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Principle of national self-determination in Russian policy

The article is focused on the problems of reforming the federal structure of the Russian Federation. In the article is shown that the gradual elimination of the system of national autonomous violates the inalienable rights of national minorities in Russia, reflected in the Constitution, first of all – the right to national self-determination. Only on territory's of national autonomies is guaranteed the minimal protection of national minorities' rights.

Key words: national self-determination, national cultural autonomy, „national school“, „national-regional component“, policy of „optimization“, national minorities, indigenous peoples

Principle of national self-determination in Russian public debates usually follows the Russian Federation's (RF) national-administrative division, to be often considered in the state security context.¹ Politically sensitive question about native people rights are demagogically replaced by “Geopolitical” and state safety issues. On the same level are put Tatarstan and Chechnia, Crimea and Kosovo.²

We are noticing, that territorial integrity's adepts do not offer some ways to solve ethnical problems instead of incorporated national Republics, what liquidation they have planned. On purpose to fill that context with contents, I have selected conditions and possibilities of Russia's native nations to realize the principle of national self-determination in different (including non-territorial self-organization) forms as an object of this article. Juridical aspects of a problem we will consider in connection with political ones. Under RF national policy we will imply state's relations with native nations, ethnic minorities, as well with presenting them institutional subjects: namely autonomies, ethno-cultural, confessional organizations, political movements and parties. Russian state power is presented by federal Government and President, regional authorities, great number of ministries and their units, especially those who are responsible for education, mass-media and culture.

National self-determination or more exactly the right of peoples and nations to self-determination – is the right of integrated national group living on certain territory to choose forms of proper political and legal organizations by themselves. According to UN General Assembly Declaration on “The right of people and nations to self-determination” (637 (VII), December 16, 1952), national self-determination – is “a prerequisite to the full enjoyment of all fundamental

¹ See, e.g.: Тишков В. Что вместо «дружбы народов»? // “Московские новости”. 2007. № 3(1370).

² As a fresh case can disposed a scandal on The Congress of Finno-Ugric People in Khanty-Mansiysk (June, 2008). Simply mention in the speech of Estonian President H.-T. Ilves about the right of Finno-Ugric nations in the Russian Federation on national self-determination was considered by the Russian politics as “incitement to separatism”.

human rights". Such a principle has taken a place in international Law at the time of world decolonization.

International covenant on economic, social and cultural rights of UN General Assembly (2200 (XXI), December 16, 1966) defines that juridical principle extremely wide: "All peoples have the rights of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development". Right of independent development presupposes national state making or own statehood as a membership in polyethnic federal state on voluntary lines, with withdrawal right.³

Setting of the form, for that self-determination right would be realized in every case (withdrawal, autonomy, and federation) first of all – is a political issue. In contemporary international law since 1945 established a territorial integrity of any State principle⁴. Therefore, realization of this right complicated by a lot of political and juridical barriers, which are often seemed as insurmountable. Nonetheless, national development issues all over the world have been solving successfully without any encroachment on territorial integrity and political homogeneity. In German, the Netherlands, Italy, Slovakia, Finland, and Great Britain inalienable rights of native nations, having minority status, protected from state intervention in questions of development of their national culture, language, and education. It is attained by combination of multiculturalism and national cultural autonomy principles in their domestic policy.

National cultural autonomy (NCA) model, being developed by Austrian social democrats before WWI, offers to national minority certain rights in questions concerning education, ethnic identity, and ethnic culture on self-government principles. In 1917-18 NCA model was realized for Russian and Siberian Turk-Tatars, Russian, Jewish and Polish minorities in Ukraine, German and Swedish minorities in Baltic area by decision of the higher representative congresses of that nationalities. However, during 1918 all national self-government organizations, including Turk-Tatar's Millet Medjlisi, were disbanded by Bolsheviks. Their leaders at first hadn't had contradictions with national-democratic forces, but then they accused the letters of bourgeois interests serving, while on NCA's partisans was pinned a label of "nationalists".

In turn, Bolshevik's government had attacked national problems of Russian Empire by the territorial autonomy way. Instead of former governorships in process of "Soviet state reform" were created oblasts (regions with Russian people majority), territories (with an ethnical enclaves among Russian people majority – future national oblasts and okrugs), and national republics (with numerical superiority of non-Russian peoples). In the course of territorial demarcations within regions were organized compact national administrative districts and sel'sovets (small districts). This outline has at first included a number of NCA elements, for example responsibility for serving cultural and educational needs of national districts and settlements was laid on the governments of proper autonomies. With fall-off of the "national building" policy it was clear that territorial autonomy method didn't work in case of dispersed nations, which have fit not totally in their autonomies (e.g. for Tatars and Mordvinians). National theatres, schools, clubs,

³ Such a fact: after USSR breakdown ex-soviet republics haven't begun a war between themselves thanks to (due to) an offered by W. Lenin paragraph from Union agreement 1922, that had provided to Soviet republics an opportunity to Union withdrawal. Ethnic armed conflicts have appeared in a second-rate autonomies, that haven't right to leave perished Union: in Chechnya, Abkhazia, South Ossetia and Karabakh.

