

The Category of Minorities in the Russian Federation: A Reflection on Uses and Misuses

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It might be counter-productive to approach the overall theme of minorities and minority protection strictly within a positivist legal domain. The subject should not be separated from the social and political contexts. Political contexts, in particular, raise two major questions:

- a) What meanings are attributed to the notion of 'minority'?
- b) What kinds of social and political actors determine who is a 'minority' and who is not, and in what ways do they achieve this?

We do not intend in this chapter to focus in a positivist way on the Russian situation with regard to specific 'minorities'. Our objective is to reflect on the categories which different social actors employ for the purposes of control over a social space in the given context. This type of reflection requires a critique of methodology upon which the entire paradigm of 'minorities' rests. We assume that *cultural determinism* plays the role of such a methodological approach.

In the first part of this chapter, we criticise *cultural determinism* as a methodological framework and examine the implications which reveal themselves within the Russian situation. In the second part, we describe the Russian practices of ‘minority protection’ – whatever it is called in reality. In the course of this narration, we touch upon four basic subjects:

1. the ethnic and linguistic composition of the Russian population from the viewpoints of statistics and actual social interactions;
2. the meanings that different actors accord to the term ‘ethnic/national minority’, and the place this term occupies in ethnicity-related public discourses;
3. the meanings that the term (ethnic) ‘minority’ bears in contemporary Russian legislation; and
4. the image of the Russian minority-related public discourse and legislation in the international context.

The category of ‘minority’ as a cognitive frame

There is no universally accepted definition of ‘minority’, which is a symptomatic situation. It stems, first, from the engagement of this notion in political collisions. Different social actors are combating for the right to name – and consequently to determine – who is an ethnic minority and who is not¹. Furthermore, the term is obviously overloaded with meanings that are difficult to manage. In order to solve this problem, many scholars try to elaborate a general definition. As a rule, these undertakings merge, into one formula, three completely different types of social relations:

1. interactions with regard to categorisation and statistics,
2. relations of dominance and power,
3. intra-group communication and loyalty.

One apparent weak point of the minority concept is the assumption that a group can be viewed as an isolated and relatively homogeneous cultural entity. It is taken for granted by default that such an entity has boundaries and clear attributes, and that its members behave with solidarity. This approach entails a number of stubborn problems, including the establishment of criteria for belonging to a group, which groups are entitled to claim minority status and which are not, and how one should react to the growing ethnic heterogeneity that arises because of such factors as migration.

As well one should not neglect some practical if not rhetorical tensions between 'minority protection' and human rights. A focus on minorities – on groups perceived as autonomously acting agents – often poses an obstacle to noticing real problems and real practices of discrimination against concrete individuals. Three completely different cases might serve as a preliminary illustration: discrimination against all types of 'migrants' in Russia, the exclusion of the 'Russian-speaking population' in Estonia and Latvia, and human rights violations in Chechnya. Despite substantial differences in these situations, each of them can provide food for thought on the issue of how to defend human rights and the type of social categories that best suit the situation.

In an historical retrospective, the notion of 'national or ethnic minority' partly derives from the idea of nation-state, with its ethno-cultural overtones. Currently, the debates on minorities are closely associated with the wide area of so-called ethnic studies. It's natural therefore, that minority studies share the basic theoretical assumptions of ethnic nationalism and ethnic studies. Let's have a critical look at these assumptions.

Cultural determinism as a (doubtful) approach

Most modern scholars, who address the issues of (ethnic) minority protection, are guided methodologically by an approach which could be called cultural determinism. Its outlines and details were clearly set forth in a famous monograph edited by Glazer and Moynihan². The approach rests on the assumption that the notions of 'ethnic group' and 'ethnic minority' bear some objective cultural content. We definitely do not share that belief³. In a broader context, modern cultural determinism usually poses a manifestation of the essentialist paradigm⁴, which is traditional for international academia and politics in addressing and interpreting ethnicity. Within this approach, groups (as a rule, by default) are perceived as objectively (culturally) determined integral entities which possess an internal structure, perform as social actors, and are delimited by stable social boundaries from similar entities.

