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Russian diplomacy: facing regional challenges

In recent times we observe Russian diplomatic service facing new challenges coming from provinces and regions. The phenomenon exists not only in nowadays Russia. An extraordinary increase of regional challenges is disturbing general architecture of the world politics. In this connection I think it both the comparative analysis of changes and mutual learning of different diplomatic experience as to regional challenges are important.

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

At the same time changes we have to deal with give the impression of being very complex. Mobility of capitals, manpower, goods and cultural values escape government control because of greater transparency of borders. New challenges of organized crime, drug dealing and terrorism are a constant threat.

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

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

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

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

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

At present as far as 82 subjects of the Russian Federation are close in touch with their partners in 77 countries and 74 regional missions have been opened abroad¹.

For example, the republic of Tatarstan has on its account 68 international agreements with foreign partners while 43 of that number are so-called "transverse" international deals, that is, are in close contact with the central government of a foreign country. The republic of Tatarstan has 23 diplomatic missions abroad; they promote business relations, organize commercial exhibitions and promote cultural events. The missions are called "plenipotentiary representation" (for example, in the Russian Federation, French Republic, Australia), "permanent representation" (in the USA, Azerbaijan, Uzbekistan, in Sverdlovsk region, in the city of St. Petersburg, in Czech and Slovak Republics) and "trade representation" in Ukraine and so on².

¹ Mezhdunarodnye svjazi subjektov Rossijskoj Federazii. Hanty-Mansijsk, 20-21 aprilja 2006.

² <http://lng.tatar-inform.ru>

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

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

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

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

foreign relations. That's why in Russian case more complex harmonizing mechanisms are needed as compared to other federative states.

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

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

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

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

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

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

The Russian Federation is as well as the former Soviet Union a multinational state and has got a Constitution that in many ways is a carbon copy of the soviet one. As a rule lawyers classify it a “dissymmetric federation” for there are unequal distribution of powers and authorities between more than eighty autonomies (republics, territories, regions, autonomous areas, autonomous regions and cities with special status) called subjects by the Russian Constitution.

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

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

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

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

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

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

No competent department of the MFA was able to formulate any reply as to a legal base of such request. In the end the Ukrainian lawyers have solved the problem, reaffirming that regional missions couldn't apply for a level above usual trade mission³.

The same way of doing was assumed in Latvia. The representative of a Russian region has been taken aboard in the embassy of the Russian Federation as an expert for relations with local governments. The region he had come from paid him a salary.

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

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

³ On my own records.

some formalities that should be observed locally and endows federal bodies with coordinating tasks.

New regulations for regional missions sent abroad and patterns of their behavior, while facing foreign partners, have been introduced quite recently. For example, international agreements are supposed to have legal value only in case the local government is competent to sign such agreements. However every international covenant named “agreement” is due to pass through bureaucratic grids of the federal Ministry of Justice. As a rule, it is long enough practice; therefore regions prefer to strike their bargains, disguising the names of their deals, for example, calling “protocol on cooperation” what obviously is an agreement.

Subjects’ constitutions and charters along with federal acts also supervise local governments activity in the field of international and economic relations. As a rule they outline that in many cases the final decision of local government involvement in international agreements is a competence of the central government⁴.

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

Quite recently, however, Mr. Gryzloff, Speaker of Parliament, once more lamented that some regions in their bargaining with the federal center had been transformed in a kind of their governors’ individual resource⁵. I suppose time will have passed by the day the relations between federal and regional power become unambiguous.

We have examined a particular aspect of a very complex problem relating to the Russian federalism further development. Russian politicians and researchers have different views on this issue. President Putin set a task to consolidate so-called “vertical line of power”. On the one hand his plan aimed at putting subjects’ leaders and regional politics under stricter federal center control, on the other hand it had as

⁴ See: V.L. Tolstyh. *Mezdunarodnaja dejatelnost subiektov RF*. Tomsk, 2002.

⁵ The address delivered to the 2d Congress of the party “Edinaja Rossija”, 27 October 2001.

its object to avoid excessive centralization. The central power also proclaimed its intention to reduce an excessive number of subjects and to start the processes of its consolidation.

As some legal experts suppose the present federal system badly corresponds with industries territorial division as long as the industries are subjected to federal ministries and have quite independent policy in front of local powers. Some of these experts bring up for discussion projects of very large regional unities such as “Far East Region”, “Great Volga Region”, and «Siberia Region” with the purpose to further transform all them into republics.

Certainly the centralization trends are rather comfortable with the soviet unitary tradition of governance. With the only clear distinction that the soviet federalism based on ideological cramps, a leading role of the communist party, a powerful repressive state machinery and last and not least a very cheap energy. Russia today lacks all this components. Attempts to elaborate a common ideology in the guise of a ‘national idea’ project still haven’t got any result. While democratic state building isn’t supposed to have only one predominant party or repressive tools of governance.

At the same time the local elites are not likely to remain passive in front of center attempts aimed at a tougher control of the subjects’ activity. It’s common knowledge that nationalistic moods in the SU republics became one of deciding factors of the soviet system demise. The new Russian leadership to a considerable degree staked on those moods and consequently turned out to be a hostage of local, primarily national, elites. Nowadays the central authorities can hardly ignore the present-day reality marked by exacerbation of nationalistic and localistic manifestations fraught with serious conflicts.

In my opinion the only way to solve all this problems is to further perfect the federal structure. First of all the matter involves an effective juridical base, regulating relations between the center and regions. Developing democratic legal system can help to find a solution of Russian eternal problem when laws are substituted with the governance of bureaucracy whose unlimited power not only in the center but also in provinces represents great obstacles for whatever initiatives. Suffice it to say that

paradoxically Russia has almost tripled the number of its state offices in comparison with those of the incomparably greater, as to territory and population, Soviet Union.

An efficient regional foreign policy also greatly depends on a modern legal system. In this context recent records of cooperation between the Council of Europe and Russian Federation are more encouraging. Projects and programs managed by the MFA of Russia together with the CE enable both the federal structures and local governments to learn European experience of state buildup, inter-regional and frontier cooperation, including the European scholars knowledge. In my opinion it's very important to gradually introduce a well-known European principle of subsidiarity for a successful implementation of Russian federalism⁶. I think it is also worth studying the European legislative base for regionalism concerning budgetary federalism and division of competences between different echelons of power.

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

Another important two years program called "Institutional, legal and economic federalism in Russia" is being implemented within the Cooperation Program between the European Union and the Russian Federation. Its primary aim is to further the development of legal basements of federal relations⁷.

Such cooperation takes plus value whilst we observe aggravating regional conflicts, mounting corruption, organized crime escalation and terrorism. It goes without saying that no automatic imitation of European experience is supposed. For example it's of common knowledge that in the field of international politics even in Europe the problem of growing bureaucratic apparatus and doubling functions of regional and bilateral representations to the European Union is extremely critical. Common work helping to study both positive and negative experiences of federalism and regional politics is supposed to be able to give us quite fruitful results.

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

⁷ Institute of Law and Public Policy. <http://www.ilpp.ru>