⁴ Item, concerning territorial integrity and inviolability were legitimated by the United Nations Declaration 2625 (XXVI) 24 October 1970 on Principles of International Law concerning Friendly Relations and Cooperation among States.

professional educational institutions that were created in 1920th little by little were liquidated with unconvincing arguments like “economically unreasonable” or “in accordance with population requests”, as behind them were not any real political structures.

Since 1928 administrative borders were constantly changing. The reason for it was desire to hide starvation losses of rural population in 1920-30. There was not ethnic diversity taken into account and so national districts were disappeared. After I. Stalin death national districts outside republics partly were re-established, but they were in unequal conditions with standard administrative units. The national Tatar districts in Gor’ky and Ulyanovsk regions, being constrained within prescribed limits have been forced to suspend the rights of national self-government: industrial and agricultural enterprises, administrative, medicinal, and educational institutions were mainly created by state in neighboring unitary districts. In the same way were distributed state’s subsidies and investments. In that sphere flourished unbridled economic chauvinism: to building of schools, other forms of capital constructions in national settlements usually were paid no attention. Hard surfacing road (arterial and high) building programs had intentionally ignored traditional roads and communications systems in areas of native nations residing, destroying by the way connections, which had been existed between villages for centuries.⁵

Finally, the failure of Soviet national policy is explained by that: Soviet leaders had disregarded the most important democratic institute – local self-government institutions. In conditions of administrative and ideological dictate, national interests of small peoples, behind which hadn’t stayed real social and political structures, were sacrificed to obvious or imaginary economical interests.

“Extremes” in national policy that formerly excited only murmur of discontent finally gave rise to political changes. The word “democracy”, pronounced by Soviet leader M. Gorbacheff in 1986, in national circles was heard as “equality of nations”. Baltic Union Republics have demanded from Union Centre to bring them back political independence, Autonomous Republics (Tataria, Bashkiria, Chuwashia) – Union status; Autonomous Oblasts (Khakassia, Mountain Altai, Adygea, Karachayevo-Cherkessia) asked for autonomous republic status. Only USSR’s collapse stopped this process.

At present RF has state aided structure to be responsible for development and realization of national policy (at least for native minorities): in 2004 that was cut down ministerial post; two years earlier was liquidated ministry oneself (“The Ministry of Nationality and Regional Policy”) whom were entrusted symbolic, but significant functions. One of official motives of this was theses that ministry functions (i.e. responsibility for ethnic policy too) should henceforth lay on NCAs.

For the reason of joining the Europe council, whose membership commits establishing rules and institutions protecting national minorities, Russia was compelled to return to national cultural autonomy idea. However, some articles of new NCA Law do not hold detailed provisions, and some – in a matter contradicts NCA principles. For example, in original version NCA Law specified among financial sources, besides others, also federal budget. But after all corrections and revisions this item has disappeared. According to Art. 19 now “government bodies of Russian Federations subjects” no more than “have the right to provide in budgets financial means to render support for national-cultural autonomies”. As it turned out, this prescribed by Law

⁵ Ayrat Ibrahim. Yullar hem ... milli seyaset // Vatanım Tatarstan. №178-179(25607-25608). 30 August, 2007.

recommendation has disagreed with current financial legislation. From 1 July 2007 Ulyanovsk region stopped budget financing Tatar, Chuvash and Mordvinian NCA's activity on its territory. In response to numerous indignant addresses of autonomies representatives and general public specialists of region's financial department declared that financing of non-government organizations, like NCAs, has contradicted RF budget Code.