The basic notions of the cultural determinist ethnic/minority studies, like *culture*, *ethnos* (*ethnic group*, or *ethnic community*), and *identity*, are far from clear. Empirical ethnology, which is the genesis of these terms, is methodologically vulnerable in at least three respects.

- a) It proceeds from a static comprehension of culture; culture is perceived in a folklorist perspective, as a composition of customs and norms established by an historical tradition; correspondingly culture is equated with ethnic culture.
- b) It fails to distinguish between culture as a probable constellation of behavioural and mental patterns, on the one hand; and social groups bearing these patterns, on the other hand⁵.
- c) It does not delimit separate levels of identification, and consequently the category of 'identity' loses its descriptive and analytical potential.

As a result, identity is being reified; it is viewed not as relation, but as an attribute; not as an outcome of different, temporary, changeable, contextually determined identifications, but as a strictly fixed set of features⁶.

At this point we should consider a specific 'ethnographic romanticism' of cultural determinism⁷; 'ethnic communities are modelled after a fashion of *Voelkerpsychologie*. Ethnic groups have attributed to them a 'demand for identity' as well as an anxiety to preserve it. 'Ethnographic romanticism' provokes a consideration of ethnic groups as self-evident social actors. Here we encounter a typical example of the methodological trap described by Bourdieu: researchers deem the categories they use to describe reality to be the categories of reality *per se*. If theorists had unified certain people into a group, it does not mean that the group in question exists as a social cohesion consolidated by a joint network of communications⁸. Also we should be cognisant of another trap that Foucault, Bourdieu, and other authors have warned about: taking the perception of categories established by the official power as the objective characteristics of the respective society⁹.

Some clarifications and reservations are required here. First, to be precise, cultural determinism cannot be completely equated with essentialism, i.e. the faith that ethnicity could be interpreted as an objective social and historical entity. Ironically, Glazer and Moynihan, who provide a good example of cultural determinist speculations, adhere to instrumentalism and not to essentialism. Second, as a rule we face some traditional stereotypic tropes and assumptions, but not a conceptually grounded and methodologically responsible approach of a particular type; it would be better to talk about rhetoric rather than theoretical cultural determinism or essentialism.

Who could be called minorities in Russia? A statistical approach

A variety of systems tailored to classify and register the country's inhabitants divide the population on ethnic criteria. In general, neither the USSR nor Russia has had a strict legal procedure for the recognition of an ethnic group or for listing ethnic categories. There were some loose rules for recording individual ethnic affiliations in domestic passports. There are preliminary lists of 'nationalities' compiled before each census and more complete lists result from the census data. The compilation of these lists is the responsibility of the governmental body for statistics in cooperation with the Academy of Sciences and, basically, the process is merely technical without any legal significance. It should be noted that in the Soviet time, not all 'passport nationalities' were included in the census lists and not all names from the census lists served as 'passport nationalities'. And since 2000, there is the list of 'small indigenous peoples of the Russian Federation' adopted by the RF Government¹⁰. One could consider the procedure used to register a civil organisation which represents itself as ethnicity-based as an official quasi-acknowledgement of an ethnic group. For example, some regional branches of the Justice Ministry registered several 'national-cultural autonomies' (a type of voluntary non-profit organisation, see below, text around footnotes 69 and 70) of the Pomors and Cossacks amongst the organisations of other 'nationalities'. The Pomors in the Russian North and Cossacks in the Russian South have traditionally been perceived as sub-ethnic or ethnographic groups of Russians.

According to the 1989 USSR census, Russia (at that time the constituents of the USSR Republic) had 147.0 million inhabitants¹¹. The 1989 statistical classification distributed the population into 128 'nationalities'¹²: 81.5 per cent were Russians (119.9 million,

therefore, one can describe Russia as a 'national' state under the same presumptions as 'multinational' state). In 1989, apart from Russians, six ethnic groups numbered over 1 million people each: Tatars (5.5 million or 3.8 per cent), Ukrainians (4.4 million or 3.0 per cent), Chuvashs (1.8 million or 1.2 per cent), Bashkirs (1.4 million, or 0.9 per cent), Belorussians (1.2 million, or 0.8 per cent), and Mordva (1.1 million, or 0.7 per cent)¹³. Another eight groups included from 500,000 to 1 million people each.

