

Constitutional and Legal Regulations of Political Activities in the Republic of Tatarstan in the Process of Building a Vertical Framework of Power in Today's Russian Federation

RÉGULATIONS CONSTITUTIONNELLES ET JURIDIQUES DES ACTIVITÉS POLITIQUES DANS LA RÉPUBLIQUE DU TATARSTAN DANS LE PROCESSUS DE CONSTRUCTION D'UN CADRE VERTICAL DU POUVOIR DANS LES FÉDÉRATIONS RUSSES D'AUJOURD'HUI

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Abstract: The vertical framework of power is the alignment of power relations at the level of center-region-place in the political decision-making. This process has actively begun since 2000, when the administrative reform was initiated. The article analyzes this process in the frame of political activity of the national subject of the Russian Federation, Republic of Tatarstan in 1990s – 2008.

Keywords: Vertical framework of power; administrative reform; political bargaining; national subject

Resume: Verticale du pouvoir est la forme d'une relation hiérarchique au niveau du centre-région-implantation. Ce processus a commencé en 2000. Début de la réforme administrative. L'article analyse ce processus dans l'analyse de la république du Tatarstan.

Mots-cles: Verticale du pouvoir; la réforme administrative; la négociation politique; une entité nationale

1. INTRODUCTION

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The concept of a vertical framework of power has become a part of our political and everyday vocabulary. Under the vertical framework of power one usually understands clear hierarchical relationships at the level of center-region-place in the process of making and implementing political decisions. This process has been associated with the office of Vladimir Putin as a president of Russia for two consecutive periods (2000–2008). Precisely in this period the process of building of hierarchy relations between the federal center and the regions began to actualize and became increasingly evident.

The process of strengthening the vertical framework of power began with the transformation of the political system of Russia. The administrative reform was carried out which changed the principle of acquisition of the Upper House of the Parliament, made efforts to harmonize the regional legislation with the federal one, entered the federal district and restored the institution of the authorized representative of the president. As a result, the constitutional principles regulating the political activities of the Russian Federation subjects have been corrected.

This article attempts to analyze political changes in the review of one of national, the most economically developed subjects of Russian Federation – the Republic of Tatarstan.

2. THE LEGAL - CONSTITUTIONAL REGULATION OF THE ACTIVITY OF REPUBLIC OF TATARSTAN

The basic documents regulating the activities of the Republic of Tatarstan (RT), as well as determining the legitimacy of this activity include federal Constitution of 1993, Federal laws, federal constitutional laws, decisions of federal courts, the Constitution of the Republic of Tatarstan.

An analysis of the core document of RT, it is not always consistent with the federal legislation of the Russian Federation, thus it creates problems for the interaction with the federal center, as well as upsets the foundations of a federal state system. The first edition of the Constitution of the Republic of Tatarstan was adopted in 1992. And then it was changed in 2002 as a result of the work carried out by authorized representatives of the President to bring regional legislation into conformity with the federal statutes and the federal Constitution.

In connection with the place in the early 1990's events and conditions of the adoption of the Constitution of Tatarstan in 1992, the latter, as already noted, contains many contradictions of the federal Basic Law.

So, is not consistent with the Russian Federation Constitution the article 50 of the Constitution of Tatarstan, which proclaims that it "determines its state-legal status, resolves issues of political, economic, social and cultural development"². And above all, because according to part 1 art. 66 of the RF Constitution "status of the republic is determined by the Constitution of Russia and the constitution of the republic"³.

Consequently, the state-legal status of the Republic of Tatarstan is fixed not only by its Constitution, but also by the Federal Constitution. Even more problematic in this regard is the art. 61 of the Constitution of the Republic of Tatarstan (1992). Which treats it as a "sovereign state, the subject of the international law, associated with Russia on the basis of the Treaty on Mutual Delegation of powers"⁴.

First of all, attention is drawn to the fact that the drafters of the 1992 Constitution of the Republic of Tatarstan see the situation in such a way as if the republic is not in Russia and is building its associated connection on the basis of contractual relations. Thereby the status of the Republic of Tatarstan as a subject of Russia (which is enshrined in art. 65 of the Constitution of Russia⁵) is undercut and

² The Constitution of the Republic of Tatarstan (1992): official text/<http://www.tatar.ru>.

³ Ibidem.

⁴ Ibidem.

