

FEDERALISM:

***CHOICES IN LAW, INSTITUTIONS AND POLICY
A Comparative Approach with Focus on the Russian
Federation***

ФЕДЕРАЛИЗМ:

***ПРАВОВОЕ, ИНСТИТУЦИОННОЕ И
ПОЛИТИЧЕСКОЕ МНОГООБРАЗИЕ
В центре сравнительного анализа - Российская Федерация***



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The aim of this research is to look, on a comparative basis, for solutions and answers that different countries gave to the problem of creating a working federalism, i.e. a federalism adapted to the concrete situation of the country.

Within this framework the Institute for European Policy organised a seminar on "**Federalism: Choices in Law, Institutions and Policy**" (May 1997). This publication comprises final version of the texts presented by participants to the seminar.



**Katholieke Universiteit Leuven
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Federation**

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Federalism and Regionalism in Russia: Synonyms or Antipodes?

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“Federalism” and “regionalism” are virtually the most frequently used words to be found in the political lexicon at the end of the 20th century. Used by politicians and diplomats, academics and journalists, these phenomena affect the interests of many millions of people in various parts of the world, often spilling over into bloody clashes and protracted ethnic conflicts.

The causes and consequences of this situation have been disclosed in numerous works by representatives of various political movements and schools of thought. However, many publications on this theme differ in their interpretations of these terms, frequently leading to a distortion of their meaning. Consequently, it is important to determine the scope and correlation of the notions of "federalism" versus "regionalism" and "federation subject" versus "region". This is particularly necessary for such vast, unique countries as Russia, where historically and functionally these concepts have been accorded a specific content.

I. Russian History between Centralisation and Decentralisation

In Russia's history, two diametrically opposite processes have always existed: centripetal and centrifugal, or centralised and decentralised. Historians have in general focused on the first process - centralisation, the formation of a single state and its bureaucratic unification. Meanwhile, the *oblasti* (regions), which were colonised and integrated into a single state, resisted Moscow's power and systematically encouraged separatism. The second process also requires analysis, especially in view of the current intensification of regional problems.

Since its very inception, Russia has been a multi-ethnic state. Ancient Rus of the 9th to 12th Centuries united more than 20 different peoples. During the feudal fragmentation (13th to 15th Centuries) lands which had been Russian since time immemorial constituted numerous independent principalities with their own boundaries and customs, which were perceptible even after the formation of a centralised state. From the 16th to the 17th Century the Russian centralised state absorbed the Volga khanates and Siberia, part of the Northern Caucasus (populated by numerous ethnic groups) and the territory of the Ukraine. Subsequently, Imperial Russia completed the formation of a multi-ethnic state, incorporating the peoples of the Transcaucasia, Central Asia, the Baltics, south-western outlying districts, Poland and Finland. In the end, it occupied a vast space of Eurasia from the Baltics to the Pacific Ocean, without colliding with major world empires. Its boundaries were reliably defended by the province-based and geopolitical situation, while its incalculable natural wealth ensured durable, politico-economic stability of the state.

Its structure included regions with diversified ecological conditions, economic potential and comprising of different ethnographic and religious populations. The government constantly had to resolve issues related to coordination of all-Russia administrative and legal standards and regional diversity. Such solutions resulted in the elaboration of regional administrative models which would incorporate to some extent a regional variation, adapt to it and then finally absorb the variation. Implementation of local administration models usually resulted in integration and a relatively organic inclusion of regions in the state. This process usually flowed smoothly in the chronology of pre-Soviet Russia, largely without any violent excesses, via a gradual levelling of the economic, cultural and administrative specifics of the territories.

The administrative and territorial division of outlying regions differed in certain specifics. During the first half of the 19th century, regional formations were founded in Siberia - the general governorships of Western Siberia and Eastern Siberia. The reform of M.M. Speransky, which formalised this process, included decentralisation aspects (the provision of wide-ranging powers to the general governors). To a well-known extent, the institution of general governors contradicted the ministerial system of administration. In practice, the unbounded rights and obligations of the general governors transformed them into a counterbalance against the omnipotence of the ministries; they represented the only force that could resist the departmental satraps.

