period, Tatarstan's drive for sovereignty was perceived in Moscow as a threat. It should be added that the period until 1992 was the height of the influence of Tatar radical nationalist parties in Tatarstan.

On 21 March 1992 Tatarstan held a referendum on the status of Tatarstan, in the teeth of strong opposition from Moscow. Voters were asked to say 'yes' or 'no' to the following question: 'Do you agree that the Republic of Tatarstan is a sovereign state, a subject of international law, building its relations with Russia and other republics and states on the basis of equitable treaties?' 61.4 per cent of those taking part voted in favour, which represented 50.3 per cent of the Tatarstan electorate.¹⁰

At that point the Russian leadership seriously feared that the shock-wave from the break-up of the USSR would extend to Russia's republics as well. It was the need to forestall the break-up of Russia that prompted it to organise the signing of the Federal Treaty by the members of the Russian Federation. The Federal Treaty, in three slightly differing versions, was signed separately with each of the three types of territorial unit in Russia on 31 March 1992. The term 'constituent of the federation' was absent from the Treaty, as well as a provision on the equality of the rights of constituents.¹¹ Under the Federal Treaty, a three-tier constitutional arrangement was worked out for the Russian Federation. The first tier included mostly ethnic Russian regions divided into 49 oblasts (regions), six krais (larger regions) and two federal cities (Moscow and St. Petersburg). The second tier included 19 republics (if Chechnya and Tatarstan, which did not sign, are to be excluded). Only six of these – Dagestan, Ingushetia, Kabardino-Balkaria, North Ossetia, Chuvashia and Tuva — had a majority non-Russian population. The third tier was made up of ethnic entities below republican level

— one (Jewish) autonomous oblast and ten autonomous okrugs (territories — also mostly Russian-populated). The autonomous okrugs formed part of the corresponding oblasts and krajs, somewhat like Tatarstan in the late Gorbachev period, when it was a constituent of both the RSFSR and the USSR. The asymmetry in this arrangement lay in the fact that, as distinct from the units in the first and third tier, under the Federal Treaty of 1992 the republics obtained nominal sovereignty, the title of state, and the right to have their own constitutions: all these privileges were denied to non-republics. Meanwhile, for the sake of political decorum, all the three orders of government were declared to have equal rights among themselves and vis-à-vis the federal centre.

The inclusion of oblasts, krajs and autonomous units in the Federal Treaty was symbolically important as a pledge for the future. If the non-republics really wanted to become equal in status with the republics, the Federal Treaty stimulated their legislative activity to pursue regional self-awareness and legal identity. The Federal Treaty was also a pledge for the future for the republics, whose 'sovereignty' existed largely on paper but was now duly recognised. We shall see below that after October 1993 the Kremlin thought the concession too great and did not confirm the republics' sovereignty in the new Constitution. Neither would it tolerate an upgrading of oblasts, krajs and autonomous units to the level of republics.

1992-1993 saw a struggle between Russia's Supreme Soviet and its President. Both the parliamentary and the presidential sides were compelled to appeal to the republics again, offering them economic and political concessions. President Yeltsin in particular tried to rely on the republics in his struggle with the Supreme Soviet, and on Russian non-republics in an effort to offset the claims of the republics themselves.

By way of concession to the republics, the texts of the three versions of the Federal Treaty were included both in the amended interim RF Constitution (in the 21 April 1992 version) and in the two versions of a new constitution — the one drafted by the Supreme Soviet's Constitutional Commission (written by its secretary Oleg Rummyantsev) and the one drafted by Sergei Shakhrai, Anatoli Sobchak and Sergei Alexeyev from the presidential angle. On the presidential side, the Federal Treaty then served both to conciliate the republics and to discredit the Supreme Soviet draft by depriving it of a definitive character (since the Federal Treaty was presented as a document having as much validity as the constitution then in force). In this period Tatarstan, followed by other republics such as Bashkortostan, Karelia and Sakha-Yakutia, almost stopped paying taxes to the federal exchequer (behaviour the centre was then powerless to resist). On 6 November 1992 Tatarstan adopted a constitution that defined its status as a 'sovereign state, a subject of international law, associated with Russia on the basis of a treaty on mutually delegated powers'. This consummated the process of for-

mation of the Republic of Tatarstan as a distinct state body with legal personality, ready to initiate federal relations with Russia on a new, contractual basis.

