

Russian MFA

Facing the Regionalization Process

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IN RECENT TIMES, WE HAVE OBSERVED THAT THE RUSSIAN DIPLOMATIC SERVICE is facing new challenges coming from its provinces and regions. The phenomenon is not just restricted to Russia. An extraordinary increase of regional challenges is disturbing the general architecture of world politics. In this regard I think that both the comparative analysis of changes and mutual learning of different diplomatic experiences and regional challenges are important.

One can see each separate region face new challenges in its own way. On the one hand there is a common understanding of local institutions as a starting point for democratic transit, providing citizens with rights in state affairs. On the other hand, lots of regions depend on national, cultural, historical, geopolitical, legal, social, and economic specifics.

At the same time, the changes that they have to deal with give the impression of being very complex. The mobility of capital, manpower, goods, and cultural values escape government control because of a greater transparency of borders. The new challenges of organized crime, drug dealing, and terrorism are a constant threat.

Not only at the state level, but also at a level of integrated communities, it becomes even harder to confront the shocks provided by transnational or multinational corporations. Quite often, their power goes beyond that of governments, where their activities are taking place. New international economic, trading, and financial groups are operating in world and European markets. They aspire to overcome protectionist

barriers proceeding directly, and preferably uncontrolled, to local consumer markets.

In this climate, we observe economic crises and unemployment growing in more countries. A critical situation is causing more centrifugal tendencies and generating hopes that a local government can respond better to citizens' calls, which can be helpful in prevailing over a crisis. Some particular circumstances generate separatist moods that sometimes deteriorate into armed clashes and hostilities.

This new geopolitical dimension with its sub-national and frontiers' challenges heavily influences the same idea of state sovereignty. So regions are getting a much greater importance than ever before. The champions of local and regional teams are filling up the ranks of new actors in diplomacy and trying to achieve a certain position in the realm of international relations.

Democratic transition has distorted Russia's state agenda. In the domain of international affairs, Russia has also to deal with such new topics as regional policy and the relationship between the central authority and the subjects of Federation. The regional drift continues while the regional understanding of foreign relations and trade is expanding.

The subjects of the Russian Federation are taking part in projects promoting trans-frontier regional agreements. Legally their *modus operandi* has been developed within the guidelines of the international policy of Russia and conceived as a particular branch of international and foreign economic relations.

At present, as many as 82 subjects of the Russian Federation are closely in touch with their partners in 77 countries, and 74 regional missions have been opened abroad.¹

For example, the republic of Tatarstan has on its account 68 international agreements with foreign partners while 43 of that number are so-called 'transverse' international deals, that is, in close contact with the central government of a foreign country. The republic of Tatarstan has 23 diplomatic missions abroad; they promote business relations, organize commercial exhibitions and promote cultural events. The missions are called 'plenipotentiary representation' (for example, in the Russian Federation, French Republic, Australia), 'permanent representation' (in

¹ Mezdunarodnye svjazi subjektov Rossijskoj Federazii. Hanty-Mansijsk, 20–1, April 2006.

the USA, Azerbaijan, Uzbekistan, in the Sverdlovsk region, in the city of St. Petersburg, in Czech and Slovak Republics), and 'trade representation' in Ukraine and so on.²

The Russian State Council meetings emphasized the enormous potential of Russian regions. The regions have been engaged in the elaboration and implementation of Russian foreign policy strategy. President Putin insisted on his purpose to render the regional international policy more constant and systematic. Particular attention has been paid to the protection of the rights of Russian citizens abroad. In this field, the regions are expected to play a most active role. In their policy towards the Russian citizens abroad, some regions are supposed to concentrate their attention on socio-economic aspects, others on cultural identity or on migrants' adaptation.

