

## Survey of the Issues

Local Government: Links with Human Rights

Spring 2002

### DECENTRALISATION AND HUMAN RIGHTS IN CONTEMPORARY RUSSIA

Tanya Lokshina

© 2002, International Council on Human Rights Policy  
ICHRP commissioned this document as a Working Paper.  
ICHRP has not edited it and is not responsible for its accuracy or for the views and opinions expressed.  
ICHRP welcomes the re-use, re-publication and re-distribution of this paper, appropriately cited.

#### INTRODUCTION

1. For the impacts of Russia's decentralization trends on the domestic situation with human rights to be fully appraised, one ought to primarily try and identify the true attributes of transformations that the country's institutions and structures of state authority have been going through. In our judgement, the developments in this area could hardly be in line with the conventional vision of decentralization as a consistent sequence of democratic reforms. What is more, the decentralizing process that has taken place in the contemporary Russia cannot be viewed as a reforming effort as such.
2. Arguably, given the positive international experiences in this regard, any full-fledged decentralization effort should be predicated on the following prerequisites:
  - availability of a sound reform strategy deemed as obvious and explicit by all levels of state authority;
  - provision of a thoroughly crafted power-sharing system made part and parcel of the reforming effort;
  - transfer of power being established and maintained as a voluntary and wholly predictable affair aimed to assure improvements in the government management rather than as some enforced measure;
  - augmented responsibilities being adequately perceived and applied by the government bodies whose powers have been enhanced;
  - sufficient levels of relevant expertise and skills being maintained by all levels of government authority;
  - availability of the right culture needed to help tackle disparate differences between subjects of authority and provision of the requisite measure of links between active political elites.

3. We hereby conclude that none of the aforementioned requirements had been satisfied in Russia in the late 1980s-1990s period. In those years the country has witnessed a sporadic fragmentation of the Soviet system, with the new-nation-building effort continuing through the present day. While evaluating different dimensions of the continuing social and political shifts, it is quite possible to talk both of some archaization or return to the conventional Soviet patterns and of emerging liberal and democratic trends.

### **SPECIFICS OF THE SOVIET STATE SYSTEM AND ITS FRAGMENTATION**

4. In the XX century the Soviet Union had certainly been one of the most centralized countries in the entire world. Notably, centralization had been just as ontologically attributable to the former Soviet state as the absence of private ownership or market economy. Given its single system of government management, total mobilization of resources and economic planning, the once-agrarian country had been turned into a global superpower. Making the backbone of the State had been the CPSU (Communist Party of the Soviet Union) that held a monopoly of political power, controlled all economic sectors, passed strategic development decisions and provided solutions to any and all conflicts between local administrations or industries.
5. Both power verticals – Party and State ones – had been built and developed around the principle of strict hierarchy and rigorous bottom-up reporting relationships. Importantly, complementing the structure had been nearly an omnipotent repressive machinery applied either to counter the political opposition or energize the State institutions and sustain their functionality.
6. Availability of pertinent institutions (public Soviets (councils) and their executive committees on all levels, as well as the Government) notwithstanding, the existing State authority bodies, as a matter of fact, had been rigidly supervised by the Party, and they had not been involved in making policy decisions. To point out, the Party also fixed the economic growth priorities.
7. To underscore, domestic administrative units, just like economy makers, had not been in any way independent in managing their own affairs. By way of example, this is how the former USSR's budget mechanism looked like:
  - It actually made a set of nested “matreshka” dolls, with the parent authority passing the lower-level budgets (the effort eventually producing the USSR State Budget).
  - All expenditures had been committed top-down, with no on-site updates being possible in the process. Notably, each local budget would have sufficient revenues assigned to cover the confirmed needs. The tax rates ranged within 2-100% of the turnover tax. Should some entity's spending levels happen to be uncovered by the revenues generated through taxation, the parent authority would deal out the requisite amount to meet the relevant shortage. Any degree of budget self-sufficiency on the regional or local level was out of the question.<sup>1</sup>
8. Clearly, under the circumstances, one could hardly talk of any culture of local self-government. Local administrations had been rigidly overseen by their parent authorities that for their part proceeded from the fiscal-year plan drafted and confirmed by the USSR State Planning Committee.
9. Understandably, given the single State ideology and functionality of the repressive machinery (with the level of repressions not necessarily having to be high, the principal point about the

---

<sup>1</sup> A. Magomedov, “The Mystery of Regionalism: Regional Ruling Elites and Regional Ideologies in the Contemporary Russia: Models of Political Reconstruction from Bottom-Up” (<http://hosting.ulstu.ru/magom>).

whole arrangement being the very applicability of repressive measures as part of the comprehensive government management pursuit), that kind of system proved to be rather viable. However, its Achilles heel was made by the system being too unreceptive of innovations.

The system, indeed, had been exclusively stable in the sense that it used to reject any and all innovations falling beyond the logic of the established industrial system – the kind of system that was built around certain technologies through the use of relevant centralization and management approaches. To point out, it lacked in-house resources needed to get appropriately adapted to new post-industrial-world conditions, top-of-the-line technologies and modern social challenges.<sup>2</sup>

10. During the period of its existence, the system had born some changes (including those targeting a certain growth of economic self-sufficiency of the Union's republics), but its main characteristics remained the same.
11. By the 1980s the resources of the rapid industrialization of the 1930s had been largely exhausted, with the Soviet Union effectively entering a systemic crisis phase. M. Gorbachev's reforms, put together to bolster the Soviet economy, had merely served to accelerate the downward trend. To underscore, populist measures, passed by the last Soviet Governments, left the USSR's macroeconomic vehicles nearly in shambles. In addition to that, the Communist ideology by then had grown to be definitively degraded, and careful attempts to introduce a measure of democracy had left the repressive machinery effectively paralyzed. As it lost its political and ideological supremacy, the CPSU started to rapidly lose its power and influence, which eventually led to the once-centralized State system going into pieces. To emphasize, the crisis of authority was compounded by the rising nationalism, whose more destructive manifestations had been made by the former Soviet republics seeking to pursue their policy courses aimed to increasingly achieve self-governance all the way through complete independence. The situation was also aggravated by the confrontation between the USSR and RSFSR (Russian Soviet Federative Socialist Republic) leaderships (with that spirit being boosted by personal enmities between M. Gorbachev and B. Yeltsin).
12. Notably, the Soviet State definitively collapsed following the attempted August 19-21, 1991 coup-d'etat that actually came as the very last endeavour carried out to consolidate the USSR both politically and administratively.
13. To remind, it was already in 1989-1990 that union republics and lower-level authorities started to release assorted statements on the issue of graded sovereignty or independence<sup>3</sup>, with unauthorized unilateral moves being made to assume that or other set of powers (in particular, the ones relating to taxation and budget formation). Local public initiatives were launched on the grass-roots level to put in place self-government authorities, neighbourhood or apartment-building-community steering committees, etc. The central authorities failed to be strong enough to put in check the sporadic trend. To underscore, all those shifts had transpired as part of the more global process maintained by the people unilaterally implementing their rights, but at the same time signified the onset of the period of administrative chaos across the board.
14. As they proceeded to pick up the momentum, the democratic trends had grown to become a powerful and unstoppable force targeted to dismantle the totalitarian system. In principle, that phenomenon could only be understood as natural and positive. However, given the specific

---

<sup>2</sup> E. Gaidar, "Essays on Economic Politics of the Post-Communist Russia (1991-1997)" (<http://www.iet.ru/publics/1000>).

<sup>3</sup> A few examples to this effect would be in order. August 30, 1990, the Tartar ASSR (autonomous republic as part of the RSFSR) passed the Declaration on State Sovereignty, the document, in particular, reading that Tatarstan could join international agreements and delegate part of its authority to the RSFSR. The Chechen-Ingushi ASSR (autonomous republic as part of the RSFSR) declared its state sovereignty without seceding from the USSR. The Gorno-Altay autonomous region became the Republic of Altay.

environment, the uncontrolled decentralization effort appeared to have contained rather perceptible attributes of a totally different phenomenon.

15. Despite the predominant political and ideological conditions at the close of the XX century, the Soviet Union's collapse basically could hardly be deemed as anything much different from the fall of the older empires, like the Russian empire in the 1917-1920 or the Chinese empire in the first half of the last century. The central authorities (relevant attributes making little difference) have generally lost their effectiveness, the consequences being nearly the same in each case: national manageability getting out of hand, regional and local political ambitions growing sky-high, institutions of State authority growing eroded, governing bodies at all levels seeking to apply their parochial management strategies.

#### **FEDERATIVE MAKEUP IN THE ABSENCE OF FEDERATION PER SE**

16. Specifics of the totalitarian regime's political culture are normally reflective of the invariable fact that in terms of substance the political institutions have now and again been at odds with realities. To confirm this observation, while formally being a federation, the Soviet Union had always been an exemplary unitary state, rigorously centralized at that. And as soon as the Soviet political system started to grow weak, it was precisely the pseudo-federative makeup of the State that served as a catalyst of the country's fragmentation. While in theory a Soviet republic could enjoy rather an impressive body of powers, with the Union political makeup largely being a decoration it could hardly hope to have those rights appropriately applied. Clearly, the country had been held together by the CPSU rather than by some federation-based arrangements. Just as the old system of government management lost its legitimacy, sort of a legal vacuum emerged in the area of relations between the center and union republics, with either side struggling to have that vacuum filled out to serve its interests. By way of example, in the area of budget-building activities the effort appeared to be looking as follows:

Given the specifically Soviet-vintage environment, a "budget war" was unleashed, with union republics refusing to transfer tax revenues over to the federal treasury and insisting on the introduction of the single-channel tax collection system and establishment of local watchdog agencies to track the layouts administered by the USSR leadership.<sup>4</sup>

17. Notably, it was the power-sharing problem compounded by the rising nationalistic sentiments, along with the fact that state attributes continued to be kept by the union republics, which basically provided for disintegration of the Soviet Union.
18. To emphasize, in the early 1990s almost the same developments also could be seen transpiring within the RSFSR whose political makeup was no different from that of the former USSR. However, the Russian regions for the most part possessed no State attributes, with regional elites, on the other hand, rather effectively using the nationalism tool to pursue their ends in about two dozen autonomous territories. Importantly, the Russian center had acknowledged the *fait accompli* when the regional authorities acquired a good measure of powers. The catch-phrase by B. Yeltsin "Take as much sovereignty as you can handle" had nearly become a command of the times. Though decentralization was de-facto acknowledged, it was not appropriately translated into relevant legislation, with the authority demarcation problem remaining outstanding.