Since late 1992 the oblasts and krajs (non-republics) with mostly ethnic Russian populations have fought fiercely against what they viewed as legal and economic inequality with the republics, demanding either upgraded status to put them on a par with the republics or larger and economically stronger territories instead of krajs and oblasts. At the Constitutional Conference in summer 1993, the oblasts and krajs obtained a formal pledge of legal equality with the republics in the future constitution (they would henceforth be constituents of the federation), the right to legislate, and the inviolability of their territories. Tatarstan left the Conference in protest against Moscow's refusal to recognise its sovereignty by a state-to-state treaty and to include a reference to its special status in the new draft constitution.

In 1991-93, the Tatarstan leadership implemented a number of security measures designed to consolidate its de-facto control over the territory of the republic. As disclosed by Rafael Khakimov, Political Adviser to the President of Tatarstan, in an interview with US public policy researchers from the Potomac Foundation in October 1993, 'for approximately three years Tatarstan has been working on the problem of security so that we may be able to use our interior troops'. Despite the fact that the RT Interior and Security Ministers were formally subordinated to Moscow, President Shaimiev replaced these ministers and the RT Procurator-General in 1993 with his own men.¹² A small-scale exercise for training the National Guard as an embryo national army was conducted by Tatar nationalists in Naberezhnye Chelny and Kazan. This activity was unofficial, as the Tatarstan leadership had banned paramilitary groups in late 1991. At the same time, steps were taken to co-ordinate the activities of the ethnic Tatar movement with its counterparts in the neighbouring republics of Mari-El, Chuvashia, Udmurtia and Bashkortostan in the Volga-Ural region, viewed by the Tatars and Bashkirs as their common homeland, the historic Idel-Ural. The co-ordination was effected through the Assembly of the Peoples of the Volga and the Urals, where representatives of the Tatar national movement were in the ascendancy. This activity, which is still in progress, may be seen as more than just cultural, economic or ecological co-operation if we remember that both Presidential Adviser Rafael Khakimov and Indus Tagirov, the Chairman of the World Tatar Congress, who are close to President Shaimiev, repeatedly made statements that Russia will inevitably disintegrate, that its borders are illegal, and so forth. Some sections of the Tatar elite see the national objective as the creation of the independent state of Idel-Ural (Volga-Ural state), which would include the Tatars living in and around Tatarstan and the adjoining Turkic and Finno-Ugric peoples. Such views persist in (narrow) circles of the Tatar intellectual elites. These statements create an impression that some circles in Tatarstan do (or did in 1990-94)

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consider the possibilities of parting from Russia, but would like to do so smoothly, as it were, without separatism, so that Tatarstan's would-be independence could be recognised by both Russia and the outside world without any problems.

Tatar intellectuals who are more optimistic about Russia's fortunes say that it was the Russian Federation as an heir to the Russian empire that was doomed, and that a federation set up from below might breathe new life into Russia's state structure. The cultural and political differences between individual republics in the Volga-Ural region as well as their varying degrees of economic dependence on Moscow also make the Idel-Ural idea a mere dream.

The *third period* came after the violent resolution of President Yeltsin's conflict with the Russian Supreme Soviet in October 1993 and lasted into 1998. It was characterised by a certain consolidation of the (still weak) state. In December 1993, a constitution was adopted without a full text of the Federal Treaty. This signified the official resolve to prevent a further 'republicanisation' of Russia. The territorial, legal and economic unity of the state was stressed. Russia was henceforth to be formally a constitutional, not a contractual state (some experts term it both constitutional and contractual in practice). The constitution admits of a dual interpretation: on the one hand, the republics and non-republics are proclaimed to be subjects of the federation with equal rights, and on the other the republics alone are said to be states (as we pointed out above, the Federal Treaty had used the formulation 'sovereign states'), with their own constitutions. The right to have their own legislation was 'wrested' from the federal centre by the non-republics at the Constitutional Conference of 1993. The asymmetry between republics and non-republics is enhanced by disparities between particular treaties concluded between the power bodies of the centre and the regions due to the constitutional admission of power-sharing (Art. 11, part 3 of the RF Constitution of 1993) and discrepancies between local and federal legislation.