This position was frequently dictated by personal ambitions and was attributable most often to a desire to defend the region's interests. It was possible to refer to an article of law which declared that "any new measure or special instruction relating to the improvement, general benefit or fiscal interest of the *krai* (territory), which are entrusted to the general governor, shall not be implemented without a preliminary request for the general governor's considerations and conclusions". In the best case scenario, the minister represented the interests of the country, while the general governor represented the interests of the territory. At the end of the 19th Century, the Siberian general governors (of Irkutsk, Trans-Amur and Steppe Territory) reserved the right to claim that resolutions of legislative and higher administrative bodies had not been discharged correctly and to demand their amendment in line with local conditions and needs.

Distinguishing characteristics were demonstrated by the administration system in outlying regions, which differed substantially from the central regions in terms of ethnic composition, level of cultural development, historical and political parameters. At the turn of the 19th - 20th Centuries, a large share of Russia (in Finland, the Kingdom of Poland, the Caucasus, Trans-Caspian Region, Turkestan Territory, Steppe Territory, Urals and Turgai Region and Siberia) applied an administrative system based on foundations that differed from those of indigenous Russian *gubernii*s (provinces). The degree of cultural and political development of the affiliated provinces varied. Some lands already had a well organised administrative setup. Politically a number of them stood even higher than Russia. Therefore, the previous administrative formation was frequently retained in the annexed regions or a new formation was introduced in line with local living standards (eg., Finland, the Kingdom of Poland, Ostzeisk

Guberniias (Provinces), etc.). Such actions by the Russian government were conditioned primarily by a desire to retain the acquired provinces.

The forces of decentralisation acquired new significance in the history of the revolutionary movement, beginning with the Decembrists. The latter developed two drafts for transformation of the empire - unitary and federalist. The first viewpoint was reflected in Pavel Pestel's "*Ruskaia Pravda*" (Russian Truth). He considered weak power as the main drawback of the federative state. In his opinion, the federative formation was unacceptable for Russia, which comprised regions that varied in their socio-economic, ethnic, religious, political and administrative aspects: "To be fully convinced of the ruinous role of the federative state formation for Russia, one should recall the immense variety of its parts. Russia's regions are not only administered by different institutions and governed by different civil laws. The inhabitants also speak entirely different languages and profess different faiths; their inhabitants have completely different origins, and once belonged to different powers; therefore if this heterogeneity is even more intensified by a federative state formation, then one can easily foresee that these varied regions will soon break off from native Russia, which will then lose its power, greatness and force and even its existence among large and key states. It will experience once again all the troubles and inexplicable damage sustained by ancient Russia by the feudal system, which was also no more than a federative state setup".

Pestel's plan consistently repudiated the federative basis of the state's formation. He placed one chamber at the head of the state - the people's *veche* (popular assembly), elected by the territorial local assemblies and constituting a single representation of all ethnic groups. At the same time, Russia's administrative setup would include developed elements of local self-government. The country would be divided on a regional, rather than an ethnic basis. Russia was to be divided into three *udela* - the Stolichny (Capital), Don, and Aral - and ten *oblasti* - Chudsk, Kholm'sk, Seversk, Sibersk, Uralsk, Slavyansk, Vershin, Black Sea, Ukraine, and the Caucasus. Each *oblast'* was in turn subdivided into *okruga* (districts), with the *okruga* into *uezdy*, and the *uezdy* into *volosti* (small rural districts). People's assemblies, divided into assemblies of land and regional assemblies, were introduced in the *okruga*, *uezdy* and *volosti*. They were convened in the *volost* and comprised all capable citizens; they possessed only elective functions and were dissolved after the election of deputies to the *volost'*, *okrug* and *oblast'* regional assemblies. The latter attended to all matters "presented for the people's participation". The *oblasti* had no representation in the highest bodies of power.