---

<sup>4</sup> E. Gaidar, "Essays on Economic Politics of the Post-Communist Russia (1991-1997)" (<http://www.iet.ru/publics/1000>).

## STATE AUTHORITY AND LOCAL SELF-GOVERNMENT IN THE EARLY 1990s

19. Following the triumph of democratic forces in late August 1991, the Russian society was effectively enabled to build a democratic society with no constraints attached. However, the problem then was that the requisite preconditions included something more than just removal of the CPSU from the scene and the capability established to hold democratic elections in order to fill out the elective offices in the country on all levels. Clearly, another set of major prerequisites was not only to run an economic reform to introduce private ownership and market-based relations but also to radically reshape the entire government management system, renew the legal base and grow a new political culture with the goal of civilized decentralization in mind.
20. Just to remind, at the close of 1991 even the more consistent economic reform program was drafted as an emergency effort, with the regional segment nearly ignored.

It was only rather belatedly, from the middle of 1992, that the Yeltsin Government started to tackle the regional reform effort. As he addressed the September 1992 Cheboksary [capital of the Chuvash Republic] meeting of regional leaders, Yeltsin acknowledged that the need for regional reforms had largely been ignored and that the relevant focus ought to be shifted from Moscow onto regions.<sup>5</sup>

21. Admittedly, even in later years the federal authorities turned out to be incapable of running consistent and balanced policies to that effect, which could be explained by the President vis-à-vis Supreme Soviet confrontation growing from bad to worse.

Political initiatives of the two rival branches of the federal government essentially boiled down to either side sporadically performing field trips across Russian provinces to deal out promises, suggest therapies and make overall policy statements. As a matter of fact, the provinces had been made sort of an “expendable asset” in the battle waged by the two center-based presidential and parliamentary elites. To underscore, even the crucial decisions on local taxation, finances and investment policies (critically relevant for any effort to assure a switch to a market economy) had been made “on the move” in the course of brief visits to that or other province. Generally, those decisions came as some sort of pledges rather than as realistic and sound strategies.<sup>6</sup>

22. To point out, the President vis-à-vis Supreme Soviet conflict had generally been part of the overall power-sharing problem, with this particular case relating to the two branches of federal government. To remind, the Soviets (established back in 1917) had somewhat miraculously held together the legislative and executive powers. When in 1991 the office of President of the Russian Federation was established, the centralized system of government was not reshaped. The President and Supreme Soviet would inevitably have differences, with personalized political ambitions largely standing in the way of constitutional reforms that would have to make the Supreme Soviet into a purely legislative body of federal authority.
23. To compound it all, similar trends had been observed in the Russian provinces. Regional and local Soviets “*found the obstinate close-mindedness of the deputies together with their inability either to reach agreement on new arrangements or have things restarted and build bonds with the local executive authorities eventually turned out to be extremely destructive.*” The never-ending in-house conflicts stood heavily in the way of reforms.<sup>8</sup>

---

<sup>5</sup> A. Magomedov, “The Mystery of Regionalism: Regional Ruling Elites and Regional Ideologies in the Contemporary Russia: Models of Political Reconstruction from Bottom-Up” (<http://hosting.ulstu.ru/magom>)

<sup>6</sup> V. Khristenko, A. Lavrov. “Russian Regionalization” (<http://www.chelpress.ru/newspapers/delur/current/9/1.shtml>).

<sup>7</sup> V. Gelman, M. MacAuley, “The Politics of City Government of Leningrad (St. Petersburg) 1990-1992; Local Power and Post-Soviet Politics,” 1994, p. 19.

<sup>8</sup> The system of Soviets had from the very start been reflective of the domineering archaic public institutions characteristic of the conventional agrarian societies, according to scholars of the Russian government institutions. Traditionally, in order to “provide balanced council,” an agrarian community assembly, for one, would be

24. It was only in October 1993 that the Supreme Soviet vis-à-vis President confrontation came to be eventually resolved. The political crisis was healed through the unlawful application of force. Notably, the President's triumph in the center was immediately backed up by relevant victories in the provinces. Then the October 9 and October 26 Presidential Decrees "On Reforming Representative Bodies of Authority and Local Self-Government Structures in the Russian Federation" and "Regulations on the Guidelines for Creating Local Self-Government Structures in the Russian Federation for a period of gradual constitutional reforms" were issued to eliminate the old system of regional and local Soviets across the country.
25. Though in the early 1990s the emerging democratic system of State authority and self-government failed to be appropriately streamlined, no trace had been left of the old centralized political system. On the one hand, it happened on account of the democratic effort being launched under the late Soviet times as part of the national "perestroika" (restructuring) effort, when the authorities would now and again operate in violation of the standing regulatory procedures and unilaterally assume extra powers, thereby effectively getting out of control either by the CPSU or parent federal government bodies<sup>9</sup>.
26. Notably, the old ways had particularly been phased out on account of the economic crisis.
27. The economic and political chaos of the early 1990s produced a rapidly escalating process of the regions getting increasingly self-protective. *"Following a close research of the local governments in Russia, one can conclude that the country's general political crisis produced a dramatic growth of local particularism."*<sup>10</sup> What one could observe was a focused adaptation process under which both local and particularly regional authorities had sought to have their territories protected against the propagating crisis waves threatening to engulf the entire country.
28. In the initial stage, the system of economic relations between different levels of authority had been arranged to reflect the guidelines for democratic decentralization.
29. Notably, in the 1990s, while proceeding from the principle of independence of regional and local governments, the federal authorities ruled to distribute the burdens to be shouldered by the center, regions and local municipalities. Concurrently, a dedicated decision was passed to define the taxes applicable on the federal, regional and just local levels. To underscore, this approach from the very start had the following two pitfalls. Firstly, it was built around the averaged indicators for revenue and spending levels in the regions. Notably, Russian regions come to be very much different from one another in terms of economic capacities and requisite spending levels.<sup>11</sup>

---

gathered to re-carve the community-held land properties to match the current household requirements (with the social justice principles being duly applied). Clearly, that institution was fully in line with the Soviet-type socialism providing for public ownership of all production assets. A switch from the old ways over to a market economy and private ownership rights revealed a profound discrepancy between the Soviet-based government and the newly-created political and economic realities. Interestingly enough, the Soviet deputies of the late 1980s-early 1990s primarily held that their duties should be related not so much to making laws as to assuring just and fair distribution of food supplies and consumer goods in the conditions of total shortages. *"Many people's deputies were then busy checking on the distribution of vodka vouchers, elimination of perquisites for Party and State officials, etc."* (Yu. Erofeeva "Local Self-Government as a Civil Society Institute" – dissertation draft.)

<sup>9</sup> To provide an example, V. Stepankov (former Russian prosecutor general) pointed out that *"Throughout Russia the local Soviets and administrations are unilaterally and unlawfully assuming legislative functions."* (A. Magomedov, "The Mystery of Regionalism: Regional Ruling Elites and Regional Ideologies in the Contemporary Russia: Models of Political Reconstruction from Bottom-Up" (<http://hosting.ulstu.ru/magom>)).

<sup>10</sup> Ibid

<sup>11</sup> The Northern territories lying in the zone of severe Arctic climate cannot on principle exist without a federal aid. The autonomous districts with their population in some cases possibly just several tens of thousands have to maintain the same (in terms of the number of institutions) bureaucratic apparatus, as the other constituent subjects of the Federation, such as, for instance, Sverdlovsk region populated by 4.7 million persons.

30. As a result, in spite of a rather good start, a system of decentralized relations between the center, regions and municipal formations had not been created.
31. No effective and balanced strategy to level out regional budgets had been developed (the reason in part being the lack of requisite expertise and relevant skills of management under the marketplace conditions).<sup>12</sup> Secondly, the split of taxes and responsibilities between different levels of authority likewise came out to be inadequate. The third pitfall revealed itself only after a passage of some years. To underscore, as new federal laws (often produced as a result of populist approaches) came to be passed, the inherent burdens had been compounded. Given the binding character of the federal legislation, regional and local authorities could hardly afford to disregard the relevant provisions.<sup>13</sup> As a result, many regions and most of municipal formations had their budgets a-priori deficient. At that, regional and local authorities, just as the old Soviets and the executive committees, proved to be unable to share powers and tax-basis in a civilized manner.
32. All those developments provided a backdrop against which a “tax war” was unleashed. It so happened that each region had just one or a few larger cities with major industries that could be tapped to generate most of the revenues for local budgets. Understandably, the local city mayors wanted to keep most of their tax revenues, while the regional authorities struggled to meet the vital need to release funding in order to support deficient municipalities, particularly the rural ones. Regional authorities took a political course at depriving local self-governments of their sources of income. For instance, in Smolensk region they established a procedure under which the tax revenues from big taxpayers economically active in the territory of municipal entities (energy sector enterprises, railway organizations) go directly to the regional budget with no

---

<sup>12</sup> Admittedly, this problem has been observed both on the federal and regional levels. To provide an example, Nizhny Novgorod region alone holds as many as 560 municipal formations (both city-based and rural ones) with radically different capacities and requirements. See Sergei Mitrokhin “How to Distribute Powers and Finances between Different levels of Authority.” *Information Bulletin of the “Yabloko” Movement’s Commission on Municipal Policies*, #10, 2001.