In Art. 15 of Law is said that "State audiovisual mass-media allow to national cultural autonomies an airtime". This very important item now, 11 years after Law's first redaction release, has been remained only vacuous declaration. Part 3 of cited 15 Art. assumed financial and organizational support NCA's media from RF subjects funds. In 2004 this clause had been removed. This immediately negatively would be affected TV and radio programs transmission, the press publishing on ethnic minority languages. So from the schedules of GTRK "Volga" – local office of Russian VGTRK (All-Russian State Television and Radio Company) in Ulyanovsk, being existed since 1989 Tatar and Chuvash programs, has been disappeared. Since 11 August 2003 VGTRK has changed broadcasting schedules once again (on GTRK "Volga" including), after that ethnic programs duration were reduced three times, and in 2005 such programs had been finally disappeared. Representatives of Tatars, Chuvashes and Mordvinians – Volga basin native peoples – have considered, that in last years the State is specially reducing financing the projects, maintaining interethnic relationships stability. (<http://eawarn.ru/pub/Bullpfo/WebHome/privol128.htm#mart>)

NCA's associations and institutions have neither legislative initiative right nor right to represent their ethnic interests in governmental structures. Single authority of NCA, that let us speak about it as on the political institution – is the right to delegate their spokesmen with deliberative vote in voluntary Public Chambers under region's governments. At the same time other ethnic organizations, which were aroused before the NCA Law, are not believed as legitimate enough to address their requests to State administrative structures, not to say about exerting any pressure on them. More over, there is a tendency to declare the latter's as "extremist", "nationalist" (in negative sense), even "terrorist", in case of display the non-controlled activity from their side.⁶

Accepted as artillery preparations to administrative reform, the Federal laws "On political parties" (2001) and "On counteraction against extremist activities" (2002) put ethnic organizations into even more severe conditions. For instance, law "On political parties" prohibits political organizations established on the basis of ethnic and confessional characteristics. That fact disables national minorities from realization their political activity and, most of all, each party may be dissolved if its programs hold the slogan of minority protection (Art. 9 (3)). The Law, therefore, limits the political rights of national minorities.⁷ The law "On extremism" contains too broad definition of extremism, ranging from terrorist attacks to intolerant statements, targeting ethnic, religious and other groups. Measures against extremism can easily be used against all sorts of ethnic movements. It's quite real, because Russian authorities citing "On extremism" Law may regard any counteraction of native peoples in defense of their rights as a display of ethnic disagreement propaganda ("nationalism" in Russian interpretation) and ethnic separatism.

⁶ See: interview with "Yedinaya Rossiya" deputy V. Volodin, where he has arbitrarily proclaimed the list of "extremist" organizations, including there Tatars, Bashkirs, and Mordvinians voluntary ethno-cultural, youth's organizations. "Известия". 15 февраля 2006г. №27.

⁷ VIDRA D.: Legislation of the Russian Federation concerning ethnic minorities and its shortcomings. Published: www.eawarn.ru/EN/bin/view/Projects/TacisProject

As it turns out now, breaking or ignoring the NCA Law do not entail any juridical liability. One can take a clear view from such fact, that some regions administration (Bashkiria, Penza region) long period of time groundlessly and without any punishment has been refusing in registration regional Tatar NCA's initiative groups. A character fact: autumn 2004 constituent assembly of Bashkiria Tatar's NCA had had in Moscow to be carried out. There were no official prohibition, but organizers were turned down from all institutions and enterprises of the Ufa city, whom they had made a request to lease placement.

The absence of well-developed base of subordinate regulatory acts to the NCA-Law's, absence of state budget financing their activity, as well as absence of any preservation from tough control and trusteeship onto existing autonomies – is essentially limiting significance of NCA as a mechanism that implement ethnic development. We suppose that position of state as short-sighted being, especially in conditions of non-extinct interethnic conflicts, objects of what serve a certain mutual territorial claims. Though, judging by “short leash” on which executive power keeps local and municipal self-government according to 2003 Law, such position is peculiar to Russian policy not only in ethnical relationships sphere.

By opinion professor Agdas Burganov, NCA concept, as it in Russian legislation prescribed, has nothing in common with declared right of nations to self-determination, it rather concerns the right of non-government organizations on cultural-enlightening activity, with all followed from there consequences of financial and legal incapacity.⁸ A same conclusion contains NGO (non-governmental organizations) Shadow Report: “National-cultural autonomies as public associations enjoy fewer rights than “ordinary” public associations, whilst they face numerous procedural restrictions in their establishment and operation”.⁹