A federalist draft was developed by Nikita Muraviov - another representative of the Decembrist movement. Russia was divided into *oblasti* (regions) corresponding to the general governorships. The division was also made on a territorial, rather than an ethnic basis. The *oblasti* were divided into *uezdy*, the *uezdy* into *volosti*. The highest legislative institution was the *Narodnoe Veche* (Popular Assembly), consisting of two chambers - the *Verkhovnaia Duma* (Supreme Representative Assembly) and the *Palata Predstavitelei* (Chamber of Representatives). The first chamber was federative, comprising deputies from the regional chambers, three from each. The second

chamber was a general national representation and consisted of deputies, with one elective representative per 50,000 residents. Consequently, the *oblasti* were accorded the right to participate in law-making via their representatives.

Later, at the end of the 1870s, the ideas of territorial and regional formation were asserted by a prominent activist of the Ukrainian movement, M. Dragomanov. He enunciated his views in the draft charter of the Ukrainian *Vol'nyi Soiuz* (Free Union). Under this draft, Russia was to be divided into regions in conformity with the aggregate of geographic, economic and ethnographic conditions". He claimed that "the current *gubernii* (provinces), demarcated for purely administrative purposes and bureaucratic considerations ... are completely inexpedient units for the interests of the lands.

A unit of land between the *uezd* and the state must combine the following conditions: 1) it must embrace territory homogeneous in terms of the nature of the land and population; 2) it should be sufficiently populated to ensure that it has the requisite funds to meet local needs, that lie beyond the means of the *uezd*; and 3) it should be expansive enough so that its representation is sufficiently removed from the smaller affairs of the *uezd* while simultaneously ensuring its authority before the state".

The unit of land fulfilling these conditions was the *oblast'*, which was to be divided into *uezdy* and *volosti*. *Dumas* and *upravy* (boards) are formed in each of these units. The highest legislative body was to be constituted of two *dumas* - the state *duma* and union *duma*. The first is a general ethnic representation, while the second is federative, comprising deputies elected by the regional *dumas*. Therefore, the federative foundation did not coincide with the principle of ethnic self-determination. Although a confirmed believer in Ukrainian autonomy, Dragomanov understood this to relate to cultural self-determination within the limits of a territorial, economic and geographical unit.

The group *Narodnaia Volia* (People's Will) also included in its programme the principle of *oblast'* division: "The Russian state in terms of its character and living is divided into *oblasti*, independent in internal matters, but incorporated in a single all-Russia union. The internal affairs of the *oblasti* are managed by the *oblast'* administrations; while general state matters are managed by the union government". At the same time, the *Narodnaia Volia* programme also recognised the principle of ethnic self-determination: "The peoples compelled to accept Russian Tsardom, free to separate or remain in an all-Russia union".

Following the development of the revolutionary movement at the end of the 19th and beginning of the 20th Century, the principle of ethnic divisions started to prevail over the principle of territorial formation. One of the main points of the social democrat programme was "the right to self-determination for all nations included within the state" (Point 9 adopted at the second congress of the RSDRP - Russian Social Democratic Workers Party). The programme of the socialist revolutionaries stipulated the establishment of a democratic republic, "with wide autonomy of *oblasti* and communities, both urban and rural: a wider application is possible of federative

relations between separate nationalities and the recognition of their unconditional right to self-determination".

The international conflicts and social shocks of the first quarter of the 20th century violated the former balance of regional structures. The weakening of central power as a result of World War I, coupled with the revolution, served as a powerful catalyst for separatist processes. However, the Soviet authorities managed in the end to preserve the political unity of the former imperial space. However, this goal was achieved at an expensive and unjustifiable cost. The principle of self-determination of nations marked a temporary concession to separatism and laid a "delayed reaction mine" under the country's integrity. The mine exploded when the local elites gathered sufficient force. Paradoxically, the more the central government tried to make concessions to those elites, the more they distanced themselves from the central government. To all intents and appearances, the original federalism could have led to other, more constructive results.