<sup>13</sup> Contemporary researchers of local self-government describe the existing situation the following way: “The population expects that the local authorities will solve specific municipal (district-scale) problems and timely pay wages to the budget-financed sector workers. A local self-government head’s explanation that the wage payment to the budget-financed sector workers is delayed due to a non-accomplishment of their duties by the federal center of the Federation constituent subject might satisfy the social sphere workers for a while, but not for too long. Very soon such local administration chief starts to be perceived not as a victim of the state’s economic policy, but a weak will-lacking chief incapable to ensure the payment of subsidies due for the municipal entity, or as a person in conspiracy with financial institutions “twisting” [i.e. gaining interest from] the municipal funds in a bank. Some chiefs’ statements that money has been sent and the other chiefs’ statements that they have not received any money create a confusion and just aggravate the social tensions. The chronic lack of funds forces the local chiefs to take unpopular measures: to increase tariffs for the municipal residential services, to hike public transportation prices, to increase charges paid by the street peddlers, to maximally reduce spending on children care and education institutions and on holiday celebration events etc, but those, however, do not solve the problem. Shlisselburg City Mayor S.Yurkova, accusing the federal authorities, put it as follows: “You approve privileges, but do not provide funds... and that fact promptly produces a negative attitude: the President is good, the Government is good, but a city mayor is, sorry, the enemy number one.” In Yuzhno-Sakhalinsk City, Deputy Mayor V.Sokolov’s acknowledged that 25% of an annual city budget are spent to finance all kinds of privileges. One should think that in the other cities not less is spend on those purposes... As for new rights, they remain on paper only, not being supported by material and financial substantiation. For example, one will hardly find today a municipal entity ready to organize its own municipal fire-fighting service and to do without the services rendered by the Ministry of Internal Affairs (MVD). What can a local self-government chief do, if the bulk of the budget consists of subsidies, the payment of which is time and again delayed or cut down by the federal and regional authority bodies? The state authorities eagerly relegate, in addition to the responsibility, many of their duties on the municipalities. And they do it in a not very correct way. Transfer of the engineering infrastructure, residential buildings, facilities of public health, education and culture into the municipal property was carried out without taking into account the real capacities of the local self-government bodies.” (Yu. Erofeeva “Local Self-Government as a Civil Society Institute” – dissertation draft.)

deductions for the benefit of the local budgets.<sup>14</sup> The Governor of Omsk region deprived the budget of the city of Omsk of revenues from the most profitable enterprise – the Omsk oil refinery. The deduction from the federal taxes to the city budget at that started being set year by year at the level, which is the lowest in Russia.<sup>15</sup>

33. At that, local administrations generally sought to tackle their problems through sheer non-application of the federal legislation. By way of example, numerous local statutes had been passed to put ceilings on the taxes prescribed by the federal laws. For example, Krasnodar City Mayor (Krasnodar territory) issues a decision cancelling the urban transportation privileges for the Second World War veterans, while Rostov-on-the-Don City Mayor (Rostov region) cancelled privileges concerning municipal residential service charges paid by the law-enforcement and military servicemen.<sup>16</sup>
34. As the effort was under way, the President eventually triumphed over the Supreme Soviet, and the old soviet system was effectively taken apart.
35. To remind, the new State system was put in place on the basis of the new Constitution passed December 12, 1993, the Russian basic law being justly perceived by the international community as one of the more advanced documents in terms of recorded human rights safeguards.<sup>17</sup> When it comes to the issue of local self-government, the Constitution prescribes that local administrations do not fall within the meaning of the State power vertical. To point out, when the draft Constitution had been debated, *“all arguments had been pursued to define the powers and responsibilities of the President and Parliament with nearly nothing being said of local self-governing structures. The constitutional guidelines for local self-government subsequently became the subject matter for most heated debates and displeasures voiced by numerous regional leaders.”*<sup>18</sup>
36. Notably, regional leaders perceive local self-governing bodies as threats that had increasingly grown size first on account of the center getting weaker and regions becoming more isolated, and then because of the October 1993 developments when the Soviets were dismissed and new representative bodies were yet to be created. <sup>19</sup> The powers of regional leaders were bolstered by

---

<sup>14</sup> These examples are taken from the relevant regional reports drafted within the framework of the All-Russian human rights monitoring program coordinated by the Moscow Helsinki Group. See Collection of reports by regional human rights organizations on the situation with human rights in the subjects of the Russian Federation “Human Rights in Russian Regions – 2000” (coordinated, edited and published by the Moscow Helsinki Group; can be accessed at <http://www.hro.org> and <http://www.mhg.ru>; print versions can be supplied by the Moscow Helsinki Group upon request.)

<sup>15</sup> S. Mitrokhin, “The Primorye Crisis and problems of Local Self-Government” *Nezavisimaya Gazeta*, February 14, 2001, #26.

<sup>16</sup> These examples are taken from the relevant regional reports drafted within the framework of the All-Russian human rights monitoring program coordinated by the Moscow Helsinki Group. Please note that whenever in the remaining text of this paper there is no reference to a source of information, it signifies that the information was taken from the Collections of reports by regional human rights organizations on the situation with human rights in the subjects of the Russian Federation “Human Rights in Russian Regions – 1999” and “Human Rights in Russian Regions – 2000” (coordinated, edited and published by the Moscow Helsinki Group; can be accessed at <http://www.hro.org> and <http://www.mhg.ru>; print versions can be supplied by the Moscow Helsinki Group upon request.)

<sup>17</sup> The Constitution of the Russian Federation carries a provision on the relevant Russian international commitments being preemptive to comparable domestic provisions, with the human rights-related rules being included.

<sup>18</sup> Yu. Erofeeva “Local Self-Government as a Civil Society Institute” – dissertation draft.

<sup>19</sup> Notably, regional heads concentrated powers in their hands on account of the following impersonal motivations: regions had grown to become administrative units where a solid degree of manageability could be secured. With the old ideology being abandoned, in order for the public efforts to be appropriately energized, the use was made of the so-called regionalism ideology that happened to be applied through the use of rather radical strategies. Providing a most telling example in that regard would be the 1992 attempt to have Sverdlovsk region turned into the Urals Republic. The regional leader Eduard Rossel had this to say in order to explain his initiative: “... The first idea to have the Urals region brought tightly together emerged following the general disintegration trend



many of the governors succeeding in building “manageable” parliaments by way of exerting unlawful pressures on the electoral process.<sup>20</sup>

## LOCAL SELF-GOVERNMENT IN THE MIDDLE 1990S

37. Since 1995 the legal base for implementing the Russian citizens’ constitutional rights to self-government has been made by the Federal Law “On General Principles for Local Self-Government in the Russian Federation.” The Law is based on the constitutional principle of division of the municipal self-government from the state authority. Under the Law the population of an urban/rural settlement irrespective of their number cannot be deprived of their right to exercise local self-government, and the existence of elected self-government bodies is mandatory. The exclusive competence of representative self-government bodies embrace, in particular:
- adoption of rules obligatory for all concerning the matters of competence the municipal entity as stipulated by the statute of the municipal entity;
  - approval of the local budget and its execution report;
  - setting up the local taxes and charges;
  - setting up of the procedure of management and disposal of the municipal property.
38. Regional leaders naturally seek to reduce the numbers of municipal formations authorized to create self-government structures, on the one hand, and have all regional governing bodies brought into a single network, on the other. As a consequence, local citizens have ended up totally devoid of some of their legitimate rights on account of the local self-government nearly being abandoned as such. Elsewhere, the functional self-government structures, to varied degrees, have lost their influence on shaping local executive administrations. Clearly, this state of affairs comes to be at odds with the European Charter on Local Self-Government (Clause 2 Article 3) ratified by the Russian Federation in 1998.
39. Notably, this trend had been compounded in the mid and late 1990s with the regional legal base being developed to boost the regional financial clout at the expense of shrinking the taxation base held by the local self-government authorities. The Tax Code’s first part, enacted in 1998, has reduced the total of local taxes to five levies with three of those running the risk of eventually falling under the regional jurisdiction. Other fiscal novelties (laws on the sales tax, small-business income, etc.) have served to nearly wholly take out the local taxation and revenue-generation base, thereby putting the municipalities in the position of absolute dependence from the relevant regional authorities and their financial policies.
40. The very existence of local self-government structures stands in the way of building up the single power vertical that is supposed to assure order and prosperity in the region, according to regional

---

setting in. With nearly everything coming to pieces, direct links to Moscow getting eroded, no new ideology or effective management tools being offered, we largely felt totally abandoned and we just proceeded to take stock of our inventory and see what could be done under the given circumstances.” (A. Magomedov, “The Mystery of Regionalism: Regional Ruling Elites and Regional Ideologies in the Contemporary Russia: Models of Political Reconstruction from Bottom-Up” (<http://hosting.ulstu.ru/magom>)). Providing rather malign examples in this regard had been Russia’s autonomous “ethnic” republics that chose to fan out nationalistic sentiments and in the early 1990s declared their “State sovereignties” and special status within the confines of the Russian Federation.

<sup>20</sup> For instance, during the campaign of elections to the legislative assembly of Kemerovo region in 1998 the opposition candidates did not enjoy the equal access to mass media and the whole regional administration work in favor of the election campaign of the Governor's bloc. As the election result 34 assembly deputy mandates out of 35 went to the representatives of Governor A.Tuleyev bloc. In Moscow the election campaign of 1997 resulted in 25 out of 35 deputies elected to the City Duma being Mayor Yu.Luzhkov's associates. For more details on those influences and pressures please see the section “Human Rights Violations by Regional Authorities.”

heads. Given the existing economic and political realities, the relationships between local and parent self-government structures<sup>21</sup>, to say nothing of their relations with the regional authorities, have been confrontational by nature. These attitudes have been translated into the regional heads both seeking to outlaw local self-government and fan out open conflicts.