At the end of 1993 and in early 1994, the governments of Russia and Tatarstan concluded 12 agreements that formed the basis for the Power-Sharing Treaty of February 1994. Among other things, the two sides defined the area of Tatarstan's exclusive competence in foreign trade (the right to conclude commercial agreements with foreign countries and attract foreign credits guaranteed by the Tatarstan National Bank). They agreed that no more than one-third of the taxes collected in Tatarstan would go to Russia. Tatarstan confirmed the right to conduct its own version of market reform. A clause in the bilateral military agreement, curious for a presumably unified country, stipulated that the Russian Army units stationed in Tatarstan were forbidden to interfere in the internal affairs of Tatarstan using force or a threat of force, while Tatarstan undertook to refrain from committing 'illegal acts' against Russian Army servicemen and their families.

From a constitutional perspective, it was the right of the agencies of state power of the Russian Federation and those of federation constituents to con-

clude power-sharing treaties with each other. This right was enshrined in the 1993 RF Constitution. It enabled Tatarstan to conclude such a treaty in February 1994, followed by a spate of treaties between the state bodies of the federal centre and those of many other republics and regions. But from a political perspective, it was the defeat of Tatarstan's main detractors – RF Supreme Soviet Chairman Ruslan Khasbulatov and Vice-President Alexander Rutskoi — that enabled presidents Yeltsin and Shaimiev to sign the momentous act. Under the circumstances, the special arrangement with Tatarstan was regarded as a factor strengthening the Russian Federation.

Russian law does not provide for direct state-to-state treaties between Russia and its constituents, including Tatarstan, but only for treaties to delimit competences (termed 'jurisdictional subjects' in Russian law) between the state bodies of the centre and the regions. Contrary to this legal prescription, the RF-RT Power-Sharing Treaty is officially designated as "A Treaty between the Russian Federation and the Republic of Tatarstan on Delimitation of Jurisdictional Subjects and Mutual Delegation of Powers between the State Bodies of the Russian Federation and the State Bodies of the Republic of Tatarstan".¹³ It is a compromise going beyond the provisions of the Russian (and Tatar) Constitutions. It looks as if the opening formula of the title ('A Treaty between the Russian Federation and the Republic of Tatarstan') as well as the reference to a delegation of powers, also absent from Russian law, were borrowed from the Tatarstan Constitution based on its Declaration of Sovereignty, while the reference to a delimitation of jurisdictional subjects between the state bodies of the two parties to the Treaty is based on the language of the RF Constitution. The Treaty has eliminated Tatarstan's direct subordination to Moscow while assigning to Russia such vital functions as defence, security or foreign policy. Many economic functions, including participation in foreign trade, are now within the purview of Tatarstan. The laws passed by the Russian Duma operate in Tatarstan after being confirmed and modified by the local legislature. The opposition to the Treaty comes mostly from marginalised groups of Tatar nationalists. These criticise the RT authorities for authoritarian practices (the Tatar nationalist parties are in fact excluded from taking any part in decision-making), for allowing a delegation of powers to Russia (which in their view is inadmissible for a sovereign state), for treading too cautiously in the matter of introducing Tatar language and culture in place of Russian language and culture, and for not helping the Crimean Tatars and the Chechens politically or economically. However, the antagonism between the Tatar and Russian communities, if it was ever significant, has decreased markedly as a result of the Treaty. The ethnic Russian population of Kazan does not seem to view itself as a community distinct from ethnic Tatar co-nationals, and vice versa. In Moscow, even the Communists and nationalists, despite their opposition to Tatarstan's 'special status' and economic privileges, have so far not made any serious moves to annul the Treaty.