II. Soviet Regional Policy

In the first years of its existence, the Soviet authorities embarked on a program to resolve three problems of regional policy: national-state construction; regionalisation and the new administrative-territorial formation; and equalisation of the level of economic development of previously backward territories.

The first problem was solved pursuant to the previously proclaimed principle of self-determination of nations, which engendered the Union of Soviet Socialist Republics instead of the Russian Empire. This was a major step towards a democratic solution of the nationalities issue. However, in practice the equality of rights in a totalitarian state created other difficulties. On the one hand, the ethnic republics obtained large capital investments for the development of their economies and culture, but at the same time infringements on national merits provided the feeding ground for dissatisfaction by rapidly developing ethnic elites. This dichotomy served as the "delayed reaction mine" mentioned earlier.

The second problem was resolved during the elaboration of the GOELRO (state electrification) plan, when the country was broken up into a number of historically formed economic regions. This idea was developed in the middle of the 1920s, when the regionalisation of the entire country was initiated. Major economic regions were started: the Urals Region, the Eastern Siberian and Far Eastern territories, which optimally united industrial and agricultural production at that time and formed single national economic complexes geared at reducing transportation costs and attracting the requisite labour resources.

However, soon the progressive system conflicted with the centralisation of Stalinist rule, the command economy and the feared independence of increasingly stronger regional economic structures and their leaders. It was decided to break up the regions and territories. In 1934-1938 the Urals Region, for instance, was divided into four independent regions: Sverdlovsk, Chelyabinsk, Ob-Irtysh and Perm: the Kurgan

and Tyumen regions were added during the war years. Such a return to the past did not promote stability of the regional economies, balanced development of production forces or regional self-realisation.

Two diametrically opposite trends can be observed in the third problem related to equalisation of the level of development of the formerly backward territories. On the one hand, specific progress was achieved. During the years of Soviet rule, most of those territories were transformed from former backwaters into modern industrial regions, which requires no particular proof. These factors were highlighted in the Soviet press. On the other hand, these territories bear the imprint of clearly expressed distortions of the Soviet era on a larger scale than the previous industrial regions, mainly in terms of the violation of the ecological balance and ethno-demographic development.

Consequently, great Russia evolved from many centuries of the history of a unitary state, despite certain deviations during the imperial and Soviet periods. Up until the end of the 20th Century, genuinely federative structures were not formed and no realistic drafts were devised. Such a situation is attributable to the specifics of this country, the vast expanses of its territory, which could incorporate dozens of independent states and the need to permanently defend its independence from numerous invasions, which invariably led to a consolidation of the centralised administration. Furthermore, the totalitarian political regime and lack of economic freedom did not promote federalism.

The situation changed radically in the second half of the 1980s owing to external and internal factors. Exhausted by the resistance of the USA and its allies, emaciated by an unsuccessful socialist experiment and bereft of the people's faith, the country expended mobilisation resources to preserve its integrity. However, centrifugal tendencies prevailed, leading to the collapse of the Soviet Union. The chance to create a confederation was missed. A significant role in these developments was played by psychological factors, characteristic of the end of the 20th Century and affluent countries. Currently more and more people are responding to cultural unification by attempting to assert their uniqueness and are demonstrating a growing adherence to traditional norms and values. If society and its institutions are not prepared for such a turn of events, the natural attempts to obtain ethnic, religious, and regional self-determination are transformed into an explosion of isolationist and separatist moods.

III. Post-Soviet Federalism and Regionalism

In the post-Soviet period, the sovereignisation of the Russian Federation intensified regional problems, leading to the formation of principally new structures like the Urals Republic. Then, it was somewhat moderated by treaties on the delimitation of areas of jurisdiction and powers between state authorities of the Russian Federation and regional administrations. For the time being the opinion prevails in Russia that the regions are subjects of regional politics, whereas they are considered to be its objects in most countries. This is the case in Siberia and the northern territories, which cannot objectively and are not allowed to isolate themselves

within their own interests. The lack of interest displayed by the federative centre in these regions and its concentration on market forces may result in the degradation of their production potential and depopulation.