The social sphere, that mostly sharp feels the political changes, – is public education. In Soviet times “national” status conceded to schools a right to carry out syllabus process on mother tongue and by textbooks prepared and printed in proper Republic's publishing house. According to Russian “On Education” Law (1992) “national school” concept and same status are abolished. Unlike national republics, where national schools are remaining on the ridiculous signboard “school with mother (non-Russian) education language”, in other regions the institute of secondary education on native (mother) tongues has practically disappeared and so the schools with national contingent of students are officially named “with Russian (non-mother) education language”. The new Law has a content of syllabus in two parts separated: on federal and national-regional components. The greater part of aggregate academic hours is the share of obligatory federal component. National-regional component is situated under regional competency, and its filling with content is entrusted to local educational authorities, districts educational departments, and to the schools themselves. But external democratism, in practice, has turned out by dictate of higher instances over the national schools, which were isolated from the setting of the national-regional components content. As a result it happened that in a number regions (e.g. Samara region) the studying of mother language in first year of the “national” school is not provided, and in next ages it is granted with no more than one hour lesson a week. At the same time there is in syllabuses the column of “national-regional component” in colossal volumes

⁸ See: Бурганов А.Х. Национально-культурная автономия татар в современных условиях // published: www.kitap.net.ru/burganov4.php

⁹ On the Implementation of the Framework Convention for the Protection of National Minorities by the Russian Federation. Moscow, February, 2006. p.16. Placed: <http://www.hro.org/actions/nazi/2006/11/17.php>

contains political (“Citizenship Education”) and religious (“orthodox church culture principles”) propaganda.

Among another destructive consequences of educational reform a note should be made to the personnel deficit, that has come due to breakdown of Soviet teachers training system for national schools in own region, and to the disastrous lack of new textbooks on national languages, arisen after the liquidation of centralized system of school literature distribution.

Transition to “capitation” financing of general and secondary education has made another troubles in existence of national classes in Russian schools: such “low complete” classes are shortened and closed. Also are shortened staffs of pedagogues, working in these classes.¹⁰ In view of policy of “optimization” (more precisely – liquidation practice) the number of small village schools, should be noted that in first line it concerns national schools, which based as a rule (in village and in town equally) on non-type designed, ramshackle, unadapted for educational process buildings. Its students are transferred to unitary schools, placed in Russian or mixed communities, where mother tongues are not studied.¹¹

So, it is necessary to note that Russian Federation’s ethnic policy is not much better in this aspect than former Soviet “amalgamation of nations” and Russian Empire’s “Russification” of non-Russian policy, and in many cases presents it through continuation. This thesis is not looked as irony: the limitation of national education with primary school frames and liquidation of national theatres, libraries, TV and radio-studios, printed medias, publishing houses (as it was two-three years earlier in Mari El Republic, before an interference of officials and governments of Finno-Ugric State), precipitate them back into the beginning of XX Century, or just to XIX.

In 1992 Russian Federation joined UN Declaration 47/135 “On the rights of persons belonging to national or ethnic, confessional, linguistic, and religious minorities” reaffirming the rights of ethnical minorities on cultural autonomy; but execution of its items is up to here sabotaged. In 1998 Russia has signed analogous to UN Declaration Framework “Convention for the protection of national minorities”. In Russian Constitution text are referred “national minorities”, but equivalent bill “On national minorities”, being introduced for consideration of Duma, two times having returned as requiring improvement, and in 1998, April has finally rejected by deputies. In NGO report 2002 was noted that RF didn’t established the list of national minorities and the State hasn’t a firm position: what groups fall under the Convention operation and where are boundaries of using the term “national minority”.

The UN Declaration was adopted by a majority of 144 states in favour, 4 votes against (Australia, Canada, New Zealand and the United States) and 11 abstentions

Main difference between native people juridical status and other groups of national minorities’ status consists in right to territorial autonomy: any native people has it regardless of its population size. At the same time others have not right to self-determination. In 13 September 2007 UN General Assembly by overwhelming vote’s majority has adopted the Declaration on the rights of indigenous nations. Russian delegation had abstained from voting. Earlier Russia side had been insisting on exclusion from the Declaration text any refers to the rights of native peoples to self-determination (Art. 3) and to land, territory, resources, and compensation for it

¹⁰ См.: Этноконфессиональная ситуация в Приволжском федеральном округе. Бюллетень Сети этнологического мониторинга и раннего предупреждения конфликтов № 128, июль 2007 г. Placed: [http://eawarn.ru/pub/Bullpfo / WebHome/privol128.htm#pah](http://eawarn.ru/pub/Bullpfo/WebHome/privol128.htm#pah)

¹¹ An excellent example of such policy, see: Мэдэни Жомга. №13 (609), 6 апрель 2007.

commercial, military and other use (Art. 26 and 27), referring at the same time to Russian Constitution (quite groundlessly¹²), but this demarche hadn't passed.

The Declaration establishes a universal framework of minimum standards for the survival, dignity, well-being and rights of the world's indigenous peoples. There is stressed non-binding character of Declaration (as too other UN resolutions), that means – it hasn't legislative force for the states and don't imposed straightforward obligations for their governments. But the signing of this document may in political aspects have far reaching aims, and so Russia will be forced to make real steps over respect and monitoring native nation's rights.