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The concentration of powers in the republics in the hands of their presidents and in the non-republics in the hands of their heads of administration (in some places called governors) and their greater economic and financial clout gradually led to the extension of asymmetric relations to other federation subjects. Thus, a power-sharing treaty with Bashkortostan, concluded later in 1994, recognises Bashkortostan as a 'full member (*polnopravnyi sub'ekt*) of the Russian federation'. Such a formulation is absent from the RF-RT Treaty that says that Tatarstan is 'united with Russia' and guarantees the territorial integrity, presumably of both Russia and Tatarstan, as no further clarification was made on that score. At the same time the treaty with Bashkortostan included a direct reference to Bashkortostan's sovereignty, which was not the case with Tatarstan under the RF-RT Treaty. From 1994 to June 1998, 45 power-sharing treaties and hundreds of single-issue agreements, some of them prolonged and reformulated, were concluded by the federal centre with federation constituents.¹⁴ Each 'Big Treaty' with a federation constituent is usually accompanied by a dozen agreements adding substance to the 'Big Treaty'. Before 1996 treaties were signed with republics only, and since 1996 also with oblasts, krais and federal cities (St. Petersburg and Moscow). Many of them were signed in spring and summer 1996 as vote-catchers during the presidential election campaign. Besides, since autumn 1996 election campaigns in the oblasts and krais gave many Russian governors a semi-autonomous position. Now Tatarstan is not alone, but one among many. Nevertheless only Tatarstan and Bashkortostan have concluded treaties with Moscow based on a delegation of powers from below, and it is only Tatarstan (if we leave out Chechnya, which claims full independence) that still officially says it is associated with Russia by treaty (with Tatarstan not forming an intrinsic part of Russia but existing in the Russian fold precisely by virtue of this legal and political document). The treaties with other federation constituents deal with non-political (mostly economic) matters. This, as some authors argue, makes Tatarstan a special case, not a model for other republics and regions. For Chechnya, which signed its own peace agreement with Moscow in May 1997 based on the principles of international law (however, this does not make Chechnya a candidate for international recognition, due to the world community's unwillingness to countenance unilateral declarations of secession), Tatarstan can no longer be a model either. However, the peace treaty with Chechnya is yet another indication that Russia's federal asymmetry is here to stay.

Asymmetrical federalism as applied to Tatarstan, to say nothing of other republics, is not formalised within the framework of Russia's statehood by any act of parliament. As we have said above, the 1994 Power-Sharing Treaty between Russia and Tatarstan was not submitted to a procedure of approval in either the Russian or the Tatar parliament, while the constitutions of Russia and Tatarstan do not dovetail with each other. Tatarstan, along with the other sub-

states, is represented in the Federation Council – the upper chamber of the RF Federal Assembly. Much in the Russo-Tatarstan relationship is built upon the personal authority of President Shaimiev and on the Tatar leadership's informal ties with Russian politicians. Tatarstan enjoys no power of veto on questions of Russia's constitutional polity. However, on a number of nationwide issues it holds a separate opinion, and the centre has to take that opinion into account. Thus in the polemics on the purported confederative alliance between Russia and Belarus, Tatarstan spoke against the move and went on record as saying that if such an alliance were concluded, it would also demand a status for itself equal to that of Belarus. The position of Tatarstan on the issue is thus one of the factors impeding the unification of the two states. In 1997 Tatarstan acted against the introduction of new Russian internal passports where the entry of 'nationality' is absent, with entries made only in the Russian language. The issuing of such passports in the republic was discontinued by decision of the local leadership. A number of republics of the Northern Caucasus have since followed Tatarstan in voicing similar objections. The fact that the existence of a Chamber of Nationalities is not provided for in the Federal Assembly does not suit Tatarstan, and it reserves the right to raise that question in the future.

The incongruity of Russia's asymmetrical federal framework is made worse by economic and fiscal imbalances (60 per cent of economic turnover and a greater part of the financial resources is concentrated in Moscow, with only ten out of 89 regions being 'donors' to the federal budget),¹⁵ by the unwieldy bureaucracy in the centre and the regions, and by the lack of enabling federal legislation. However, asymmetrical federalism as applied to the republics is a reality rooted in the multi-ethnic character of the Russian state, which cannot be consigned to oblivion by any decree.

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Allowing for the relativity of historical parallels and for the impossibility of directly transferring historical experience from one sociocultural region to another, let us note at the outset both the general and the specific features of the two conflict situations – the one that formed between Russia and Tatarstan in 1990-94 and the one in the course of the Georgian-Abkhazian conflict.