Proceeding from the complicated and contradictory development of the Russian Federation and its limited experience of federative relations, it is difficult to draw general conclusions on key concepts in this field, although there is an acute need in theory and practice, with due account of Russian realities. Let us attempt in this context to correlate the aforementioned definitions of “federalism” and “regionalism”.

“Federalism” is usually used to describe the vertical delimitation of state power, which breaches the centralisation of administration and monopolisation of power in the country. This is extremely critical for post-Soviet Russia, in its attempt to construct a democratic law-based state. True federalism began here following the adoption of the 1993 Constitution, which laid down the redistribution of power vertically primarily along ethnic and territorial principles. Although all federation subjects are formally equal, the ethnic-based republics obtained more rights than “rank and file” territories and regions. In this way the Russian Federation differs perceptibly from similar Western forms, bringing to mind previous developments in the former Soviet Union. Such a situation is fraught with new complications. Although significant steps have been taken in recent years to overcome this situation, the federation in Russia differs considerably from European and American models for historical reasons behind the formation of its statehood.

Federalism is most frequently considered in relation to regionalism. The concept of “region” is used more often in contemporary literature, but is at the same time less conceptualised. The term “region” is close in meaning to the Russian *okrug* (district) or *krai* (territory). The specifics of a region are determined by natural, geographical, economic, political, ethno-linguistic and socio-cultural factors. This constitutes a specific construction used during planning, administration, etc.

An attempt was made in the “fundamental provisions of regional policy in the Russian Federation” approved by a Russian Presidential Decree in June 1996, to maximally harmonise the concepts of “region” and “federation subject”, mainly for instrumental purposes. However, the failure to fully implement this concept is attributable to the definition of a region as a multi-subject formation (“a region may coincide with the territorial boundaries of a subject of the Russian Federation, or unite the territories of several subjects of the Russian Federation”). An excessively narrow, purely administrative concept of a region comes under attack from actual regional developments on two fronts:

- from above - owing to the formation of inter-regional economic associations, whereby a region is characterised primarily by economic and geographical unity and the integrity of the on-going production process, expressed by specialisation within Russia’s overall division of labour;
- from below - by sub-regionalism, frequently straddling the borders of several federation subjects, e.g. various associations of cities and municipal formations.

Admittedly, the same document also describes a region as an integral territorial unity in virtually all natural and social indices ("part of the territory of the Russian Federation with common natural, socio-economic, ethno-cultural and other conditions), which may be taken as a "working" definition, at least for the current stage of regionalism in Russia.

In principle a "region" is a category outlining a particular space. It may be characterised on numerous grounds. Consequently, an infinite multitude of "regions" arise. We must determine the regions we are considering and their rank in relation to others. Hence the following notions of "region": a region of a continent (Central Asia), region of a country (Urals, Flanders, Burgundy, Bavaria), region within a region (North-West Siberia), forest region, steppe region, mountain region, Polar region, etc. Therefore, it is unlikely that an exhaustive definition can be provided of a region fulfilling standard integrative indices.

Another matter concerns the concept of "regionalism" (not to be confused with the regional policy of a federative or unitary state), which is in our view a political and economic movement advocating the independence of territorial associations in the field of socio-economic and ethno-cultural rights. Admittedly, regionalism does not always lead to genuine federalism (it is sufficient to cite the example of the RSFSR - the Russian Soviet Federative Socialist Republic), but every federalism is the consequence of regionalism. Consequently, the aforementioned concepts are not synonyms. However, they must not be called antipodes either. They are independent categories bearing a close but not identical weight.