The regional activity in the international scene is based on specific legal items brought into play for this purpose. First of all, there are constitutional norms to observe; secondly, federal laws, decrees of the President of the Russian Federation, and the Government official documents; thirdly, constitutions, charters, laws, and other official documents produced by regional governments; fourthly, there are international legal acts. In the field of international relations and international exchange, the Russian Constitution establishes a threefold level of authority:

1. The Russian Federation (RF) exercises its jurisdiction in the field of foreign policy, international relations of the RF, foreign economic relations of the RF, and international treaties.
2. The joint jurisdiction of the RF and the subjects includes a coordination of international and foreign economic relations of the subjects of the RF, the fulfillment of international treaties and agreements of the RF.
3. Outside the limits of authority and powers of the Russian Federation on issues under joint jurisdiction of the Russian Federation and the subjects of the Russian Federation, the subjects of the Russian Federation shall possess full-state authority.

The co-existence of various powers of the Federal and local governments means the harmonization of those. In a majority of federative states, local governments' external relations are a Federal responsibility. However the Russian diplomatic service considers the harmonization of powers as its main task for balancing Federal and local foreign relations.

² Website: lng.tatar-inform.ru.

That is why in Russia's case more complex harmonizing mechanisms are needed as compared to other federative states.

For this purpose, within the Ministry of Foreign Affairs of the Russian Federation, a special Department has been created for communicating with the regions. The Ministry of Foreign Affairs (following the tradition of the Russian Empire and that of the Soviet Union) has its own supervisors placed in the most important urban centers. At present the MFA has on agenda a proposal to introduce supervisors that should be placed alongside all regional governors.

The set of Regulations regarding the Ministry of Foreign Affairs (14 March 1995) provides special functions for coordinating the international ties of local governments. For instance the MFA Regulation says a lot on gathering documents, information and other knowledge provided by local governments and sent for consideration to the MFA.

At the suggestion of the MFA, a special Consultative Board for the subjects of federation has been set up. This CB deals with foreign economic exchange and is developing strategic and tactical planning at the regional level within the general guidelines of Russian foreign policy. The CB gives advice and expertise and presents documents, regulating this particular field of activity, generalizing positive local experience. It also publishes a newsletter portraying regional international activities.

Recently on president Putin's initiative, a new Council, headed by the Minister of Foreign Affairs, which brings together regional government leaders, has been set up for the same purpose.

At the same time, it is enough to take a glance at the local governments' behavior in the field of external activities to understand that there is a significant number of unresolved legal problems. Actually the problems deal with regional claims for sovereignty. I think that in many respects the problem is rooted in our recent history.

As a matter of fact all Soviet constitutions, since 1918, have been declaring the sovereignty of republics within the USSR. It was a logical consequence for the Soviet State to get rid of its czarist heritage and provide support to national minorities. In that way all USSR republics were formally granted rights of international activity and, accordingly, were authorized to have their own Ministries of Foreign Affairs.

The Russian Federation is, along with the former Soviet Union, a multinational state and has got a Constitution that in many ways is a

carbon copy of the Soviet one. As a rule, lawyers classify it as a 'dissymmetric federation' for there is an unequal distribution of power and authorities between more than eighty autonomies (republics, territories, regions, autonomous areas, autonomous regions, and cities with special status) called subjects by the Russian Constitution.

In 1992, with the demise of the USSR, in order to prevent the subsequent disintegration of Russia, a large number of so-called autonomies concluded between them a Federal Pact. Yeltsin, the Russian president of the time, declared: 'Take as much sovereignty as you can swallow.' These tactics provided Mr Yeltsin the major support of regional (mostly national minority) elites that by the time had taken over all local power in the Russian Federation. The governments of autonomous republics and other subjects, then with greater freedom of action, moved through the regional parliaments their own local constitutions and charters.

A large, oil-extracting republic such as Tatarstan proclaimed as follows: 'The Republic of Tatarstan is a sovereign state and a subject of international law, associated with the Russian Federation in terms of agreement on mutual designation of powers and matter of competence.' And it follows: 'Being a subject of international law, Tatarstan takes part in international relations as regards economic, political, ideological, legal, diplomatic, military, and other relations between sovereign states.' A new Department for external relations, has been set up, supervised by the local President that coordinates foreign relations. This Department is also coordinating the activity of all permanent Tatarstan missions in foreign countries and international organizations, as well as in various autonomies of the Russian Federation.

