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Democratization and federalization. A comparative perspective between Russia's and Spain's early forays into a federal system

Introduction

Undoubtedly, Russia occupies a distinct position within the political landscape, differentiating it from Western democracies that themselves exhibit considerable variation. This uniqueness can be attributed, in part, to Russia's geographic characteristics, encompassing diverse subdivisions characterized by variations in population, natural resources, territorial expanse, and distance from the central authority. However, what truly distinguishes Russia is its contemporary history and recent experiences with federalization – a framework that has defined its operations since it became the Russian Federation following the dissolution of the Soviet Union.

While Russia is formally established as a federation according to its constitution, the nature of political interactions within the country, particularly between the central government and regional entities, challenged its classification as a truly federal system. Significant transformations have occurred during Russia's relatively brief history as a federal state, especially in the 1990s when center-regional relations were redefined in alignment with the new Russian constitution.

The objective of this essay is to analyze the distinctive features of Russian federalism in its early stages, employing a comparative perspective against the Spanish case, in order to ascertain the consequences of

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the legal, organizational, and territorial arrangements established during Russia's early democratization period. The focus is to evaluate the implications of these changes on the establishment of a legally-binding democracy and a well-functioning federation, ultimately questioning whether Russia genuinely qualifies for either of these classifications.

Russia's mechanisms of Legitimization of Power in the 1990s

Following the dissolution of the Soviet Union and the collapse of communism, the ruling class embarked on the construction of a novel political system, effectively starting from scratch. The chosen system was democracy, a concept hitherto unheard of in the country. The configuration of a democratic state can be tailored to accommodate the unique requirements of its constituent territories, ranging from a unitary to a federal structure, with various degrees of intermediate forms. The Treaty of the Federation, concluded in 1992, established the foundational principles governing the relationship between the central authority and the regions moving forward. This agreement was entered into by the Russian Government and its federal subjects, though it encountered resistance from Chechnya and Tatarstan, which declined to participate. The treaty granted greater autonomy and enhanced access to natural resources for the regions, with particular emphasis on the "sovereign republics" – territorial entities characterized by distinct national groups (e.g. Yakutia) – who were accorded considerable authority compared to other federal subjects within Russia. Subsequently, the new Constitution, ratified in December 1993, formalized this restructured arrangement and delineated the composition of the federation. It also defined the distribution of powers between the federal government and the federal subjects, who would be represented at the federal level through the upper chamber of the national parliament, known as the Council of the Federation. The new federal structure was defined in the Constitution in the following manner:

1. The Russian Federation consists of Republics, territories, regions, cities of federal importance, an autonomous regions and autonomous areas - equal subjects of the Russian Federation.
2. The Republic (State) shall have its own constitution and legisla-

- tion. The territory, region, city of federal importance, autonomous region and autonomous area shall have its charter and legislation.
3. The federal structure of the Russian Federation is based on its state integrity, the unity of the system of state authority, the division of subjects of authority powers between the bodies of state power of the Russian Federation and bodies of state power of the subjects of the Russian Federation, the equality and self-determination of peoples of the Russian Federation.
 4. In relations with federal bodies of state authority all the subjects of the Russian Federation shall be equal among themselves².

The appropriateness of this decision becomes subject to scrutiny when considering the historical power distribution within previous iterations of the Russian state. Throughout the majority of its history, Russia functioned as a nominally and formally unitary state, only transitioning to a federation following the October Revolution. During this transformation, the country was reconstituted as the Russian Soviet Federative Socialist Republic, yet it maintained a highly centralized power structure rooted in the one-party system. Irina Busygina's analysis reveals that the choice to adopt a federal system was primarily driven by necessity rather than volition. She argues:

The Russian political class did not have a real choice in making this strategic decision due to several reasons, the main one being the fact that in this period (end of 1980s – beginning of 1990s) interregional differences for the first time acquired a political dimension due to the existence of a new resource – mass politics [...] The center, fully occupied by a tough split between “reformistdemocrats” and “conservatives-communists” could neither ignore regional aspirations nor suppress them. Thus, for the center federalism became in fact “choice without choice”, the way to guarantee at least some loyalty in the regions³.

Hence, if the federal nature of Russia is deemed unsuitable, it raises fundamental doubts about the integrity of its democratic system. Our body of scholars displays either strong disagreement or reservations concerning this matter. Regarding the concept of democratic federal-

² Constitution of the Russian Federation, First Section, Chapter 1, Article 5.