41. By way of example, it would suffice to refer to Yu. A. Spiridonov, head of the Komi Republic, who had this to say of the local government: “We have no local self-government in Russia as such. It is just nowhere to be seen. Whatever is available is merely a travesty of the local self-government principle, in particular, and of effective authority, in general. Remember, we are talking about power-sharing, meaning who is going to or not going to command which assets,” the characterization clearly being indicative of the level of political culture and ambitions of Russian regional leaders.<sup>22</sup>
42. While taking advantage of their special status within the Russian Federation and unavailability of a fully-functional mechanism to assure supremacy of federal laws over the regional legislation, leaders of a number of the ethnic republics have been resorting to broad interpretation of their rights under the relevant region-center power-sharing bilateral agreements and passing regional laws to curtail the rights of local self-government structures.
43. To point out, when it comes to the “specifics” of local legislation, first place most certainly goes to Bashkortostan. According to the regional law “On Local State Authority in the Republic of Bashkortostan”<sup>23</sup> heads of local administrations are named to hold the office and removed from the office by the President of the Republic (Article 25). What is more, the Bashkortostani President’s right to name and remove heads of district and city administrations is confirmed by the local constitution (Article 95 of the Constitution of the Bashkortostan Republic). Apart from that, the republican constitution and aforementioned law clearly impinged the citizens’ rights to elect and be elected for the office of the head of local or city administration, with both documents being in contradiction to each other.
44. Within 1998-1999 a sequence of unsuccessful attempts had been made to legally appeal against the aforementioned inconsistent republican legislative provisions, On account of no federal law being available to provide either general principles for building state authority structures or any set of common guidelines for shaping representative and executive governing bodies, the Supreme Court of the Republic of Bashkortostan referred both to the republican right to lay down its own law to regulate the State authority-building effort within the Republic and to the Treaty “On Demarcation of Jurisdictions between the Republic of Bashkortostan and the Russian Federation” that had been drafted to have the Republic of Bashkortostan fully authorized to shape and maintain the State authority bodies within the Republic’s confines.
45. To underscore, March 4, 1999 the Constitutional Court of the Russian Federation ruled that the provisions of the law “On Local State Authority in the Republic of Bashkortostan,” under which the heads of local administrations can be either named or removed by the President of the Republic, contravened the relevant provisions of the Constitution of the Russian Federation and were supposed to be cancelled in keeping with the due process. Notably, this ruling had never been carried by any of the republican print or broadcast media outlet. Heads of local administrations, one year after the Constitutional Court issued its ruling, continued to be either appointed or removed by the President of the Republic of Bashkortostan.

---

<sup>21</sup> For example, between local districts and parent rural municipalities.

<sup>22</sup> E. Khlebov, “That Which Is Near Can Be Only Seen from a Distance,” *Molodezh Severa*, October 12, 2000, #41

<sup>23</sup> The “local state authority” notion held by the title of the law comes to be at odds with the Russian constitutional provision on splitting the authority into “State authority” and “local self-government.”

46. Though the Republic of Komi legislation of May 28, 1998 on local self-government held safeguards for local self-governing structures to be shaped on the basis of elections, it nonetheless carried some provisions that came to be out of line with the Constitutions of the Komi Republic and the Russian Federation. Under the new law it is the Head of Republic that has the exclusive right to nominate candidates for the offices of heads of municipal (city, town, rural district) administrations, the provision effectively robbing the local citizens of their right to elect and be elected for the office of head of local self-government body. In 1998 the Supreme Court of the Komi Republic ruled that the relevant republican law's provisions on local self-government were not in compliance with the Constitution of the Republic of Komi. Notwithstanding, the State Council and Head of the Republic appealed the ruling with the Supreme Court of the Russian Federation. December 25, 1998 The Supreme Court of the Russian Federation confirmed the ruling passed by the Supreme Court of the Republic of Komi. However, as of the close of 1999 the regional law of local self-government had not been either reviewed or updated. Notably, following the February 1999 local self-government elections, the Head of Republic carried on the practice of nominating his candidates for the offices of heads of local administrations.
47. The Republic of Mordovia's voters likewise have been devoid of the right to directly elect heads of local administrations. In the Republic's towns and districts heads of local administrations continue to be named by the President of the Republic of Mordovia, with subsequent confirmations being duly passed by the local Soviet deputies. Hence, the opportunity for the people to directly elect the head of local self-governing body is totally ruled out unless, of course, the candidate has been cleared by the Head of Republic. This practice, as a matter of fact, has been recorded in the law "On the Election of Deputies of Representative Local Self-Government Bodies in the Republic of Mordovia" passed July 3, 1999. To point out, in 1999 the State Duma Committee on Local Self-Government Affairs held a review of the aforementioned law and determined that its provisions came to be most conspicuously at odds with those of the relevant federal legislation.<sup>24</sup>
48. The Constitution of the Republic of Kabardino-Balkaria provides for the following procedure: the President of the Republic nominates a candidate for the office of head of local administration with the local representative body confirming the candidate following which procedure the newly-confirmed "chairman-elect" is appointed head of the relevant local administration by the President, the latter possessing the right to have the former official removed at his own discretion. Notably, the Constitutional Court of the Russian Federation ruled that this republican legal provision was supposed to "be invalidated and could not be applied either by local courts or officials."
49. To underscore, Russian regular regions have not been very much different from the ethnic republics in the matter of making laws on local self-government.
50. Particularly indicative in this respect has been the situation in Bryansk region. Though the rural Soviets had received guidance on passing self-closure decisions, some of the region's districts (hard pressures from the regional administration and Duma-assembly notwithstanding) in 1999 staged elections for heads of local administrations (Pogarsky and Gordeevsky districts). Apart from that, a number of local township Soviets rejected the "guidance" and passed their own charters that carried the term "municipal formation" (the townships of Bytosh, Ivor and Star from the Diatkov rural district), with all other township administrations duly passing "self-closure" rulings.
51. The region's districts and the city of Bryansk became self-contained municipal formations. Candidates for heads of the city-based districts are nominated by the Bryansk administration

---

<sup>24</sup> *Quite Candidly*, #17, 1999.

head following relevant approvals by the city Soviet. Those officials are posing as deputy heads of municipal formation administrations. Similarly, heads of townships and lower-level communities (nominated and confirmed in manner described above) pose as deputy heads of district administrations.

52. Some of the local districts (Novozybkov, Pochep, Suzemskyy and Klimovsky districts) filed in their applications to secure registrations for their groups of activists seeking to arrange for referendums in order to secure more knowledge as to violations of the rights to elect and be elected for local self-government structures. To emphasize, the applications have been left unheeded.
53. Ivanovo region passed a law in 1996 to have most of the local districts with their administrative centres established as municipal formations. As a consequence, merely six regional towns kept the status of municipal formation and the right to shape their own self-governing bodies. Following relevant amendments introduced to that law at a later date, some more regional communities received the right to restore their self-government capability. However, the existing electoral procedures appear to be rather complex. Over the past few years it merely was the town of Kokhma that in 1998 secured the right to operate as “municipal formation” and form its own administration.
54. The long-time litigations in Yaroslavl region notwithstanding, local citizens can not secure the right to shape self-government bodies even for the town of Rybinsk (population of 250,000). Since 1994 just Yaroslavl and Pereslavl-Zalessky have been maintaining their own self-governing bodies. All other municipal formations operate as conglomerates of communities within a single rural district (larger towns being included). Notably, the region currently holds 11 towns, 13 industrial townships and a few large rural settlements.
55. Things appear to be the same in Novosibirsk region where heads of rural districts and larger towns are just named by the regional Governor. The draft law on the election of heads of local territories has continuously been put on the “back burner” by the regional Soviet. Notably, the town of Tatarsk collected in excess of 3000 petitions in support of elections of the heads of territorial administrations.
56. The Charter of Novosibirsk region provides for establishment in the rural districts and larger towns of the so-called territorial administrations authorized to rule on a self-governing basis.
57. Apart from that, Clause 4 Article 41 of the Charter decrees that the regional Soviet of Deputies and regional administration have the right to participate in drafting local budgets and have those either emended or updated. Clearly, this provision does not comply with Clause 2 Article 36 of the Federal Law “On General Principles for Local Self-Government in the Russian Federation” under which local budgets are supposed to be independently formed by the local self-governing bodies.
58. Notably, the confrontation between E. Nazdratenko (former Governor of Primorsky territory) and V. Cherepkov (former Mayor of Vladivostok), which lasted for several years,<sup>25</sup> can truly be passed as one of the more detestable and broadly publicized clashes on the issue of local self-government. Nazdratenko just could not cancel self-government for such a large city as Vladivostok. The Governor’s efforts had been aimed to remove the unwelcome Mayor and prevent him or his advocates from regaining the power in the city. In the September 1998 local elections most of the city dwellers voted against all candidates, the obvious motivation being the

---

<sup>25</sup> Cherepkov was elected Mayor in July 1993. In 1994 he was removed from the office by the dedicated presidential decree. Then he successfully appealed the presidential decision to get restored by a court of law in his position of head of the Vladivostok city administration (1997).

ballot failing to feature the name of Cherepkov as candidate for the office of Mayor of Vladivostok.<sup>26</sup> Notably, the name of Cherepkov had been stricken off the ballot just three days prior to the balloting day, which had been taken as indication of the outright pressure applied by the territory's authorities. Then in December 1998 Nazdratenko managed to secure a dedicated presidential decree (which was legally inconsistent) to authorize the Governor to name the acting head of the city administration that would hold the office until the repeat city mayor elections have been conducted.<sup>27</sup> Following that arrangement, Yu. Kopylov (Cherepkov's contender in the mayoral elections) assumed the Mayor's office and issued an order to appoint himself (while referring to the relevant presidential decree signed by B. Yeltsin) acting Mayor of the city of Vladivostok. Immediately afterwards Nazdratenko confirmed the order issued by Kopylov. Then Kopylov used the local police to seize the town hall, with the previous administration refusing to acknowledge Kopylov's authority. Then, in early January 1999, the city authorities found the "valid" grounds (non-availability of the city charter) to cancel the mayoral elections scheduled for January 17, 1999.