Many other subjects included a declaration of sovereign international actions in their statutable documents. The constitution of Kareliya (para. 1) said that Kareliya within the powers provided by the Russian Federation Constitution and the Federal Pact is a sovereign state as regards its foreign policy. It is also an independent member of international and economic relations in case it does not disagree with the Federal Constitution.

The Charter of the Orenburg region (para. 28) recognized all conventional norms and principles of international law ratified by the RF government as a part of regional law. Many other regions consider themselves as independent partakers of international and economic relations within the limits of their competences.

In many Russian Federation subjects, new Departments of Foreign Affairs have sprung up. They established abroad their own missions, sometimes pretending to be embassies.

According to Mr Dubinin, former Russian ambassador in Ukraine, some Russian regional representatives in Kiev asked for the opening of regular embassies (with rights of issuing visas, gathering political information, etc.). The Ukrainian Ministry of Foreign Affairs, which self-proclaimed ambassadors addressed for official recognition, requested a corresponding note from the Russian Ministry.

No competent department of the MFA was able to formulate any reply as to a legal base for such a request. In the end the Ukrainian lawyers resolved the problem, reaffirming that regional missions couldn't apply for a level above the usual trade mission.³

The same method of working was taken up in Latvia. A representative for a Russian region was taken aboard in the embassy of the Russian Federation as an expert for relations with local governments; the region he had come from paid him a salary.

One should remember that in 1993, a year after the Federal Pact, a new Constitution adopted in Russia turned out to be at variance with the Federal Pact and some regional regulations.

To remedy the collision, the Russian Parliament passed a certain number of acts. The major lawmaking act in this camp is the Russian Federal Law (1999) that has given guidelines for coordinating international and economic relations of regional governments. This law assigns Russian regions rights and competences in international relations. It gives them the right to negotiate and sign agreements. At the same time, it emphasizes their responsibility to harmonize their international cooperation projects together with the Ministry of Foreign Affairs. The law contains some formalities that should be observed locally and endows federal bodies with coordinating tasks.

New regulations for regional missions sent abroad, and patterns of their behavior, while facing foreign partners, have been introduced quite recently. For example, international agreements are supposed to have legal value only in case the local government is competent to sign such agreements. However every international covenant named 'agreement' is due to pass through bureaucratic grids of the Federal Ministry of Justice.

³ In my own records.

As a rule, it is long enough practice; therefore regions prefer to strike their bargains, disguising the names of their deals, for example, calling 'protocol on cooperation' that which is obviously an agreement.

The subjects' constitutions and charters along with federal acts also supervise local governments' activity in the field of international and economic relations. As a rule, they outline that in many cases the final decision of local government involvement in international agreements is a competence of the central government.⁴

The Russian Constitutional Court decision (2001) says that the Federal Pact provisions cannot be activated, and are of no relevance to the case, where they grant state sovereignty to the autonomous regions for it handicaps the sovereignty of the Russian Federation. This decision constrained some regional governments to cancel out many statutory acts or—if it were the case—to bring them to conformity with the Russian federal legislation. In May 2006 Tatarstan presented a new agreement on the distribution of powers between the republic and the federal center.

Quite recently, however, Mr Gryzloff, Speaker of Parliament, once more lamented that some regions in their bargaining with the federal center had been transformed to a kind of governors' individual resource.⁵ I suppose time will have passed by the day the relations between federal and regional powers become unambiguous.

We have examined a particular aspect of a very complex problem relating to the further development of Russian federalism. Russian politicians and researchers have different views on this issue. President Putin set a task to consolidate the so-called 'vertical line of power'. On the one hand, his plan aimed at putting subjects' leaders and regional politics under stricter federal central control, on the other hand it had as its object the avoidance of excessive centralization. The central power also proclaimed its intention to reduce an excessive number of subjects and to start the processes of its consolidation.

