Autonomy in the Russian Federation: Theory and Practice

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""Autonomy" in Russian constitutional law means the right of a geographical area to exercise State power on its own account within constitutionally prescribed limits."1

1. Introduction

It so happens that the autonomy-related organizational and legal institutions that exist today in the Russian Federation originated in the days of the USSR. They were mirrored on the Soviet model of the State, in which autonomy was based on geographical areas. That same geographically-based Soviet State structure was initially expected to furnish solutions to the country’s nationality-related issues. Overall it must be said that the national-cum-federal (in actual fact unitary nation-State) structure of the USSR has made it significantly harder to tackle the nationality question in the Russian Federation.

2. Ethnic and Territorial Divisions in Russia

Over 100 different peoples inhabited the USSR; only 53 of them had their own national entities. Those entities were of differing status and thus did not all enjoy the same rights. For instance, the 15 Soviet and 20 autonomous republics had constitutions, but the eight autonomous regions and 10 autonomous areas did not. Peoples were also represented unequally on the Soviet of Nationalities in the Supreme Soviet of the USSR. Besides, not all autonomous establishments were organized along ethnic lines.2

While some nations in the USSR had no State identity of their own, others had the opportunity to acquire two: the Ossetians set up the North Ossetian Autonomous Republic within the RSFSR and the South Ossetian Autonomous Region within the Georgian Soviet Socialist Republic. The ethnic-cum-geographical division of the former USSR was complicated by administrative and geographical divisions into

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1 Sovetskii entsiklopedicheskii slovar' (Soviet Encyclopaedic Dictionary), Moscow, 1990.
2 Cf. Natsional’nyi sostav naseleniia SSSR. Spravochnik (The ethnic composition of the population of the USSR, a handbook), Moscow, 1991.
territories and regions, with the result that the Buryats, to take one example, lived in the Buryat Autonomous Soviet Socialist Republic, the Ust-Orda Buryat Autonomous Area in Irkutsk oblast and the Agin Buryat Autonomous Area in Chita oblast. The Nenets people, who inhabited a vast tract of northern Russia from the Kola Peninsula to the Enisei River, had three autonomous areas: the Nenets, the Yamal-Nenets and the Dolgan-Nenets. They were a minority in all three.3

There were instances in the USSR when for political reasons autonomous entities were disestablished or, conversely, turned into union republics, or when a union republic was made into an autonomous one.

In many cases, among them the Bashkir, Buryat, Karelian, Komi, Mordovian, Udmurt and Yakut Autonomous Soviet Socialist Republics, the Russian population outnumbered the peoples after which the republics were named. There were fewer Bashkirs in Bashkiria than there were Tatars, who constituted the second largest population group in the republic after the Russians. There were fewer Karakalpaks than Uzbeks in Karakalpakstan. Before the ‘ethnic cleansing’ the Georgians in Abkhazia outnumbered the Abkhaz, who were numerically no stronger than the Russians and Armenians. Except in the North Ossetian, Tuva and Chuvash autonomous republics, the autochthonous ethnic groups were smaller in numbers than the remainder of the population. The same was true of the autonomous areas and regions.4

More than half the peoples in the Commonwealth of Independent States have at present no nation-State entity of their own. Interestingly, there are actually more members of some nations outside the borders of their autonomous entities than within: the Jewish Autonomous Region, for example, is home to fewer than 10,000 Jews while some former Soviet republics, such as Russia and Ukraine, have over half a million Jews each. The same is true of the Tatars.

Constitutionally, Soviet law made no major changes. Union-wide laws and laws in the individual republics contained many provisions banning racial discrimination but these actually operated only post factum, after an offence had been committed as, for instance, with the Meskhetian Turks in Uzbekistan. There is scarcely a precedent to be found in Soviet judicial practice for court proceedings brought in response to an affront to national dignity, although all Union republics had such provisions in their criminal codes.

With the collapse of the USSR the national republics (of which there were 15, today independent States) vanished, but national autonomous entities remained in the shape of the constituent entities of the Russian Federation. According to Article 65 of the 1993 Constitution, the Federation comprises of 89 constituent entities, 54 of which are regiony or regions (territories and oblasts; in references to the Soviet

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3 Ibid.