59. Things around the Vladivostok representative body elections appear to have been wholly unprecedented even for the current Russian environment. By way of example, by the start of 1999 the city Duma elections had been held 14 times since the closure of the local Soviet in October 1993, with a full-fledged local legislative assembly never being shaped. January 1999 saw another set of local legislature elections with the Central Election Commission providing the augmented level of supervision. Notably, the elections produced 16 deputies out the requisite 22 members, with most of those elected being Cherepkov supporters that in the very first (and the only one) session had him elected as Duma chairman. Subsequently, the election results in eight electoral districts had been challenged and then overruled. The Duma activities became pointless for lack of a quorum. December 1999 saw the State Duma elections being concurrently run with the Vladivostok city representative body elections, with the results remaining inconclusive. Just three more deputies were elected, which was not enough for a city Duma quorum to be formed and effective engagements to be launched.
60. As a matter of fact, the Governor's unwillingness to settle for existence of a self-contained authority in the region,<sup>28</sup> just like his desire to have things managed (or mismanaged) unilaterally, doomed the territory's capital for a permanent crisis of power. Notably, Primorsky territory can hardly be regarded as a well-to-do region in social and economic terms.<sup>29</sup>
61. To underscore, an effort to shape local self-government structures in keeping with the Russian Constitution and Federal Law "On General Principles ...." can not assure effective operation of those governing bodies. Something more is required. The matter is that regional authorities can very easily ignore the rights of smaller municipal formations.
62. By way of example, the residents of Khomutinino (Uvelsky district, Cheliabinsk region) since 1993 have been seeking to secure the right to shape their own administration. They drafted, passed by referendum and registered the Charter for the Khomutinino municipal formation. Notwithstanding the circumstance, G. Litovchenko (head of the Uvelsky district backed up by the regional Governor) refused to grant financial independence to the Khomutinino community. The Governor and regional legislature refused to have the Khomutinino spending passed as a

---

<sup>26</sup> The reason being two other candidates taking legal action against Cherepkov who allegedly breached the campaigning rules. The court ruled against Cherepkov.

<sup>27</sup> Presidential Decree #1561 of December 11, 1998.

<sup>28</sup> One should bear in mind that Cherepkov is little different from Nazdratenko in terms of outlooks and judgments. The conflict apparently turned out to be so bitter and lasting on account of the two characters being so authoritarian in their attitudes.

<sup>29</sup> It was precisely the mayor-governor conflict that primarily generated the energy crisis in the region when the locals were nearly left without electricity for an indefinite period of time, according to some knowledgeable mass-media analysts.

separate budget line-item. In response to the Khomutinino community application to the presidential administration on the matter in question the center formally replied in February 2000 that the community's demands were fully justified. Alas, the official document left the local district and regional authorities totally unimpressed.

63. In 2000 V.A. Kiselev, head of administration of Kirov, informed the community that in 1999 the regional Duma in violation of the law on financial foundations of local self-government ruled to retain only 20, rather than 50 per cent of income tax for the city needs.
64. Notably, the factor of financial independence of municipal formations from the relevant regional bosses has been used by the latter in order to coerce the local self-governing representative bodies into passing decisions to the liking of the Governor.
65. By way of example, in Chita region the local self-governing bodies lack resources needed to cover the pressing municipal expenses. This clearly explains why their powers are actually so small. All municipal formations depend on regional transfers for their livelihood. While taking advantage of the circumstance, the head of regional administration unscrupulously violates the constitutional provisions and interferes in the affairs of local administrations. To provide another example, in the 2000 city Duma chairmen elections the head of regional administration suggested by fax that the city Duma deputies should vote for his nominee N. Nazarov. In the Chita city administration head elections the regional Governor arranged and held a meeting with the city Duma deputies to tell them that the city would receive no extra funding if his nominee would not be backed up.

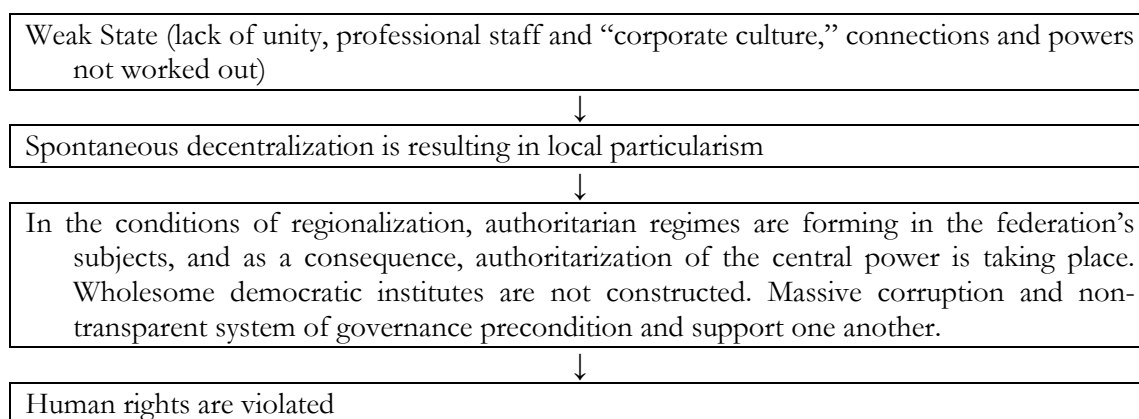
#### **REGIONAL ISOLATIONISM. REGIONAL AUTHORITIES PULLING MORE POWERS**

66. So, in the second half of the 1990s local self-government bodies actually had been devoid of any independence, while regions conversely bolstered their positions. Unfortunately, an effort to beef up the regional authorities' positions had been completed through usurping the powers of local and central authorities, rather than on the basis of democracy-gearred decentralization activities. To underscore, the central authorities had been compelled to settle for it: the matter is that following dissolution of the Supreme Soviet the President's legitimacy was dubious and he felt obliged to make concessions in favour of the regions in exchange for preserving the supreme power and adoption of the 1993 Constitution. Admittedly, rather than become universal, those concessions had been implemented via separate deals between the center and subjects of the Russian Federation. Notably, one ought to bear in mind that the federal subjects are radically different not only in terms of economic potentialities but also in the way of political status (republics being higher in status than regions). While taking advantage of their obvious subject of Federation status advantages and using the factor of personal clout, regional leaders sought to secure maximized tax breaks and exemptions with the interests of other regions or concerns of the State as a whole being totally disregarded.
67. Understandably, most of the perquisites had been secured by the richer republics that managed to minimize their tax-based contributions to the federal budget.
68. By way of example, while all Russian regions had been committed to transfer 10% of their income tax revenues to the federal budget, Tatarstan had to provide just 1% of the same revenues, with other subjects of Federation passing over to the center 50% of the excise tax revenues from the sales of distillery-origin products and 100% of the relevant levies from oil, petroleum products and natural gas deliveries. Notably, Bashkortostan and Tatarstan had been allowed to keep the relevant revenues.<sup>30</sup>

---

<sup>30</sup> S. Mitrokhin "Decentralization of Authority in Russia" (<http://www.orc.ru/~yabloko/Themes/>).

69. Other powerful subjects of Federation, while lacking the status of republics, could not have the same tax exemptions incorporated in the bilateral power-sharing agreements, though they kept entering those provisions on their arrangements with the Ministry of Finance.
70. What is more, whatever could not be made legal in the first place would now and again be introduced unilaterally. For example, Bashkortostan, Sakha (Yakutia), Tatarstan and Tyva had their constitutions carry special provisions on suspension of federal rules deemed as impinging on the interests of the given subjects of Federation.<sup>31</sup>
71. Importantly, while taking advantage of the federal constitutional provision under which in the course of the 1990s heads of the regional law-enforcement bodies had been appointed by the center following their prior approval by the regional leaders, the latter had actually had local law enforcement authorities under their personal control. By way of example, as carried by the *Izvestia*-daily, "... in 1998 the Republic of Kalmykia held the only one federal structure of authority left beyond the reach of the ambitious Kalmyk President (K. Ilyumzhinov), the structure being made by the local federal security service (FSB) office. Notably, K. Ilyumzhinov does all he can to have the local FSB head replaced."<sup>32</sup>
72. Notably, regional leaders even would try and suborn the local courts.<sup>33</sup> The President of Ingushetia R. Aushev, for one, had the issue of courts being transferred from the federal over to republican jurisdiction decided by running a local referendum.<sup>34</sup>
73. Thus, the overblown powers of regional leaders had most destructive implications for the implementation of human rights in the second half of the 1990s. In fact, the following scheme has worked in Russia:



74. Regional authorities have turned out to be the principal violators of human rights and fundamental freedoms, which has been explicitly demonstrated by the findings of the human rights monitoring run by the Moscow Helsinki Group across the entire territory of the Russian Federation since 1998 and until present.

<sup>31</sup> Ibid

<sup>32</sup> I. Korolkov "Was there a Coup in Kalmykia?" *Izvestia* (#31, February 19, 1998).

<sup>33</sup> De facto the judiciary system even without that has found itself in a heavy dependence on the regional and local authorities. The degree of dependence is proportionate to the material support they render to the courts at that. In the overwhelming majority of reports by the regional human rights organizations it is stated, that the courts in practice never pass unbiased decisions on the cases, wherein a regional or local authority body is a party.

<sup>34</sup> S. Mitrokhin "Decentralization of Authority in Russia" (<http://www.orc.ru/~yabloko/Themes/>).

## HUMAN RIGHTS VIOLATIONS BY REGIONAL AUTHORITIES

75. Human rights violations by regional authorities have been nearly ubiquitous to cover all spheres of social and public life. In order to illustrate this unwelcome phenomenon, it would be in good order to provide some telling examples borrowed from the regional reports submitted within the framework of the aforementioned human rights monitoring program. (Naturally those bellow are, unfortunately, only few of the great number of similar facts that we have at our disposal.)