According to the 2002 census, the total population of Russia was 145.2 million comprised of Russians (115.9 million or 79.8 per cent); Tatars (5.6 million or 3.8 per cent), Ukrainians (2.9 million or 2.0 per cent), Bashkirs (1.7 million or 1.2 per cent), Chuvashs (1.6 million or 1.1 per cent), Chechens (1.4 million or 0.9 per cent), and Armenians (1.1 million, or 0.8 per cent). Another 11 ethnic groups comprise from 500,000 to 1 million each; the overall ethnic nomenclature has expanded to more than 180 names¹⁴.

If we take these ethnic statistical divisions at their face value, it forms a picture which has little in common with the real society. First, a notion of the Russian society as a conglomerate of 'peoples', co-operating or clashing among themselves¹⁵ *distorts* the character of real interactions that has existed for decades. Second, it imposes divisions which, by and large, do not reflect the complex system of identifications that social actors use.

For example, according to the 2002 census, there are up to three million Ukrainians and approximately one million Belorussians residing in Russia. It is usually presumed that they manifest some sort of cultural (first of all, linguistic) loyalty that differs from that of Russians¹⁶. The last census questionnaire contained the entry 'native language'. According to a widely distributed (both in public consciousness and academia) opinion, 'native' is not a language of socialisation (that is the tongue a person speaks since childhood)

but the language of an ethnic group to which a given person is assigned¹⁷. Meanwhile, the actual linguistic situation is quite different – the bulk of people deemed as ‘Ukrainians’ or ‘Belorussians’ use no language other than Russian. This condition is also valid for most individual who belong to different ‘nationalities’ – Germans, Finns, Karelians, Koreans, Tatars – particularly those who live in an urban or urbanised environment. On the other hand, acculturation among the majority does not preclude the utilisation of ethnicity as a social resource – in particular, self-representation or even political activism of an individual as a ‘representative’ of an ethnic minority¹⁸. This point is of principal importance for our study. For example, if we declare that a certain number of Vepps, Germans, or Karelians reside in the Baltic Sea region, it begs the question what we *mean* in a concrete social context. Does it mean a merely formal ascription to a certain category of ethnic classification? Or does it determine – and if yes, how – the social and political behaviour of individuals? Does ascription to a minority imply a merely statistical parameter or is it an indicator of social interaction?

Institutionalisation of ethnicity in Soviet and post-Soviet contexts

Ethnicity (‘nationality’) was institutionalised in the Soviet Union¹⁹ and remains so in contemporary Russia. In general, ethnic categories and terms have served as a mode of population division and management and as a tool to organise political space. The situation in post-Soviet Russia is gradually changing; old institutional forms are being transformed or are losing their significance and new forms are emerging. However, the elements which used to be endemic to Soviet political thought are still manifesting themselves in post-Soviet thought as well.

The first element to be highlighted here is the previously mentioned ethnic categorisation and related statistics. In the USSR, it was mandatory to record individual ethnicity ('nationality') in domestic passports and in other official papers that contained personal data. Fixation of ethnic affiliation in passports was discontinued in 1997 upon the introduction of new domestic passports; however, it remained optional in other official records. The respective commonplace and official practices are gradually changing; however, they do so at a slower pace than does the legislation. Official records of personal ethnicity could be important in a number of interactions between an individual and the government. For example, individuals could be enrolled at a university under an ethnic quota or be appointed to a civil service position as a representative of 'ethnic cadres'. Individual ethnicity remains relevant in many similar situations²⁰, especially in some of Russia's 'ethnic territories' and with regard to 'small indigenous peoples'.

A specific feature of the Russian public discourse derives from this situation, and although it is weakening, it remains relevant; people often understand ethnic identity not as an outcome of cultural self-perception and eventually of individual choice, but as an anthropological constant. However, free choice of individual ethnic affiliation is a constitutional norm and is regularly emphasised in many official statements concerning ethnic issues.