³ I. Busygina, *How does Russian Federalism Work? Looking at Internal Borders in the Russian Federation*, “Journal of Borderlands Studies” 2017, 32(1), p. 109.

ism, Stepan contends that “Russia is at best a borderline democracy”. Furthermore, he elucidates that “if one follows Robert Dahl’s classic definition of federalism, Russia is not a federal system”⁴.

In his referential article, Robert Dahl defines a federation as a political framework characterized by the sharing of governance between a central national government and local governments, with each possessing distinct domains of authority that should not be encroached upon. Dahl suggests that Russia does not conform to the characteristics of a federal system, stating that “if by federal system we intend to mean a system in which some matters are exclusively within the competence of certain local units – cantons, states, provinces – and are constitutionally beyond the scope of the authority of the national government, and where certain other matters are constitutionally outside the scope of the authority of the smaller units”⁵.

A comparative perspective: Russian and Spanish federalism

Russia is not unique in its adoption of a multinational federation as a form of state organization. However, what sets it apart is the exceptional occurrence of democratic erosion that has transpired since the establishment of the country as such, primarily attributable to the highly asymmetrical constitutional framework upon which it has been constructed. Busygina evidences that “Constitutionally it is a federation, but the actual type of political relations between the federal center and the regions could hardly be designated as federal. We know that during her short “federal history” Russia, formally remaining a federation, experienced deep changes at the beginning of the 2000s when center-regional relations were reformed”⁶.

The process Busygina mentions comprises what Stepan defines as a “power deflating”⁷ process, which undermines the inherent capacity of the Russian federal system to enforce itself. Democratic federalism necessitates two democratically legitimate governments govern the same

⁴ A. Stepan, *Russian Federalism in Comparative Perspective*, “Post-Soviet Affairs” 2000, 16(2), p. 137.

⁵ R.A. Dahl, *Liberal Democracy: Federalism and the Democratic Process*, “Nomos” 1983, 25, p. 95.

⁶ I. Busygina, op. cit., p. 106.

⁷ A. Stepan, op. cit., p. 145.

group of people at the same time, on different levels, and as such, they depend upon a strong judicial system with constitutionally authorized power to make binding decisions⁸. Said power was eroded during the federalization and democratization process during the 1990s. Russia underwent a phase where democratic institutions merely served as a *façade* for the actual political processes centered around the redistribution of state assets. An essential aspect for comprehending the initial process was the predominance of informal institutions, whereby the ruling coalition comprised two distinct actors: the most influential economic entities, the oligarchs, and select regional leaders⁹. The introduction of direct elections for governors, modifications to the formation procedures of the Council of the Federation, and the bilateral treaties concluded between Moscow and the regions during the 1990s significantly augmented regional autonomy. The formal institutionalization of democracy failed to address the genuine challenge of achieving substantive democratic consolidation. Consequently, by the late 1990s, the federal center had relinquished its principal means of exerting influence on regional affairs, leading to an unprecedented level of uncontrolled regionalization across the country. Regional elites began constructing politically centralized regimes, with the federal center assuming the role of an external actor *vis-à-vis* the regions¹⁰. The federal government's approach toward the regions predominantly comprised *ad hoc* policies driven by short-term considerations encompassing political expediency. The consequences of such approach are evidenced by Stepan as it follows:

What is an exception to democracy, however, is the fact that Russia has forty-six constitutional, bilateral treaties that were negotiated and signed by the Chief Executive of Russia and the Chief Executive of one of the eighty-nine constituent members of the Russian Federation, without being signed, or even shown, to the Russian Parliament. This occurrence is procedurally exceptional in a democratic federation. A further lack of conformity (indeed gross incompatibility) with democracy is that many of the bilateral treaties are also

⁸ Ibidem, p. 147.

⁹ S. Ryzhenkov, *Dynamics and the Perspectives of the Russian Political Regime*, "Neprikosnovennyi Zapas" 2006, 6, pp. 65–78.

¹⁰ V. Gelman, S. Ryzhenkov, & M. Brie, *Russia of the Regions: Transformation of Political Regimes*, 2000.

substantively exceptional for a democratic federation because they contain passages or agreements that are in violation of the Federal Constitution (and sometimes even of the constitutions of the signatory republics). This compounds further the already profoundly anti-constitutional quality of Russia's politics because many of the eighty-nine members of the Russian Federation wrote and passed their own constitutions, or statutes, that contradicted parts of the Federal Constitution. There is thus no unified legal space in Russia¹¹.