### Examples of Regional Normative Acts that Are in Violation of Human Rights

76. In the first place, mention should be made of thousands (sic!) of regional and local laws and bylaws<sup>35</sup>, including constitutions and charters, at odds with the rules of federal statutes. It should be pointed out that this particular phenomenon largely comes from regional and local lawmakers and administrators being inadequately trained for the job and from due audits being unheard of rather than from some sort of political rivalries or confrontations between the regions and the center. At the same time, notably, many of those regional laws that are in contradictions with federal norms also place unlawful constraints on human rights.
77. The head of Astrakhan region administration issued Ruling #334 “On Additional Measures to Assure Security for the Population and Control the Crime Environment in Astrakhan Region” that prescribes to provide no residence registrations, either temporary or permanent, to individuals arriving from the Chechen Republic.
78. Article 2 of the Charter of Krasnodar territory prescribed as follows: “... Krasnodar territory makes a primordial place of residence of the Russian people, the circumstance having to be accounted for in shaping and maintaining the State authority bodies and local self-government structures.” Paragraph 2 Article 12 of the Krasnodar Charter ruled that the regional authorities were authorized to place constraints on constitutional human rights and liberties depending upon the geographical location of local community. Under Paragraph 2 Article 26 of the same Charter, voting rights could only be enjoyed by the citizens having lived within the territory for at least five years. The regional law “On the Procedures for Registration of Individuals within the Confines of Krasnodar Territory” prescribed constraints on the temporary stay or permanent residence of Russian citizens, foreign nationals or persons without citizenship that arrived from the outside. Under this statute, the forced migrants were supposed to renew their residence registrations several times, the relevant penalties being applied in the form of fines.
79. In Krasnodar territory, Decision #172 of the territory administration head “On some questions of registration of marriages within Krasnodar territory” dated December 28, 1991 established a permission-based procedure for registration of marriages between the territory residents and persons coming from outside the RF, while Decision #389 “On restriction of registration of divorces of some categories of citizens within Krasnodar territory” dated August 24, 1992 did the same as regards divorces (both acts were revoked in November 1997). In both cases the permissions were to be issued by the administration heads of the relevant districts or cities. All known cases of permissions denied concern only persons representing national minorities (Armenians, Georgians, Kurds, Turks).

---

<sup>35</sup> By way of example, according to the reports for the year 2000 submitted to the MHG by the human rights organizations from the relevant regional, the Republic of Udmurtia alone had as many as 600 statutes that were found to be out of line with the relevant federal legislation; Tula region had 1400 such deficient statutes; just in the course of 2000 Kirov region had 13 regional Duma, 43 regional administration and over 500 local statutes and rulings appealed by the local prosecutors.



80. What is more, the former Governor of Krasnodar territory N. Kondratenko issued a dedicated ruling to bar the outgoing deliveries of agricultural supplies provided by private-sector operators.
81. In Sverdlovsk region, the law on gubernatorial elections held a constraint under which the gubernatorial office could only be filled out by a candidate that has lived in the territory for at least one year.
82. In Tatarstan Republic, the law “On Elections” held provisions allowing for uncontested presidential elections, with the presidential office necessarily having to be filled out by a person that has lived in the republic for so many years. Article 59 of the local constitution used to read that “the Republic of Tatarstan laws are pre-emptive within the confines of the republic unless they come to be at odds with Tatarstan’s international legal commitments.” The matter is not only that this provision did not comply with the relevant federal rules held by the Constitution of the Russian Federation but it also had to do with the fact that Tatarstan in principle could not operate as equitable signatory to international human rights agreements.
83. The Charter of Khabarovsk territory (Paragraph 3 Article 26) decrees that a candidate running for a seat in the territorial Duma should be a permanent resident of Khabarovsk territory.
84. Notably, Moscow (holding the federal city status) Mayor Yu. Luzhkov issued Ruling #1057-RM “On Interim Measures to Streamline Handling the Arriving Refugees, Forced Migrants and Persons Seeking to Secure that Status.” The migration service is required to provide the aforementioned status only to those persons that have their local residence registered with direct family relatives for at least six months. Clearly, this rule comes to violate the requirements of the Federal Laws “On Refugees” and “On Forced Migrants,” and those of the Constitution of the Russian Federation.
85. Rostov region legislators passed the law “On Interim Residence Registrations Secured by Persons Staying in Rostov Region.” The law comes to violate the federal freedom-of-movement rules by introducing the authorization-type registration, with the temporary stay being limited to 45 days and relevant charge being fixed on the level of 9% of the minimal monthly wage per each day of stay in the region.
86. The Constitution of the Republic of Adygea decreed (Article 100) that a local judge could only be named from amongst permanent residents of the given subject of Federation.
87. The Republic of Altay Constitution decreed that the offices of head of the republic, chairman of the regional government and speaker of the state assembly could only be filled by local residents of a single ethnic community (Article 37.3, Constitution of the Republic of Altay).
88. Other subjects of the Russian Federation passed laws that variously impinged on the rights of reporters and mass media outlets. Leading on this particular indicator was the Republic of Bashkortostan with its law “On Mass Media” whose numerous provisions failed to comply with those of the Constitution of the Russian Federation.
89. By way of example, twenty articles of the Bashkortostani law “On Mass Media” held rules contravening those of the relevant federal legislation. The ban on censorship, decreed by Article 5 of the republican code “On Mass Media” (to emulate Article 3 of the law “On Mass Media”), as a matter of fact, appeared to be non-applicable on account of the concluding paragraph in the same article under which “exceptions could be made pursuant to other applicable legislation.” Another article of the same Code placed unjustifiably rigid constraints on free release of information not only about the “private life” or “family secrets” (the notions being employed by the federal legislation) but also about anything that might be viewed as related to

the “personal” affairs, thereby effectively placing a ban on covering any individual activity. Also impinged have been the rights of citizens in other subjects of Federation when it came to establishing private media outlets. Rules for registration of those outlets would be made excessively strict in violation of the provisions held by relevant federal laws, with the provisions to de-register that or other mass media vehicle being made easy in the meantime. For example, “Rules for Accreditation and Stay of Correspondents of the Russian Federation Mass Media Outlets in the Territory of the Republic of Bashkortostan,” just like “Regulations for Accreditation of Mass Media Representatives with the Supreme Soviet of the Republic of Bashkortostan,” came to be out of line with as many as 38 provisions of the relevant federal laws.

90. In the Republic of Kabardino-Balkaria (KBR) Article 62 of the regional law “On Mass Media and Publishing Operations” decreed that “foreign mass media offices within the KBR shall exclusively be set up following a receipt of the prior approval by the KBR Cabinet of Ministers (Government),” with the federal legislation, however, ruling that this task can be handled upon relevant confirmation from the Ministry of Foreign Affairs (Article 55 of the Federal Law “On Mass Media”).
91. Normative acts limiting the right to choose places of meetings, pickets etc. are adopted in a number of regions. In the Republic of Bashkortostan the local law “On freedom of assemblies, demonstrations and other public events” stipulates that public events may be held in any places suitable for those purposes, with the exception of places, the use of which is limited or forbidden by decisions of local councils of deputies. Such places may include “territories, buildings and constructions not ensuring citizens' safety: places close to hazardous or harmful production sites and facilities, railway and automobile transportation knots, on bridges, passes and in railway alienation strips, oil-, gas- and liquid fuel pipelines and high-voltage electric power transfer lines, fire- and explosion hazardous facilities, as well as in the territory of sites of great moral and cultural importance: historical and cultural monuments, pilgrimage places, cemeteries and religious constructions, ... main urban highways, republican status highways, beaches and holiday recreation zones, agricultural and forestry areas.” The law forbids to hold public events at court buildings or places where visiting court sessions are being held, pre-trial detention places, places of imprisonment and compulsory medical treatment.

### **Facts of Violations of Freedom of Speech by regional Authorities**

92. Representatives of regional authorities consider mass media primarily as a political tool of no self-importance and strive to control it, that fact eloquently testified to by numerous examples from the reports of regional human rights organizations.
93. Astrakhan region Governor A. Guzhvin actually asserted that mass media was just a means of power attainment, while Komi Republic head Yu. Spiridonov said the following: “I believe and I am firmly confident that no authority exists except the authority chosen by the people. The fourth branch of authority — that’s just so, if somebody’s self-adoration or vanity is satisfied, then for God’s sake use this term.”
94. Mass media are also accused of negative influence on the society. Administration head of Kirov region V. Sergeyenkov sees the press as a cause of bad state of living standards in the region, as it “enchants immature residents, distorts our past and present and sets some groups of people against the others.”

95. It is according to these notions that the authorities develop their policy toward mass media, aspiring to protect themselves from criticism and to use mass media for self-advertisement and struggle against opposition as well.
96. Authorities of the Republic of Bashkortostan during the campaign of election to the State Duma of the Russian Federation in 1999 went as far as open switching-off of the broadcasts of all-Russia channels. The decision of the State Assembly of the Republic banned for almost a month (till the end of the election campaign) the broadcasts of weekly analytical programs of ORT and RTR television channels, as allegedly violating the election legislation. The parliament of the Republic committed an obvious violation of the citizens' right to obtain information and exceeded its powers. However, after a meeting of the President of the Republic of Bashkortostan with the President of the Russian Federation<sup>36</sup> the full broadcasts of the channels was restored.
97. During preparations for the presidential elections of 2000 in Bashkortostan the mass media holding even the least independent positions as regards President Rakhimov were subjected to severe persecution. The militia took by storm the headquarters of "Titan" radio station – the sole radio station that gave microphones to the opposition's presidential candidates. The radio station staff were beaten, while its chief A. Galejev, who tried to oppose the militia actions, was arrested and made subject to criminal prosecution.
98. There are in fact no independent companies on television channels of Irkutsk today - all of them to a varying extent are controlled by the Governor and his team. Under previous Governor Yuri Nozhikov the press in the region was much more unconstrained and democratic, but with the advent of Boris Govorin to power in August 1997 "the freedom" was over for many publishers. Journalists may vehemently criticize the President and the Government of the Russian Federation, but the Governor is untouchable. It was enough for "AIST" television company to show its TV watchers a story about the new Governor's acquisition of a new flat one million rubles worth for the TV company managers to be quickly changed.
99. The Governor and his docile legislative assembly skilfully regulate the freedom of speech in Irkutsk region through the regional budget expenditure. 2 billion 447 million rubles of "live" money were spent on mass media in the first half-year of 1998, which was 116% of the planned figure in the budget<sup>37</sup>.
100. Certainly, the budgetary funds in the region are by no means spent on independent press. The lion's share of those are invested in Irkutsk state TV and radio company, used to buy over commercial TV channels operating in the regional territory, spent of *Vostochno-Sibirskaya Pravda* and *Sovietskaya Molodyozh* newspapers (former "party" and "komsomol" [Lenin's Young Communist League] newspapers respectively) and other editions and TV companies serving the local authorities.
101. In Novosibirsk region on the eve of its gubernatorial elections of 1999 the regional administration took under its control the local mass media. The most vulnerable ones were the regional newspapers, the founders of which, besides the local administrations, were joined also by the regional administration represented by the committee on press and information that got the right to appoint the editors. Some 30% of the regional newspapers' editors were replaced. A. Mikhaltsev, editor of *Berskejye Vedomosti* was subjected to persecution on the part of the regional administration. According to *Novaya Sibir* editor V. Dosychev, editors of financially and creatively more or less independent newspapers N. Khmelyov of the city of Kuibyshev, N. Stolyarov of the city of Bolotny and A. Sidorenko of the city of Kargat found themselves under constant pressure and threats of dismissal. As a result of conflicts and personnel policies

<sup>36</sup> At that time the Prime-Minister of the RF Government.