Part of the Soviet tradition is a cultural – particularly ethnic – definition of a political community. In this connection, the institutionalisation of ethnicity looks as its territorialisation. According to the 1993 Constitution, the Russian federation consists of 89 constituent entities or 'subjects'²¹. Among them are 21 republics, 6 *krais* (territories), 49 *oblasts* (provinces), 2 federal cities, 1 autonomous *oblast*, and 10 autonomous *okrugs* (districts). The republics, the autonomous province, and the autonomous districts are considered to be 'national'

(i.e. 'ethnic') entities; in other words, they are a 'possession' or a form of organisation for a certain ethnic group or a cluster of ethnic groups (for instance, Dagestan at the North Caucasus). These groups have been labelled as 'titular', meaning that their names are given to the corresponding subjects of the federation²². It's worth emphasising that the respective 'titular' group does not constitute a majority in 12 of the 21 Russian republics. In some cases it represents only a small minority of the population: for example, 9.2 per cent in Karelia, 12.0 per cent in Khakassia, 24.2 per cent in Adygea, 25.2 per cent in Komi, 27.8 in Buryatia, 29.3 per cent in Udmurtia, 29.8 per cent in Bashkortostan, 30.6 per cent in Altai, 31.9 in Mordovia, 42.9 per cent in Mari El, 45.5 per cent in Sakha-Yakutia, and 49.8 per cent in the Karachai-Cherkess Republic²³. The respective 'titular' group or groups constitute a majority in Tatarstan (52.9 per cent), Kalmykia (53.3 per cent), North Ossetia-Alania (62.7 per cent), Kabardino-Balkaria (66.4 per cent), Chuvashia (67.7 per cent), Tyva (77.2 per cent), Ingushetia (77.3 per cent), and Chechnia (93.5 per cent). Dagestan lacks both a distinct 'titular' and a numerically prevailing group; its regional authorities address 90.7 per cent of the population as 'indigenous' ethnic groups. On average the 'titular' group(s) comprise 50.1 per cent of the population in the republics and 12.5 per cent in the autonomous province and autonomous districts²⁴.

It is difficult, however, to make a straightforward statement about the 'ethnicisation' of statehood in Russia. In the long run, using ethnic categories for the organisation of political space may result in the exclusion of certain categories from the political community. Nevertheless, in most cases, such exclusion has rhetorical and symbolic value and, only in rare instances, institutional character. As soon as 'nation' is defined as ethno-nation – as soon as a political community is defined as an ethno-cultural community – its membership looks as if it stemmed from ethnic (ethno-cultural or ethno-linguistic)

affiliation. The word 'considered' used above with regard to ethnic assignment of the republic and autonomies bears no legal sense here. The main arena in which this idea is (re)produced is not legislation (which performs it in an obscure and indirect form, see below, the part 'Russian legislative texts'), but rather ethnicity-related public and academic discourses.

In post-Soviet Russia, ethnic statehood and official recognition of individual ethnicity are gradually losing their formal validity. The newly emerging practices could be called the institutionalisation of ethnicity with some reservations. This could be done if one perceives 'institution' in a broad sense, as an arrangement which determines human behaviour, like the ethnic categorisation of social space in a given context. It would be more precise here to talk about the symbolic and rhetoric (re)production of multi-ethnicity in Russia. The state regularly affirms its willingness to pursue a 'nationalities policy'; establishes special executive bodies in charge of this policy; and adopts the respective legislation, programmes, and concepts. The rationales for 'nationalities policy' are manifold. Usually such a policy is justified by an all-embracing concept of 'improvement of inter-ethnic relations'. This concept includes security reasons and the integration and promotion of culture and language. The government's emphasis on each of these components varies with context. Sometimes the authorities make reference to 'ethno-cultural development', sometimes to the 'prevention of conflicts', and sometimes as counteraction to extremism. Since 2000, the government has stressed a 'promotion of tolerance', although the issue of non-discrimination remains completely neglected.

In a practical sense, the 'nationalities policy' appears primarily at the regional level and manifests itself in official declarations and in regular contacts between governmental bodies and ethnic non-governmental organisations (NGOs), predominantly cultural socie-

ties. In other words, governmental bodies reproduce discourse which represents the society as a community of ethnic groups and ethnicity as an element relevant to a wide range of social interactions. The academic community and ethnic activists contribute to this reproduction and share the same language.