⁵ The Constitution of Russia (2004): Official text (with changes from February 10, 1996., 9 June 2001. And 30 July 2003.) / Design A.A. Gromov. – Garbolovo: Izd.Dom A. Gromov. – P. 48.

undermined. Thus, the desire of the power structures of Tatarstan to give it an isolated from Russia state-legal status during 1990 to 2000 evidences of the separatist tendencies and the forgetting the primacy of the Constitution of Russia throughout its territory.

It should be noted that the 1992 Constitution of the Republic of Tatarstan ignored paragraph "c" art.71 of the Federal Constitution, which is administered by the Russian Federation citizenship of Russia⁶. Violation of this paragraph is reflected in the fact that in Tatarstan it was supposed to accept the citizenship of the Republic without addressing the issue of the citizenship of the RF (Art. 19 of the 1992 Constitution of the Republic of Tatarstan). This violation is found not only in the Tatars tans Constitution, but also in other regions of Russia (Art. 12 of the Constitution of the Republic of Sakha-Yakutia)⁷.

More over, the 1992 Constitution of the Republic of Tatarstan ignores the problem of the activity of the RF Constitution and the federal laws on the territory of Tatarstan. It only contains a reference to the supremacy of the national laws.

3. DELIMITATION OF COMPETENCE BETWEEN THE FEDERAL CENTER AND THE REPUBLIC OF TATARSTAN

Regarding the issue of delimitation of competence, the art. 71 of the RF Constitution clearly defines range of tasks, which are administered by the federal centre. Russia as a sovereign multinational state, through its federal agencies exercises the relevant powers which are necessary to preserve its state and legal integrity and to resolve internal and external challenges in the interest of the entire Federation.

Therefore, the competence of the RF can not be derived from any of the regional government entities, and has the original character. However, the Constitution of Tatarstan 1992 contains provisions on the delegation (the transfer of powers in the management of the RF)⁸. Moreover, in Clause 3 of article 89 the definition and implementation of foreign and domestic policy is proclaimed the exclusive competence of the Republic⁹. Meanwhile, in accordance with paragraph "e" art.71 of the RF Constitution "establishing the foundations of the federal policy ... in public, economic, social, cultural and national development" and paragraph "k" of the same article, the implementation of the foreign policy, are administered by Russia. It also ignores Clause 3 Article 80 of the federal Constitution, which declares that the President of Russia "defines the main directions of the domestic and foreign policies"¹⁰.

In contradiction to the federal nature of Russia's State 1992 Constitution of the Republic of Tatarstan declared that its rules regarding the rights and freedoms of man and citizen, was the part of the international law. The new Constitution 2002 clause 4 of article 24 also states that "generally recognized principles and norms of the international law are an integral part of the legal system of the Republic of Tatarstan"¹¹.

In the new edition of the Constitution of the Republic of Tatarstan was eliminated expression of the sovereignty of the Republic, but it occurred in other articles of the Constitution of Tatarstan, in particular, in art. 121: "The Republic of Tatarstan has a national emblem, national flag and national anthem - the official symbols, expressing the sovereignty of the Republic of Tatarstan, identity and traditions of the people of Tatarstan"¹². It is also said that "the provisions of article 1 of the Constitution of the Republic of Tatarstan and the present article may be amended only by a referendum of the Republic of Tatarstan"

⁶Ibidem.

⁷The Constitution of the Republic of Sakha (Yakutia) (1994) //http://constitution.garant.ru/DOC_26601200.htm.
The Constitution of the Republic of Bashkortostan (December 24, 1993 N VS-22/15 (as amended on 3 November 2000, December 3, 2002, June 15, 2006): official text//http://uoyp.akcentplus.ru/konst/konstrb_5.htm.

⁸ The Constitution of the Republic of Tatarstan (1992): official text//http://www.tatar.ru.

⁹Ibidem.

¹⁰ *The Constitution of Russia* (2004)... – P. 48.

¹¹ The Constitution of the Republic of Tatarstan (2002) official text//http://www.tatar.ru.

¹² Ibidem.

(art.123).

I.e. change the status of the republic is taken into account only by the results of the republican referendum, but there is not a word about the competence of the federal government on this issue, although art. 66 clause 5 of the Constitution of Russia says: "the status of a subject of the RF can be changed by mutual agreement of the Federal centre and region in accordance with the federal constitutional law"¹³.

In part 4 of art. 9 of the new Constitution of the Republic of Tatarstan all public authorities of the Republic of Tatarstan in exercising their powers, must take into account the historical, national and other features of the Republic. Depending on the context of the Constitution of the Republic of Tatarstan under the national means not only the "tatar", and "other national", – says the chief of the Legal Department of the State Council of the Republic of Tatarstan Sh. Yagudin (Yagudin, Sh.,2006).