The main potential problem in this question lies on terminology sphere: UN considers "native" (indigenous) peoples as maintained their ethnic identity autochthon or aboriginal inhabitants of particular colonized territory¹³, whereas Russia tradition qualified as such only those who preserve traditional life-supporting systems, specific economic activity forms and traditional religious beliefs. That is primitive or small and now vanishing population groups of Far North, Siberia, and Far East (overall 200 000 in number), whose major trouble is surviving in severe climate conditions, fighting with diseases and alcoholism. Also the native peoples of Volga-Ural region don't fit the definition of indigenous, but it must be admitted as groundless. Many of native peoples were deprived of their lands, their language, traditional life style, and are faced disappearance threat. In UN Declaration there is a clear provision for this: "indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources" (Preamble). As to Land Code of the Russian Federation, that regulates relationships of property on land, it contradicts Russian Constitution and deprives native peoples further of the basic and moral right to their ancestral lands.¹⁴ Russian equivalent of native (indigenous) people concept is distilled "titular ethnos" lexeme. "Titular" – i.e. named same autonomy, being "for title". There is no other juridical sense.

As a logical continuation of terminological confusion should be recognized the activation in Russian media "Diaspora" term. As Diaspora, contrary to common sense, are named native peoples or ethnic groups, living on their historical territory, but behind "title" autonomy. Often on TV may hear such absurd set expressions as "Crimea-Tatar Diaspora" or "Tatar Diaspora of Penza region".

On scientific and political levels over a long period are passing discussions about "civil nation" concept in Russian situation. Prevailed now quasi-official idea suggests that single nation in Russia and its sovereignty source are "Russians"; at the same time other peoples have lost the right to be named as nations. Politonim's sense of "Russians" step by step is supplanting its

¹² In Art. 9(1) Constitution is said: 1. Land and other natural resources shall be utilized and protected in the Russian Federation as the basis of life and activity of the people living in corresponding territories. In journalist comments to political games around Declaration adopting were figuring large economical projects of Russian monopolists, are touching the native people's territories. For example, there are exporting gas pipeline considered to connect natural gas deposits in West Siberia to China going across the Ukok Plateau in Altai (UNESCO world heritage object) Available: www.blotter.ru/news/article0B0F2/default.asp.

¹³ Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of societies now prevailing in those territories, or parts of them.

¹⁴ W. Dallmann. Russian policies put off indigenous peoples // ANSIPRA bulletin. Arctic Network for the Support of the Indigenous Peoples of the Russian Arctic. No. 11-12, July / December. Placed: www.npolar.no/ansipra/english/Bulletin/Bulletin11-12E.rtf

ethnic meanings, and unceremoniously is imposed on other peoples as ethnonim.¹⁵ Underlying reason of this dyslexia is clear. Acknowledgment of native peoples of Russia as nations would automatically lead to obtaining their the right on self-determination. Therefore, in official rhetoric there are preferred politically neutral designations, that don't remind double-faced associations like "Diaspora", "ethnos", "Russian peoples" (surely in pl.), "multiethnic Russian people" and so on.

Nothing remains as to certify that up to now special Russian legislation holds mainly general principles and declarations of native peoples rights and liberties, e.g. in everybody's right to choose and freely indicate its national affiliation, the right to use his mother tongue, the free choice of language of education and upbringing, and so on, but it is not provided any effective mechanisms of protection such rights. In legal and juridical documents, that regulate the ethnical self-organization in questions of realizing ethnic interests, is not provided the major principle: combination of public initiative and state support. As to legislation, concerning education, media, culture and arts, local self-government, that would touch the native peoples indirectly – excessive liberty of bureaucratic intervention to the regulated by them relationships, gives ground to say about it, as on restrictive and prohibitory in relation to native nations and ethnic minorities. Thus practice and theory of Russian ethnic policy clearly demonstrate that, contrary to universally recognized principles and norms of international law and international treaties and agreements – this policy is ignoring rights of native nations of Russia (Tatars, Bashkirs, Chuwashes and Mordvinians, Mari's, and others) on self-determination and free development. Only on its territory is guaranteed the protection of Russian native peoples from disappearance. Only there can be developed national culture, book publishing, media, and professional national arts.

¹⁵ See e.g.: V. Tishkov. The Russian People and National Identity // „Russia in Global Affairs“. № 3, July – September 2008. Available: <http://eng.globalaffairs.ru/numbers/24/1225.html>