Talks and decisions: symbolic and instrumental policies

The Russian context requires special attention to a fundamental issue which is crucial not only for ethnic or Russian studies. The issue in question is the distance between symbolic and instrumental policies (in terms introduced by Luhmann)²⁵ or between rhetoric and actions ('talk and decisions', in terms of Brunsson)²⁶. Symbolic policies could be determined as a sphere in which the dominant narrative is produced; meanwhile, the outcome – rhetoric formulas – can be open to political and administrative interpretations. Instrumental policies – elaboration, adoption, and enforcement of concrete strategies and decisions – are not necessarily an embodiment of the rhetoric of power, do not necessarily follow its content, and may not even be describable within the acceptable public discourse. Legislation could be examined here as a connecting link between symbolic and instrumental policies²⁷. More precisely, legislation provides certain room for symbolic policies and simultaneously sets the limits for administrative activities in the area of instrumental policies.

Ethnicity in Russia appears as a categorisation scheme of social and political space, a means for classifying the population, and a reference point of individual identification and self-identification. It manifests itself in a number of social and political institutions, public discourse practices, formal and informal prescriptions which affect people's be-

haviour in connection with their own ethnic belonging or the ethnic belonging of others. At first glance, it appears to be a paradox that all this does not allow for a description of the country as a 'divided', or 'plural' society assembled from relatively isolated segments with their own internal organisation. Ethnicisation of discourses and institutions emerge contextually, coexist, and compete with other modes of social representations and organisation of social space²⁸.

For instance, Russia, like almost any other country, has 'ethnic entrepreneurs' who form cultural or even political organisations²⁹. However, they are far from dominating the political landscape and they have never succeeded in elections even at the regional level. The official republican leaders utilise ethnicity as a resource on a limited scale, but prefer the rhetoric of multi-ethnicity and regionalism³⁰. The national economy and the labour market are not divided along ethnic lines and even such a marginal segment as migrants' social networks can hardly be described in terms of 'ethnic economics'³¹. There are governmental and non-governmental educational and cultural institutions which are ethnically focused and which use languages other than Russian. For a number of reasons, first of all, the fact that these minority-oriented institutions play a marginal role, one can hardly insist that the Russian cultural and educational sphere is segmented in linguistic or ethnic terms. The country faces different manifestations of ethnic discrimination and xenophobia, but ethnicity-based discrimination is often virtually inseparable from social racism (exclusion of migrants regardless of their ethnicity) and is not considered, even among minority activists, to be a significant social wrong in many spheres of life such as labour relations and education.

Legislative regulation of 'ethnic relations' demonstrates the large gap between symbolic and instrumental policies. Official rhetoric of 'multi-nationality' embodied *inter alia* in law, does not provide a

special status – does not provide formally established sets of rights and duties to individuals and groups (see below, the part ‘Russian legislative texts’).

The category of ‘minority’ in the Russian official and academic discourses

Symbolically, ethnic groups have been *de facto*, and in some cases *de jure*, brought into a hierarchy. Over 70 years of the Soviet Union, and even later, the procedures of power shaped the political space according to the ‘weight’ of the different ethnic groups³². Some were designated as ‘nations’ and endowed with ‘statehood’ (a ‘national-territorial unit’ of some level or another); some were combined with another group or other groups into a single ‘unit’ which was accorded statehood, and some were denied a territory ‘of their own’³³. This differential treatment is one source of the division that exists between ‘native’ and ‘non-native’ ‘peoples’ on a given territory. This idea is embedded in the mass consciousness and the official rhetoric, and from time to time encourages political activists to claim a special status for their ‘native’ group. Basically, these perceptions determine the meaning and boundaries of the term ‘minority’.