The Head of the State, the personification of the statehood of the Republic of Tatarstan is the President of the Republic.

It should be noted that the President has broad powers, in particular, he is "the guarantor of the rights and freedoms of man and citizen in the Republic of Tatarstan, compliance with the Constitution and laws of the Republic of Tatarstan, as well as international agreements of the Republic of Tatarstan, the Treaty of Russia and the Republic of Tatarstan" On Delimitation of Jurisdictional Subjects and Mutual Delegation of powers between the Republic of Tatarstan and the RF" and so on.

Tatars tans President is the Head of the State, the highest official of the Republic of Tatarstan¹⁴. Powers of the Head of the Republic of Tatarstan are extensive. The same can be said about the functions of the President of the Republic of Bashkortostan and other national actors (st.86-87 of the 1993 Constitution of the Republic of Bashkortostan. The Constitution of the Republic of Sakha (Yakutia)¹⁵.

In addition, the Tatarstan President shall perform the following functions: he is the safeguard of the rights and freedom of citizens of the Republic of Tatarstan, of the Republic's sovereignty, public security and territorial integrity of the Republic, law and order on its territory, and so on¹⁶.

It should be noted the special role of the President of Russia in this matter. If within one month from the date of the Presidents Prevention to the highest authority of RF subject head of the supreme executive body of the subject of Russia does not take measures within the limits of his powers to solve problems that give rise to make him a warning, the President of Russia renounces the higher officer of the subject of Russia. Also the head of Russia controls the harmony of the regional legislation and the federal one¹⁷. This demonstrates the kind of control of the Head of the State over the order "in his territories".

Thus, it is possible to allocate considerable powers of the head of Tatarstan, as well as the President of Russia, who has the responsibility to verify the region laws and the federal laws, remove the heads of the subjects in case of the violation of the Constitution, federal laws and the international obligations.

4. EXTERNAL ECONOMIC ACTIVITIES OF THE REPUBLIC OF TATARSTAN

The implementation of the regional dimension of the international and external economic activities of the Republic of Tatarstan is divided into four main stages in its history: stage I (1990–1993) – the first independent steps of the Republic of Tatarstan outside and the formation of its international activities

¹³ *The Constitution of Russia (2004)*... – P. 48.

¹⁴ *The Constitution of the Republic of Tatarstan*. (2002) official text/<http://www.tatar.ru>.

¹⁵ The Constitution of the Republic of Sakha (Yakutia) (1994) // http://constitution.garant.ru/DOC_26601200.htm. The Constitution of the Republic of Bashkortostan (December 24, 1993 N VS-22/15 (as amended on 3 November 2000, December 3, 2002, June 15, 2006): official text/http://uozp.akcentplus.ru/konst/konstrb_5.htm.

¹⁶ The Constitution of the Republic of Tatarstan. (2002) official text/<http://www.tatar.ru>.

¹⁷ *The Constitution of Russia (2004)*... – P. 48.

took place under conditions of lack of relevant federal legislation, in its Declaration of State Sovereignty (1990) and the Constitution of the Republic of Tatarstan (1992).

Stage II (1994–1998) began in 1994 with the signing of the Treaty on the Delimitation and mutual delegation of the powers to the federal center and the agreement in the field of foreign economic relations. The level of the international contacts of Tatarstan changed along with the signing of the Treaty. They became wider; they clearly demonstrated that the Republic had significant rights and international obligations. The bulk of signed international agreements took place at this period.

Stage III (1999–2000) was characterized by the effects of all-Russia economic crisis in 1998, the adoption of the Federal Law "About Coordination of the International and External Economic Relations of RF subjects", by the increasing trend towards centralization of External Relations of the RF subjects.

Stage IV (2001 – to present.). Federal Center emphasizes the necessary and defines the place of the international activity of the Russian subjects in the foreign policy concepts of Russia. The importance of this type of international cooperation is declared at the highest level.

5. CONCLUSION

Thus, analyzing the activities of Tatarstan in 1990s and in 2000s, we can confidently point to the tendency towards the strengthening and centralization of the power in the hands of the federal center. Similar changes occurred in relations with others, above all, national actors of the RF. There was the need to restore the order in the country in the circumstances of the creation of a common legal and cultural space that would not be implemented in Russia without a large concentration of the power in the center.

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