In Soviet times both Tatarstan and Abkhazia enjoyed the status of autonomous republics – the former as part of Russia and the latter as part of Georgia. In the Soviet era, the Tatars sought to upgrade the status of the Tatar ASSR to the level of a Union Republic. The Abkhaz, for their part, had long been demanding permission to leave Georgia and join the RSFSR¹⁶. As time went on, Abkhaz claims were also evolving. In March 1989, during a 30-thousand-strong

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gathering in the village of Lykhny (which was not exclusively attended by Abkhazians), a demand was voiced to restore Abkhazia to the status of 1921 – that of a Union Republic (SSR Abkhazia). The status of autonomous unit did not suit either of the two nationalities. Generally speaking, in all the autonomous republics, including Abkhazia and Tatarstan, the Soviet concept (and the very term) of ‘autonomy’ became discredited, as the will of nations and their cultural and political rights were (in the opinion of national minorities) repeatedly and grossly violated. On the other hand, both Tatarstan and Abkhazia saw the emergence and entrenchment of titular ethnic elites which found the confines of the corresponding subnational entities too narrow for them. That said, there was obviously a greater degree of penetration of the Tatar elite into the Russian elite than by the Abkhaz elite into its Georgian counterpart. The extensive use of the Russian language by the Abkhaz in the public domain in Abkhazia meant that ethnic Georgians in Abkhazia were also increasingly using Russian, not Georgian, in public life. Thus, Georgians viewed the ‘Abkhazian factor’ as conducive to greater Russification. It should also be noted that Georgia itself had been annexed by Soviet Russia, with all the resulting consequences for the Georgian national self-image.

The difference in the genesis of the two conflicts is linked to differences in the historical past, mentality and geopolitical position of Tatarstan and Abkhazia. The area of modern Tatar settlement had been annexed by Russia in the 16th century and has since remained enclosed within its borders. In its turn, Abkhazia’s earlier perception of unity with Georgia was blurred by history, as the unified Georgian state ceased to exist after the Mongol invasions. The Abkhaz continued to maintain close ties with the Megrelian sub-ethnic group of Georgians (in the late Middle Ages both Abkhazia and Megrelia were under the nominal suzerainty of Ottoman Turkey), but until 1918 the Abkhaz were not ruled by Georgians from Tbilisi (instead, in Imperial Russia they were administered by the Russian tsar’s viceroys from Tiflis, as Tbilisi was then called) and as a rule did not know the Georgian language, although many Abkhaz knew Megrelian. As a result, Abkhazia’s incorporation into the Georgian Democratic Republic in 1918, then into the Georgian SSR in 1931, was and is viewed by the Abkhaz as repeated cases of conquest.

The Tatar mentality rests on a ‘softened’ version of Sunni Islam, which was influenced by the Tatar Enlightenment – Jadidism. Islam in Tatarstan saw lengthy periods of confrontation with the Russian Orthodox Church, attempted Christianisation under the tsars, and atheistic campaigns under the Bolsheviks. It serves as a nucleus for the Tatar ethnic group and a spiritual anchorage of the Tatars, even when the Tatar national movement is in temporary decline. In Abkhazia the traditions of clan-based pagan beliefs are still alive, while the influence of both Islam and Christianity was greatly weakened and almost disappeared in

the Soviet era. Many Tatar intellectuals are concerned over the assimilation of the Tatars by the Russians and the prospect of extinction of Tatar culture and identity, but the Tatars have no such fears of a complete merger of the Tatar and Russian ethnic groups and the complete disappearance of the Tatar nation, such as exist among the Abkhaz in relation to the Georgians, due to the increased Georgian influx into Abkhazia in the 20th century, especially since the 1930s. On the other hand, Russian fears over the break-up of Russia are far less acute than the Georgian perception of the problem of Georgia breaking up. The prospect of the latter is much more tangible, whereas the problem of a possible fragmentation of Russia is in many ways far-fetched, being a consequence of post-imperial shock. Geopolitically Tatarstan is in the centre of Russia, while the Tatar nation is dispersed across its whole territory, a factor which takes the edge off interethnic conflict. A highly positive factor from the standpoint of defusing potential conflicts between Tatarstan and Russia is that, at the high point of confrontation in 1990-92, Russia did not send troops into Tatarstan and confined itself to verbal threats. There has not been any ethnic cleansing either. Who knows what turn events would have taken if Russia and Tatarstan had passed a bloody point of no return in the post-Soviet era? Happily, this did not happen.