"Regionalisation" is understood by most authors as the process of consistent changes in the territorial division of a society and their reinforcement in legislation. Such a division takes the form of deconcentration - the division of powers within a single political administration, and decentralisation - creation of additional centres of administration within the territory of a state. Ideally, institutions of power must be established at a level where they are most effective. Regionalism leads to federalism, provided that all the regions reject hegemony within the single state and that all the problems of ethnic, religious, and other minorities are resolved.

Regionalism has deeper roots than federalism in such a vast and diverse country as Russia. Historically, the oldest and politically most extreme expression of regionalism was provided by medieval fragmentation. Its repercussions were felt for a very long time after the creation of the centralised state. Subsequently, the firm hand of Moscow, rallying a banner advocating opposition to external threats and stabilisation of the unity of the state, decisively uprooted all attempts at regionalism. This was the case under the Romanovs, Stalin and Brezhnev. However, regional problems have always come to the fore at the major turning points of history such as the Time of Troubles at the beginning of the 17th Century, the revolution at the start of the 20th Century and the depression at the end of this Century.

Unfortunately, only a little research has been conducted on this issue. To rectify this situation, Russian regional studies must radically expand the field of

research. First of all, the politological and culturological directions must be intensified radically and a truly comprehensive approach must be applied to research practice. The expanded time horizon constitutes another important reserve for increased effectiveness of regional studies. In essence, this would involve the formation of a new area of research - historical regional studies. Its main tasks can be determined as follows.

Firstly, the disclosure of the historical roots, i.e. the conditions (reasons) for the occurrence of problems which must be resolved or may be encountered in the foreseeable future. Secondly, the determination of relatively stable and protracted trends, which lend appropriate direction to regional development. Thirdly, appraisal of the effectiveness of regulatory models of regional processes applied in the past, and extraction of lessons from historical experience that are significant for modern social practice. It would seem that resolution of these tasks will promote a consolidation of theoretical considerations and increased substantiation of solutions adopted in regional politics.

IV. Conclusion

By way of conclusion, we will refer to another specific problem posed at the beginning of this article - the correlation between the concepts of "region" and "federation subject". In our opinion, a "federation subject" is a purely legal concept, while "region" is an economic and geographic concept. It proceeds from this premise that they are not identical. Far from every region becomes a federation subject, whereas every federation subject is more or less a region. Russia has eighty-nine federation subjects, but only ten economic and geographical regions. There are seven federation subjects (five regions and two republics) on the territory of the Urals economic and geographical region alone. Such a situation is at variance with Western considerations, for instance with the lands of the Federative Republic of Germany. Apparently Soviet regionalisation in the 1930's and 1940's had completely different goals than German regionalisation after the Second World War.

It should be borne in mind that contemporary or fairly modern, historically new federative states were as a rule created via a "technical" resolution of the problem of federalism - guarantees for federation subjects that decision-making is performed at fairly similar levels of proximity to the population, and that they have approximately equal territories, comparable economic potential, etc. This was the method behind the formation of a number of federal lands in Germany after the Second World War. Certain historical lands (regions) like Bavaria were retained as federal lands, while others, like the excessively powerful Prussia, were split up in 1947. They were replaced by the lands of North Rhine-Westfalia and Lower Saxony. This process has been continued more recently as well, where five new federal lands were created from the fourteen administrative districts of the former German Democratic Republic. As part of the "newly formed" federal lands, the processes of regional formation and formation of regional identity are being developed virtually from scratch. In fact, there is always a historical time gap or distance between the processes of regional formation and federalisation, although new processes of regional formation are constantly

ongoing within the framework of federation subjects. The politico-administrative structuring of ethnic and state territories serves as the “axis” of interaction of both processes.

We are convinced that in Russia the future belongs to large culturo-regional complexes which have similar characteristics owing to a common history and protracted socio-economic interaction possess, stable ethno-demographic links, socio-economic institutions, social awareness, work culture and the way of life of their population, comprise a single historical and cultural space that hinders destructive political developments.