Elazar argues that the essence of federalism lies not in certain types of institutions, but in the institutionalization of certain types of political entities. According to him, federalism is both the structure and the process¹². In the Russian Federation, the president holds the power to issue decrees; however, the regional entities frequently possess *de facto* autonomy to selectively adhere or deviate based on their assessment of power dynamics and self-interest. This system is characterized by instances where the state is unable to act, indicating a pervasive weakness in governance at various levels. Therefore, Russia has experienced a 'power deflation', having given away a law-bounded set of intergovernmental relations that made the cost of noncompliance so high that coerced all actors to work within the law. This is further exacerbated by the *aconstitutional* character of the bilateral deals, as being an *extra-constitutional* exchange enables them to openly defy the Constitutional Court, given they were not ratified by the Parliament. As Stoner-Weiss points out on the legal discrepancies of the unilaterally-passed regional resolutions, "nearly half of them do not correspond with the constitution of the Russian Federation"¹³.

Consequently, this gave rise to *aconstitutional* asymmetry, as well as socioeconomic and geographical asymmetry. Regions within Russia that exhibited lower levels of economic prosperity and structural resilience were hesitant to assert direct defiance to Moscow, lacking the necessary leeway for maneuvering. However, it is worth noting that certain regions

¹¹ A. Stepan, *op. cit.*, p. 144.

¹² D. Elazar, *Exploring Federalism*, 1989, p. 6. See also: J. Marszałek-Kawa, D. Plecka (eds.), *Dictionary of Political Knowledge*, Wydawnictwo Adam Marszałek, Toruń 2019, pp. 175–177.

¹³ K. Stoner-Weiss, *Central Weakness and Provincial Autonomy: Observations on the Devolution Process in Russia*, "Post-Soviet Affairs" 1999, 15(1) pp. 87–106.

within the Russian Federation possessed relatively greater flexibility in navigating their circumstances owing to their favorable geographic positioning as is the case of Primoriye, Yakutiya, Bashkortostan, or Chechnya, among others. When reflecting on their privileged situation stemming from the bilateral treaties, Evangelista says the following:

Chechnya today is de facto no longer under the control of the federal center. But Tatarstan, Yakutiya, Bashkortostan received greater tax privileges from the center, and in practice almost don't pay any. Tatarstan, in particular, as far as I remember, practically doesn't pay taxes to the federal budget. Yakutiya received more privileges through direct, untaxed trade in gold and diamonds with de Beers and other firms. A part of the sales is given over to the budget, a part of the diamonds is put up for sale at the federal level, but a significant part is Yakutiya's own. Above all it is the national republics that enjoy such privileges¹⁴.

The presence of a law-based state is crucial for the establishment of a democratic system. Throughout all levels of the Russian Federation, there were notable challenges pertaining to the adherence to the rule of law. The absence of an effective state administration hinders the realization of democracy. The federal government of Russia faced difficulties in generating sufficient tax revenue to support a functional state apparatus. To provide a comparative perspective, Spain, a country that shares a history of central governance over multinational territories and a recent period of authoritarianism with Russia, diligently institutionalized its federal system. Although Spain's system is not strictly a federation, and formally operates as a parliamentary monarchy, it serves as an example of commitment to the establishment of a robust institutional framework.

Spanish federalism granted Catalonia, the Basque Country, and Galicia a distinct status, owing in part to their historical significance recognized in the 1931 Constitution during the Second Spanish Republic, as well as the acknowledgement by the drafters of the 1978 Constitution that accommodating the multinational Spanish state within a democratic framework necessitated the recognition of the special status of these regions. A provision – Article 150 – was incorporated, allowing the cen-

¹⁴ M. Evangelista, *An Interview with Galina Starovoytova*, "Post-Soviet Affairs" 1999, 15(3), pp. 281–290.

tral government to delegate certain functions to the autonomous communities (*comunidades autónomas*). Within a decade, a notable development occurred, wherein the majority of the autonomous communities, exercising their right to establish an autonomous region, as outlined in Article 143 and the provisions of Article 150, sought and obtained numerous prerogatives that were initially exclusively granted to Catalonia, the Basque Country, and Galicia¹⁵.