The method by which the authorities of Russia and Tatarstan tackled the conflict between them that gathered momentum in 1990-92 is of interest to Georgia and Abkhazia for the following reasons. Firstly – and this is the main point – Russia and Tatarstan refrained from using force and managed to avoid interethnic strife. A mutual refusal to put forward demands that could humiliate the other side, and a sense of proportion, contributed to a peaceful outcome. Russia did not insist that Tatar legislation be brought fully into line with Russian legislation, whereas Tatarstan refrained from taking further steps to implement its Declaration of State Sovereignty. In addition, the RF-RT Power-Sharing Treaty removed a certain number of accumulated contradictions. It reinforced Russia's territorial integrity and at the same time gave a certain boost to the Tatars' self-respect. Interethnic peace in Tatarstan is maintained by the moderate and well-balanced policies of the Tatarstan leadership, and by an absence of drastic 'nationalising' steps that might antagonise the Russian population. At the same time, a certain balance seems to be maintained in Tatarstan, between the largely ethnic Tatar government personnel and the ethnic Russian intellectual and professional elites, between mostly Russian-speaking Kazan and the Tatar countryside, between the nationally-orientated and assimilated Tatars, along with the existence of a sizable stratum of mixed Russo-Tatar families.

Secondly, the Treaty allowed Tatarstan to build international ties, engage in commerce, and attract investment from abroad. If the position of quasi-sovereign Tatarstan is compared with that of breakaway Abkhazia, it is apparent that Tatarstan, though forming part of Russia, enjoys incomparably greater opportu-

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nities for economic contacts with all the countries of the world than Abkhazia, which is isolated internationally and subjected to economic sanctions by Russia, applied under diplomatic pressure from Georgia. The Tatarstan leadership is aware that in the event of secession it will immediately lose the advantages of integration with Russia, sever its links with the Tatar diaspora still living in Russia and impair its image among the world community. If Abkhazia's present unrecognised status is maintained, the prospects of reconstruction of its economy are problematic indeed.

Conclusion

There is no denying that elements of confederalism do exist in relations along the centre-republic' axis, particularly in relations between Moscow and Tatarstan. As a combined result of Lenin's ethno-federalism, the Federal Treaty and power-sharing treaties, the Russian federalist framework has become rather tangled. An expert, Victor Gavrilov of the Economic Institute in Moscow, has put the problem as follows:

So what state entity has finally been formed as a result of the titanic efforts of Russia's executive authority? It cannot be called a federation, as it includes regions possessing sovereignty. But it cannot be called a confederation either, as it also includes regions that do not possess sovereignty (and these are in the majority). Consequently, at present Russia has the hallmarks of both a federation and a confederation, and, strictly speaking, does not belong to any of the definitions in full measure.¹⁷

As we see it, the cleavage in the Russian Federation's polity runs along a dividing line between an "administrative" federal section and a "political" federal section. The former consists of oblasts, krais and autonomous territories (autonomous okrugs and the Jewish autonomous oblast), which *are not* states. The latter consists of republics, which *are* states. Contrary to this definition based on fact, the Russian Constitution designates *all* the country as a federation and *all* its administrative units as constituents of the federation with equal rights. This said, we can make a qualification: whereas some of the economically stronger republics (Tatarstan and Bashkortostan above all) have brought elements of confederalism in their relations with the Russian centre, other republics, despite their status as states (and sovereign states at that) depend on subsidies from Moscow in the same way as do many ordinary oblasts and krais, and their sovereignty is largely formal. Some economically stronger non-republics (Sverdlovsk oblast) or those that are depressed and remote (Primorski krai) sometimes become quasi-feudal fiefs, but this is not so much due to federalism (asymmetrical or otherwise) as to the economic weight of the former and to

the disruption of economic links with Central Russia, due chiefly to high transport tariffs, in the case of the latter.