As some legal experts suppose, the present federal system badly corresponds with the territorial division of industries as long as the industries are subjected to federal ministries, and have quite an independent policy vis-à-vis the local powers. Some of these experts bring

⁴ See V.L. Tolstyh. *Mezhdunarodnaja dejatel'nost' sub'ektov RF*. Tomsk, 2002.

⁵ The address delivered to the 2nd Congress of the party 'Edinaja Rossija', 27 October 2001.

up for discussion projects of very large regional unities such as 'Far East Region', 'Great Volga Region', and 'Siberia Region' with the purpose to further transform all of them into republics.

Certainly centralization trends are rather comfortable with the Soviet Union's unitary tradition of governance. The only clear distinction was that Soviet federalism was based on ideological cramps, the leading role of the communist party, the powerful repressive state machinery, and last but not least, very cheap energy. Russia today lacks all this components. Attempts to elaborate a common ideology in the guise of a 'national idea' project still haven't achieved any results. Democratic state building isn't supposed to have only one predominant party or repressive tools of governance.

At the same time the local elites are not likely to remain passive in front of center attempts aimed at a tougher control of the subjects' activity. It is common knowledge that the nationalistic mood within each SU republic became one of deciding factors of the Soviet system's demise. The new Russian leadership, to a considerable degree, put its stakes on such thinking and consequently became hostage to local, primarily national elites. Nowadays the central authorities can hardly ignore the present-day reality marked by an exacerbation of nationalistic and localistic manifestations fraught with serious conflicts.

In my opinion, the only way to resolve all these problems is to further perfect the federal structure. First of all, the matter involves an effective juridical base, regulating relations between the center and its regions. Developing a democratic legal system can help to find a solution to Russia's eternal problem when laws are substituted with the governance of bureaucracy, whose unlimited power not only in the center but also in the provinces represents great obstacles for whatever initiatives. Suffice it to say that paradoxically, Russia has almost tripled the number of its state offices in comparison with those of the incomparably greater, as compared to territory and population, Soviet Union.

An efficient regional foreign policy also greatly depends on a modern legal system. In this context, recent records of cooperation between the Council of Europe (CE) and the Russian Federation are more encouraging. Projects and programs managed by the MFA of Russia together with the CE enable both the federal structures and local governments to learn from European experience of state building, inter-regional and frontier cooperation, including the knowledge of European scholars. In my opinion,

it is very important to gradually introduce a well-known European principle of subsidiarity for a successful implementation of Russian federalism.⁶ I think it is also worth studying the European legislative base for regionalism concerning budgetary federalism and the division of competences between different echelons of power.

The experience shows that in a few years, several CE programs have provided guidance for almost 80 subjects of the Russian Federation. These programs helped the subjects fine tune themselves for a steady dialogue on the agenda of federalism with their European colleagues. Within the guidelines of the CE Congress of local and regional authorities, coordinating efforts are also worth considering as soon as we discuss the Russian regional government missions abroad.

Another important two-year program called ‘Institutional, legal and economic federalism in Russia’ is being implemented within the Cooperation Program between the European Union and the Russian Federation. Its primary aim is to further the development of legal basements of federal relations.⁷

Such cooperation is of value whilst we observe an escalation of regional conflicts, mounting corruption, organized crime, and terrorism. It goes without saying that no automatic imitation of a European experience is supposed. For example, it is common knowledge that in the field of international politics, even in Europe, the problem of a growing bureaucratic apparatus and a doubling of regional and bilateral representations to the European Union is extremely critical. A common study of both the positive and the negative experiences of federalism and regional politics should be able to deliver fruitful results.

⁶ See Tatiana V. Zonova. *Ot Evropy gosudarstv k Evrope regionov? // Political Studies Journal*, no. 5, 1999.

⁷ Institute of Law and Public Policy, www.ilpp.ru.