<sup>37</sup> During the same period nothing was spent on many social programs and production development programs.

of the committee on press and information some experienced journalists - *Priobskaya Pravda* editor Aleksandra Popova, *Kochenevskije Vesti* editor Aleksandr Gamayurov – had to go<sup>38</sup>.

102. During the gubernatorial election campaign in Tomsk region in 1999 several mass media at once were subjected to persecution. On August 20, 1999 “Eks-nedelya” program was closed on Tomsk state TV and radio company on demand of Governor V. Kress. Broadcast titled “About Politics, but Tastefully” of “Digelect-FM” radio (Tomsk region) was closed in September 1999 after A. Deyev, a candidate running for the regional governorship made his speech there. On September 8, 1999 “Studiya STS Anten” TV channel's broadcasting containing “What to Do?” program that was giving a coverage of the election campaign was stopped for a while.
103. In 1999 Governor of Kemerovo region A. Tuleyev stopped the interregional TV channel's broadcasting<sup>39</sup>: a story about his opponents shown in “Gubernskiye novosti” program did not suit him.
104. In Tula region RTR state channel's broadcasts were twice interrupted by blocks of local advertising exactly when a story criticizing Governor of the region V. Starodubtsev was to be broadcast. A complaint was lodged in the regional prosecutor's office, but the guilty person turned out impossible to find.

### **Facts of Violation of Freedom of Conscience by regional Authorities**

105. In the Republic of Tatarstan in 1998, at the unification congress of two Spiritual Directorates of Moslems, the Mufti (the single head of Tatar Moslems), who was inclined to displays of independence from the state and, in particular, refused to support President M. Shaimiyev at the last elections, under the pressure of the administration of the Republic was deposed and replaced with a more compliant spiritual leader. The decision of the unification congress caused a protest on the part of a significant number of practicing Moslems. It is characteristic, that after the Mufti's replacement the authorities of the Republic provided the Unified Spiritual Directorate of Moslems with a loan amounting to 500 thousand rubles.
106. In Kursk region the Governor's order introduced the obligatory teaching of the Russian Orthodox “God's Law” in all schools, that act directly contradicting the Federal Law “On the Freedom of Conscience.”
107. In Voronezh region in early 1999 the regional Duma adopted the law “On the Procedure of Carrying out Missionary Activities,” according to which the question if an association is a religious community shall be solved through court procedure<sup>40</sup>. The legislators explain that act by a necessity to limit the activities of such organizations in the general education institutions.
108. In the Republic of Dagestan, after the Chechen armed formations' intrusion in 1999, the law “On Banning the Wahabite and Other Extremist Activities in the Territory of the Republic of Dagestan” was adopted. The law not only stipulates a censorship of “printed editions, movie-, photo-, audio- and video products and other materials,” but also allows studies of the citizens of

---

<sup>38</sup> In the USSR all mass media were official tools of various authority and CPSU institutions. At the time of *perestroika* those mass media became independent, but regional and local authority bodies are still listed among the founders of the majority of regional and local newspapers. Until a certain time that factor did not affect the press freedom situation. But when the authority bodies faced a need to control mass media, they began successfully using their founders' status to influence the information and personnel policies.

<sup>39</sup> A TV program broadcast across several Siberian regions.

<sup>40</sup> Under the federal legislation the question whether an association is of a religious nature is not a problem of juridical nature and shall not be solved by a court. That is up to the existing religion research examination bodies.

the Republic in religious education institutions abroad only upon agreement with the local authorities, thus limiting the freedom of conscience for particular citizens<sup>41</sup>.

### **Facts of Violation of Right to Periodically Change Authorities through Elections**

109. Regional heads generally are the central perpetrators of violations concerning the influence on the election process. Governors can act united with various political forces, but it is precisely them who determine the direction of administrative interference in the regions. We shall illustrate this tendency with the facts of violations that took place during the campaign of election to the State Duma in 1999, when the regional leaders aspired to ensure election of candidates to the deputies supported by them.
110. Information that governors tell their subordinates, heads of municipal structures and local self-government bodies what candidates should be supported become public knowledge in few regions only, but most likely it was a universal practice.
111. In Vladimir region, according to information from “Narodnaya Sovest” public organization, first deputy Governor Yu. Fyodorov gave an informal instruction to the chiefs of enterprises, heads of administrations and chairpersons of local self-government bodies to support at the elections certain candidates of pro-Communist orientation. As a result, the heads of local administrations arranged meetings of those candidates with the voters, carried active propaganda in their favour, put obstacles to carrying propaganda activities by other candidates (for example, denying the latter premises for meetings with the voters).
112. An approximately similar situation took place in Saratov region as well. Chairman of the Government of the region P. Kamshilov at a session of permanent working meeting under the auspices of the Government of Saratov region on December 14, 1999 told those present that the elections had entered the final stage, therefore it was necessary to step up on-the-spot work, “to accomplish what we have planned concerning both the candidates' personalities and the parties and movements.” Governor of Saratov region D. Ayatskov, who spoke after him, promised he would encourage those ministers, heads of directorates and departments who achieve “good results at the elections” (obviously, in the districts they were in charge then), in particular, by granting a vacation from January 1 through 10, 2000.<sup>42</sup>
113. Regional heads not only openly supported certain candidates, which is unlawful, but also carried propaganda in their favour even on the days when propaganda is forbidden on principle. On December 18 (on the eve of the election day) the head of the Republic of Mordovia spoke in support of “Fatherland-All Russia” election bloc<sup>43</sup>, the President of the Republic of Bashkortostan carried out propaganda for the same bloc on the election day. The Governor of Kamchatka region on December 19 said via “Prichal” TV channel that “Yabloko” candidate I. Yarovaya was not a person to vote for and called for support to President representative V. Boltenko. Governor of Kirov region V. Sergeyenkov essentially tried to discredit undesirable candidate V. Pervakov by having him displaced from the post of the chairman of the Committee on state property management of Kirov region as a person who ostensibly failed to carry out his duties. Moreover, on October 4 in transfer of local TV “Slovo i delo Gubernatora” local TV broadcast Sergeyenkov said there were two criminal cases initiated against V. Pervakov. However FSB directorate MVD [Ministry of Internal Affairs] directorate officially replied to the inquiries

---

<sup>41</sup> Yu. Golotyuk “Wahhabism has rolled up to the Kremlin.” *Vremya Novostey*, July 26, 2000.

<sup>42</sup> Quoted from the report by “Solidarnost” human rights center.

<sup>43</sup> Besides, on his behalf some leaflets were circulated with propaganda in favor of the same bloc and the candidate he supported.

that they knew nothing about that. Pervakov, acting through court, demanded compensation from the Governor for the moral damage inflicted on him.

114. The candidates actually supported by regional leaders received an opportunity to break the law, as election commissions turned a blind eye on that. Thus, the election commission of Khabarovsk territory accurately answered all inquiries, but as soon as complaints against the head of administration of the territory and candidate he supported started arriving the commission practically ceased to work.
115. Using their control over the law-enforcement bodies the governors prevented dissemination of propaganda materials containing criticism of them. For example:

On November 27 Main Traffic Security Inspection Service (GIBDD) officers detained a private car transporting 25000 leaflets (out of 200000 copies printed) of "Yabloko" election association. The GIBDD officers declared that the leaflets' contents were an insult to V.A. Yakovlev (they accused the Governor of the municipal reform failure, criminalization of the city etc.). The leaflets were delivered to the ninth militia precinct, and also transferred them to the city administration and the city election commission. Later on the whereabouts of the 25000 leaflets turned out unknown...<sup>44</sup>

### **New President and Change of Regional Policy**

116. For the above-described reasons President Yeltsin was compelled to turn a blind eye on the regional leaders' obvious arbitrariness and not to prevent their alienation in first half of the 1990s. The actual expansion of the regions' powers in that period to a large degree was not supported legislatively. Legislative acts adopted in the constituent subjects of the Federation contradicted the federal ones, that fact creating a solid basis for their potential cancellation. B. Yeltsin's administration would not dare an open confrontation with the regions (though after the beginning of the first Chechen campaign no republic now risked to blackmail the center with a secession from the Russian Federation). As shown above, the governors to a substantial extent control the election process in their regions, and during elections the federal authorities appear to be heavily dependent on them. With very weak chances to win the presidential elections of 1996, B. Yeltsin was in an extreme need of support from the regional leaders, that fact inevitably strengthening their power. Besides, the opposition dominated in many respects due to the influence of the regional leaders in the first two State Dumas. Meanwhile, the upper chamber of the Parliament (Council of Federation) consisted of the regions' heads and regional legislative assemblies' chairpersons. Accordingly, any legislative initiative the regional leaders might find dangerous to them could not be approved. Even in such environment, after B. Yeltsin's re-election for the second term the federal center began to undertake cautious steps to restrict the regional leaders' all-powerfulness. In particular, the typical agreements on delimitation of powers were developed, which ruled out an possibility of the regions acquiring some rights of the federal center. Also, the institute of the Federal Treasury limiting the regional authorities' freedom of manoeuvre in disposing the budget funds began to be introduced.
117. In 1999, expecting the inevitable change of the head of state (under the Constitution a person shall not hold the presidential office for more than two terms), a substantial part of the regional leaders got consolidated to promote their representative to the presidency and render permanent the powers obtained. But the federal authorities, although seemingly in a deep crisis,<sup>45</sup> found the necessary resources (first of all the ideological ones) to counter the regional expansion. That

---

<sup>44</sup> Information from the Harold and Selma Light Center (Saint Petersburg)

<sup>45</sup> Due to objective reasons B. Yeltsin could not be very active as president. Governance de facto to a large degree was carried out by the presidential administration and a number of big businessmen close to it. That fact sharply reduced the legitimacy of the decisions adopted and the moral authority of the federal bodies was irrevocably falling down throughout the second half of the 1990s.

process was personified by V. Putin who, on the wake of patriotic-etatist and militarist sentiments and with the use of the second Chechen military campaign, attained an unusual popularity. Leaning on this sociological phenomenon and fully exploiting the resource of the all-federal TV, which was incessantly engaged in discreditation of their political opponents, the federal authorities were able to form the majority in the third State Duma. Three months later, in March 2000, V. Putin won the presidential elections in the first round.