As far as Russia's non-republics (and even many Russified and poor republics) are concerned, there is no stigma attached to unitarism, provided that it is voluntary. Oleg Morozov, a Russian MP from Tatarstan, has written, with good reason, that 'a unitary form of a multi-ethnic polity has historically been acceptable for the greater part of nationalities who live in it only on one condition: if they do not claim a different form of self-determination, for the latter cannot be limited by the will of another people'.¹⁸ Many Russian regions have almost lost regional self-awareness under the weight of mass production and standardised culture. This is not contradicted by the fact that many citizens in the provinces have strong feelings against preferential treatment granted to Moscow. An ethnic Russian republic without the provinces that are not ethnic Russian (if that is imaginable) might be unitary. However, since Russia consists of many nationalities with an entrenched, separate national identity, it cannot avoid ethno-federalism, the more so since ethno-federalism, quasi- or not, has become a tradition of Russian statehood since Lenin's time and cannot be undone. To carry the argument further: if Russia's republics maintain federal relations with the centre, the non-republics cannot remain unitary and will also have to be federalised, if not quite in the same way as the republics. Otherwise a portion of a state will have legal privileges destroying the nation's unity.

Compared to politicians and theoreticians in the rest of Russia, their counterparts in Tatarstan — a largely bi-ethnic republic and an enclave in the centre of Russia, a pioneer in the process of federalising Russia — seem single-minded in their commitment to Tatarstan's national project based on the republic's sovereignty and their vision of an asymmetrical federalism in Russia based on delegation of powers to the federal centre 'from below' by the constituents of the federation. However, behind this facade of unity of mind and purpose lies an unspoken assumption that Tatarstan is 'free to determine its status' but, basing itself on reality, has to restrict itself as regards the scope of such freedom. Everybody in Kazan knows that Tatarstan is part of Russia. Russians and Tatars are closely bound together in every walk of life. Russia's territorial integrity is not questioned by mainstream Tatar public opinion. The strategy is to take that portion of sovereignty that can be taken under the given circumstances. In its relations with Russia, Tatarstan faces an uphill struggle to preserve hard-won gains and, within its capacities, to try to make Russia truly federal. From autumn 1997 until now the next round in this struggle has been Tatarstan's attempt to make the Russian authorities allow it to issue passports with entries in the Tatar language and national symbols.

As distinct from Tatarstan, Russian leaders today lack a coherent national project. The initial vision of such a project — the Russian version of democratic

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and market reforms – has foundered on unforeseen difficulties and has split the nation. In the absence of a national project, policies affecting federalist debate changed at least three times throughout the 1989-1998 period — from the heady wave of democratisation and attendant destabilisation in the Gorbachev era, through the political instability and constitutional uncertainty in the period up to October 1993 and to the somewhat more stable period after the adoption of the present Constitution, Chechnya always excepted. This has affected the positions on both sides of the Russo-Tatarstan debate: the degree of asymmetry that could reasonably be allowed by the centre and the range of demands put forward by Tatarstan. The compromise reached between the two sides in 1994 has brought a measure of stability in their relationships. Now, five years since the conclusion of the Power-Sharing Treaty between Russia and Tatarstan, their mutual trust has significantly improved, though it is Tatarstan's flag, not the Russian flag, that flies over public buildings in Kazan, the republic's neat and tidy capital.