Essential to comprehending this phenomenon is Stepan's concept of "Rikerian 'coming together' federalism"¹⁶, which entails a rational choice to aggregate collective resources to enhance the survival prospects of the political entity. However, this action is not undertaken without cost, as it serves as a bargaining tool to safeguard regional identity and sovereignty. In this context, the central authority – in this case Spain – incorporates a new member into its fold – Catalonia, the Basque Country, Galicia, and the other *Comunidades Autónomas* – and establishes a relationship based on negotiated provisions, namely the preservation of regional identity and sovereignty, as enshrined in the Constitution. This process of "coming together" exemplifies a democratic endeavor, distinct from coercive methods – as experienced in the Soviet Union with the "putting together"¹⁷ process of integration of Georgia, Armenia and Ukraine, among others. – Stepan describes this process as follows:

Six inter-related sequential acts of power crafting were crucial. First, a free and fair polity-wide election created a parliament with the power to form a government and to write a constitution. Second, that parliament then consensually negotiated a constitution, which was approved by 258 of the 274 voting members. Third, the constitution was then subjected to a referendum and won the approval of 87.8 percent of the voters, including 90.4 percent in Catalonia and (with a low turnout of 54 percent) 67 percent in the Basque Country. Fourth, the central government then negotiated with Catalonia, and the Basque Country, the draft statutes for the rules of the game for regional autonomy (the Statutes of Autonomy). Fifth, the Statutes had to be approved by a majority of the parliament. Sixth, the Statutes had to be submitted to a referendum in Catalonia and

¹⁵ A. Stepan, op. cit., p.146.

¹⁶ Ibidem, p. 136.

¹⁷ Ibidem, p. 139.

in the Basque Country, where, among those voting, they received 87.9 percent and 90.3 percent approval, respectively. Taken together, these six steps, taken by actors, created a structure of rules, procedures, and conflict-regulation judicial devices for center-regional relations – a structure that had been democratically negotiated and legitimated¹⁸.

Therefore, in Spain there exists a consensual and established mandate that any constitutional arrangement between the central government and the autonomous community must be publicly disclosed and obtain a majority approval in both house of the legislative body. In cases where either the central government or an autonomy collide over an issue, the Constitutional Court serves as a mechanism for oversight, ensuring adherence to the procedural requirement and that the jurisdiction of both governments is not trampled on. As described, Spain's iterative bargaining game between the federal and regional polities is firmly entrenched in a constitutional framework, thereby being self-enforcing and able to operate accordingly.

Conclusion

Both the “power creating” environment in Spain and the “power deflating” situation in Russia were politically generated. Compared to the Spanish process, Russia's federalization process was highly informal, riddled with political expediency, and as such, “demos-constraining”¹⁹, as it does not represent a consensus achieved through a democratic process of representation. Although Russia has undergone profound changes in its federal system since the 2000s, these two cases evidence the importance of legal cohesion and legitimacy to grant power to a government and exert efficient rulership.

¹⁸ Ibidem, p. 147.

¹⁹ Ibidem, p. 133.

Bibliography

- Busygina I., *How does Russian Federalism Work? Looking at Internal Borders in the Russian Federation*, "Journal of Borderlands Studies" 2017, 32(1).
Constitution of the Russian Federation, First Section, Chapter 1, Article 5.
- Dahl R.A., *Liberal Democracy: Federalism and the Democratic Process*, "Nomos" 1983.
- Elazar D., *Exploring Federalism*, 1989.
- Evangelista M., *An Interview with Galina Starovoytova*, "Post-Soviet Affairs" 1999, 15(3), pp. 281–290.
- Gelman V., Ryzhenkov S., Brie M., *Russia of the Regions: Transformation of Political Regimes*, 2000.
- Marszałek-Kawa J., Plecka D. (eds.), *Dictionary of Political Knowledge*, Wydawnictwo Adam Marszałek, Toruń 2019, pp. 175–177.
- Ryzhenkov S., *Dynamics and the Perspectives of the Russian Political Regime*, "Neprikosnovennyi Zapas" 2006, 6, pp. 65–78.
- Stepan A., *Russian Federalism in Comparative Perspective*, "Post-Soviet Affairs" 2000, 16(2).
- Stoner-Weiss K., *Central Weakness and Provincial Autonomy: Observations on the Devolution Process in Russia*, "Post-Soviet Affairs" 1999, 15(1) pp. 87–106.

Summary

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Keywords: Russia, Russian Federation, democracy, autocracy, federal state, federation, federal system, politics