118. Having engaged quite certain ideological blocs, the federal authorities could not but make a sharp inclination toward authoritarianism. (At that, it is necessary to note that the first steps toward authoritarianism were made much earlier by B. Yeltsin himself when in 1993 he disbanded the Supreme Soviet by the MVD and army forces and then ensured for himself more than extensive powers in the new Constitution.) After V. Putin's advent to power, the federal authorities in order to strengthen their positions started using the same methods that the regional leaders had been using for a number of years: first of all, that implies the establishment of control over mass media editorial policies (replacement of ORT TV-channel managers; destruction of V. Gusinsky's "Media-Most" holding) and political manipulations during the election campaigns (using administrative resources to promote their candidates).
119. Since the moment of his inauguration, V. Putin has turned to open offensive actions against the regional leaders. Putin's administration within a record-breaking time carried out the so-called federal reform. The President obtained the right to dismiss those regional leaders who violate the norms of the RF Constitution. The way of forming the Council of Federation was changed: the heads of regions and chairpersons of regional legislative assemblies ceased to be the upper chamber members *ex officio*. As a result of the reform carried out, the candidates for membership in the Council of Federation are now only presented by the regional leaders and approved by the regional legislative assemblies. Such way of formation provides the federal authorities with wider opportunities to influence the decisions of the Council of Federation. (The heads of regions had no other way out but to support the presidential reforming initiative, as they understood that, if necessary, the President could summon the qualified majority (two third of the votes) in the State Duma and overcome their veto.)
120. Besides, through presidential decree the country was divided into 7 federal districts headed by the President's plenipotentiary representatives. They are to coordinate the work of federal institutions in the territory of the regions included within their respective federal districts. One of the direct priority tasks set before the plenipotentiary representatives was to bring the regional legislation in conformity with the federal one and to ensure the observance of the federal legislation in the whole territory of the country<sup>46</sup>.
121. Also the federal authorities' financial capacities and their control over the budgeting process have increased. Under the new Tax Code adopted in 2001 the federal authorities' share in the general taxes has considerably grown and some taxes have been relocated from the regions to the center. The institution of the Treasury, created still under Yeltsin, has begun to be introduced at accelerated rates. All accounts on budget payments including intra-regional ones have been transferred to its system. As the regions have got various debts to the federal center, their own tax receipts may at any moment be withdrawn to cover their debts<sup>47</sup>.

---

<sup>46</sup> One should note that in the field of bringing the regional legislation in conformity with the federal one a significant progress has been made - at least all statutes and constitutions of the Federation constituent subjects as of today have been brought in conformity with the RF Constitution.

<sup>47</sup> In reality, that mechanism is used as a potential threat, because both the federal authorities and the regional ones are aware that its use would entail a disequilibrium of the financial system. Yet, as a threat it also turn out to be quite effective.

122. It is obvious, that the above-listed measures limiting the all-powerfulness of the regional heads and consequently to a certain extent positively influencing the human rights situation have nothing to do with decentralization. Rather, on the contrary, we are facing the construction of a centralized vertical of authority, and it relies to a substantial degree on financial levers, not political ones. While on the threshold of the 1990s we witnessed the disintegration of the empire, today we deal with “the consolidation of the lands.” Undoubtedly, the present political system is not the Soviet regime. The structure of the modern economy and the world-wide globalist trends make it essentially impossible to use the Soviet methods of governance. Even more so due to the fact that the Constitution and the basic federal laws and also Russia's integration in the fundamental international agreements and the simple economic expediency push the country toward a gradual pursuit of a civilized decentralization. In the process of building the vertical of authority the center regularly indicates that this vertical is just the first step in the reform of the state system of Russia and shall be followed by gradual de-bureaucratisation and decentralization. Even some certain steps are made to that direction. On August 15, 2001 the government of Russia approved “The Program of Development of Budget Federalism.” As assessed by S.Mitrokhin (State Duma deputy, "Yabloko" faction member, Deputy Chairman of the State Duma Committee on Local Self-government): “with the official adoption of the Program, the Government turned its face toward a most acute problems of our financial sphere - the problem of mutual relations between the regional and local budgets ... It [the Program] makes a huge step toward the strengthening of the financial basis of local budgets.”<sup>48</sup>
123. However, we do not dare to make any optimistic forecasts about the prospects of these undertakings. Besides the objective factors there are also political ambitions that in Russia, as a rule, turn out to be dominant, and their realization implies a concentration of authority, rather than a civilized division of powers.
124. Anyway, from our point of view, a chance for an efficient building of a democratic decentralized system on the ruins of the totalitarian empire was missed. The absence of a liberal political culture, deep traditions of authoritarianism and a low level of the society's ability to self-organize can be named among the factors conducive to this failure. Having covered during the last ten years a rather long road of reforms, in reality Russia has not progressed very far in solution of essentially structural problems of building really operational democratic mechanisms and decentralizing the governance.

## CONCLUSIONS AND RECOMMENDATIONS

125. The political system itself stipulated in the Russian Constitution is sufficiently democratic. Contradictions between the real politics and the spirit of the RF Basic Law are caused by the ruling elites' unwillingness and inability to observe it. Therefore, we deem it inexpedient to dwell in this section upon the factors that can be for convenience sake united within the framework of the concepts of “political culture” and “political will,” and we will not venture beyond the

---

<sup>48</sup> In particular the Program plans for a transfer of such extremely important taxes for local self-government as the tax on real estate and the tax on aggregate income to the local level. Also an expediency is admitted of fixing in favor of the local budgets of some shares of two federal taxes: the tax on income and the tax on profit. However, as very same S. Mitrokhin point out, for the federal authority the development of local self-government and, first of all, the strengthening of its taxation base is of low priority. “... The government ... with one hand adopts the program and with the other hand continues the former policy of reduction of income base of the municipalities. Those provisions of the Program that are aimed to reduce the financial resources are carried on a pre-schedule basis (for example, the cancellation of the municipalities' share within the tax on production of mineral raw materials), while the provisions aimed to increase the financial resources of the local self-government are not carried out.” (S.Mitrokhin “How to Distribute the Powers and Finance between the Levels of Authority.” *Newsletter of the Commission on municipal policy of “Yabloko” Association*, #10, 2001).



spheres of law-making and economic policies, as well as professionalization of the employees of state authority and local self-government bodies.

126. To enable a decentralized governance system to function in Russia, the following is necessary:

- to bring the regional laws on organization of local self-government in conformity with the federal legislation and with the European Charter on Local Self-government;
- to ensure a transparency of the budgeting process, to develop mechanisms of control over the budget execution on the part of the representative bodies of local self-government and the public;
- to introduce budget realization mechanisms narrowing opportunities for non-purpose use of budget funds;
- to develop and introduce budget levelling methods that take into account the geographic, cultural and economic diversity of the Russian regions;
- to develop and introduce schemes of division of functions and powers between the authority levels, taking into account the geographic, cultural and economic diversity of the Russian regions;
- to expand the tax-base for the local self-government;
- to terminate the policy of charging the local self-government budgets with new burdens resulting from norm-making activities of federal and regional authorities;
- to professionalize the personnel staff of local self-government bodies in the field of economics and management, primarily in the field of budgeting and taxation.

127. The world community's influence on the decentralization processes in Russia should first and foremost be aimed to ensure that:

- Russia carries out its obligations under the international agreements, in particular those under the European Charter on local self-government;
- the basic liberal democratic principles incorporated in the RF Constitution and a number of the federal laws are not revised;
- programs of credit financing on the part of the international financial institutions include the regional and local components (as such programs will be a stimulus for the regional and local authorities in the field of carrying out transparent financial policies and observance of human rights).

128. The activities of the international organizations and funds interested in carrying out a successful decentralization in Russia should be aimed at:

- education programs for civil servants on different levels with the purpose of embedding the notions of the efficiency of decentralization as a method of governance;
- professional managerial training for the local self-government bodies' employees;
- introduction of a program of grants to support NGOs' projects implying arrangement of public campaigns in support of local self-government in the center and the regions, as well as in legislative bodies when budgets and normative acts are adopted.
- implementation of a program of grants for development of local self-government on the lowest level;
- implementation of a program of grants for NGOs' projects aimed at introduction of transparent budgets;
- implementation of a program of grants in support of NGOs' anti-corruption initiatives;
- implementation of a program of grants aimed to support economic and sociological studies in the field of decentralization, reforms of budget and tax policies, local self-

government development, prevention of corruption in the conditions of geographic, cultural and economic diversity of the Russian regions.

129. All above-listed programs should be carried out either directly by international organizations and foundations, or with large Russian NGOs engaged as coordinators. We see an engagement of Russian officials in the distribution of funds and implementation of the projects as extremely undesirable both due to the high level of corruption and because their participation in such projects may become an additional lever for the upper levels of the state system to influence the lower ones.