Notes

- ¹ See V. Chirkin, *Sovremennyyi federalizm: sravnitel'nyi analiz*, Moscow, 1995, pp. 14-15. It may be remarked that the early Soviet federalism, despite its outward forms, was deemed to be based not so much on a union of states as on a union of formerly 'oppressed and exploited' working classes of the various peoples that had inhabited the erstwhile Imperial Russia. The common bond between them was a shared belief in Communist ideals. Such was the opinion of Professor Nikolai Alexeyev, a member of the Eurasianist movement among a section of Russian émigrés in the 1920s. See N. Alexeyev, 'Sovetskii federalizm' in: *Yevraziiskii vremennik*, Paris, 1927, Vol. 5, quoted from: *Mir Rossii - Yevraziya*, Moscow, 1995, p. 166. As time went on, the class character of the Soviet state began increasingly to be supplanted by the leading role of the Communist apparatus, while the Soviet republics, especially after the indigenisation (*korenizatsia*) policies of the 1920s, developed their own party, administrative and cultural bodies, and consequently their *state* organisms became a tangible reality.
- ² See article by the Bashkir scholar, R. Kuzeyev, 'Traditsionnaya avtonomiya ili suverennaya respublika – al'ternativa politicheskogo razvitiya' in *Etnichnost'. Natsional'nye dvizheniya. Sotsial'naya praktika*, St. Petersburg, 1995, p. 144. See also letter to Lenin from the Bashkir national leader Ahmed-Zaki Validov, 1923, protesting Bolshevik actions, in Zaki Validi Togan, *Vospominaniya*, Moscow, 1997, pp. 364-365.
- ³ T. Mastuygina, L. Perepelkin (edited by V. Naumkin and I. Zviagelskaya), *An Ethnic History of Russia*, Westport, CT-London, Greenwood Press, 1996, p. 33.
- ⁴ *Izvestia*, 3 May 1990.
- ⁵ See M. Guboglo (ed.), *Suverennyi Tatarstan* (in 3 vols, compiled by D. Iskhakov), Vol. 1 Moscow, 1998, p. 22.
- ⁶ *Izvestia*, 13 May 1991.
- ⁷ Quoted (with some stylistical corrections in the English language) from the Internet site of Kazan University: http://www.kcn.ru/tat_en/politics.

- ⁸ See A. Arinin, 'Problemy razvitiya rossiyskoy gosudarstvennosti v kontse XX veka' in: *Federalizm vlasti i vlast' federalizma*, Moscow, 1997, p. 53.
- ⁹ Received on-line from: http://www.kcn.ru/tat_en/politics.
- ¹⁰ See Alexei Zverev, 'Qualified Sovereignty: The Tatarstan Model for Resolving Conflicting Loyalties' in Michael Waller, Bruno Coppieters, Alexei Malashenko (ed.), *Conflicting Loyalties and the State in Post-Soviet Russia and Eurasia*, London, Frank Cass, 1998, pp. 118-144.
- ¹¹ L. Boltenkova, 'Asimmetrichnaya federatsiya: realnost' dla Rossii?', in: *Regionologiya* (Saransk), No. 1, 1997.
- ¹² Philip A. Petersen, *Russia's Volga Region*, McLean, VA, 1996, p. 128. A reprint from *European Security*, Vol. 5, No. 1 (London: Frank Cass, Spring 1996).
- ¹³ *Federalizm vlasti i vlast' federalizma*, *op. cit.*, p. 247; English text received on-line from: http://www.kcn.ru/tat_en/politics.
- ¹⁴ The newspaper *Segodnia* of 26 September 1997 reported that 32 federation subjects had signed power-sharing treaties by that date; *Nezavisimaya gazeta* in the supplement *NG-regiony* of 5 May 1998 listed their number as 37; finally, *Segodnia* of 21 May 1998 reported that President Yeltsin has signed fresh power-sharing treaties with Mari-El, Amur, Voronezh, Ivanovo and Kostroma, bringing their total number to 45. In addition, a treaty with Moscow was signed later in 1998.
- ¹⁵ S. Khenkin, 'Separatizm v Rossii – pozadi ili vperedii?' in *Pro et Contra*, Vol. 2, No. 2, Spring 1997, pp. 9-10.
- ¹⁶ See *Abkhazskie pis'ma (1947-1989). Sbornik dokumentov*. Vol. 1, Akua [Sukhum], 1994.
- ¹⁷ V. Gavrilov, 'Kuda dvizhetsya rossiiskii federalizm', *Nezavisimaya gazeta*, supplement *NG-regiony*, 5 May 1998.
- ¹⁸ O. Morozov, 'O putyakh razvitiya demokraticheskoi federatsii v Rossii: bor'ba mnenii', *Panorama-forum*, Kazan, 1995, No. 3, pp. 39-40.