Ethnic diversity in Russia during various periods was described and conceptually organised in different ways, and the term ‘minority’ has kept a position among other approaches. The first group to utilise this word was the Russian political opposition of the early 20th century – liberal and socialist political parties³⁴. Soon after the Bolsheviks came to power in 1917, the term ‘national minorities’, as it referred to all non-Russian people in the country, became official³⁵. As the country evolved into a composition of ‘national’ union and autonomous republics as well as autonomous provinces and districts,

the term acquired a more narrow interpretation. It was applied then to 'non-titular' groups living outside 'their own' territorial entities. By the late 1930s, the term was excluded from official usage. According to Kalinina, it was present during the 1970s and 1980s in some documents of the Communist Party, in which the term meant nationalities 'possessing' 'homelands' outside the USSR – Soviet Poles, Germans, and Koreans, for example.³⁶

The term 'national minorities' resurfaced in late 1980s, during the period of the Soviet's overall liberalisation known as *perestroika*, during the period that active public debates on ethnic issues began. The term was introduced to the public by various political actors: academic experts³⁷, ethnic activists of various sorts³⁸, and central and regional governmental institutions. The main features of the public and academic discourse related to minorities took shape simultaneously, and remain basically unchanged up to the present.

1. The notion of 'minority' is employed almost exclusively with respect to ethnic minorities. The issues related to religious minorities are debated in other terms: 'non-traditional confessions', 'sects', 'destructive cults' – or, on the opposite pole, 'traditional religions'.
2. 'Ethnicity' and, respectively, 'ethnic minority' receive primordialist interpretations. Ethnic belonging is equated with linguistic and cultural assignment; the key element in deciphering the word 'minority' appears to be the idea of a historic linkage between an ethnic group and a certain territory.
3. Within the Soviet 'nationalities policies', ethnic categories served a tool the division of population and for the organisation of the territory. These traditions result in enormously diverse interpretations of the term 'minority'.
4. Because ethnicity is linked to a territory, ethnic minorities

are deemed the groups which live outside their 'homelands'. 'Homeland' can be determined in a number of ways – as some uncertain 'ethnic territory', the territory of 'ethnogenesis', the territory of 'self-determination', or the territory of actual statehood³⁹. And vice versa – as a rule, groups holding certain territories that were assigned to them are not considered to be ethnic (or 'national', according to the public vocabulary) minorities. At least, leaders who pretend spokespersonship on behalf of non-Russians (Tatars in Tatarstan, Bashkirs in Bashkortostan, and Karelians in Karelia, for example), reject the 'minority' label. Since the late 1980s, a clear distinction between the terms 'minorities' and 'small peoples' has emerged – first in academic narratives and later in legislation⁴⁰.

5. Occasionally, migrant groups are excluded from the 'minorities' domain.⁴¹ In other words, as often happens, the rhetoric of minority protection may tend toward the rhetoric of exclusion⁴²: only those groups which the government allows to be minorities are considered as minorities. Roughly speaking, minorities are the groups somewhere between 'migrants' and 'native peoples' occupying a traditional territory 'of their own'.
6. The usual topic of public debate are general ideological issues such as the symbolic recognition of an individual group, the definition of 'national minority', and the ranking of national minorities depending on whether or not they have a statehood of 'their own'⁴³. There is no attention paid to questions of practical significance: foundation, entitlements, the taxation of NGOs, the status of educational institutions which are either teaching minority languages or have ethnic components in their curricula, mechanisms and principles of the redistribution of allocations for minority cultural institutions, and legal remedies against discrimination.

Russian legislative texts (legal acts and legal drafts) relating to the protection of ethnic minorities

The ethnicity-specific segment of the Russian legislation is mosaic and complex in both structure and content⁴⁴. Apart from international treaties which are, under the RF Constitution, an integral component of the country's legal system, the sources of law in this area are the Constitution itself, laws of the federal level⁴⁵, other legal normative acts of the federal level (in particular, President's Decrees and Resolutions of the Government), constitutions and charters, laws and other legal normative acts of the subjects of the federation, and normative treaties and agreements between subjects of the federation. There are few specifically 'ethnic' acts, and the subject in question is usually ethnicity-related clauses of the branch legislation.

The bulk of relevant acts, except for the provisions concerning legal equality and individual ethnic affiliation, address ethnic groups as integrated entities, bearers of rights and beneficiaries of certain public wealth – the ethnic categorisations are extraordinarily diverse⁴⁶. One can say that the Russian ethnic nomenclature eclectically combines terminologies with different historical and national backgrounds. Nevertheless, we can assert that the entire legislation addressing ethnic issues bears uniform ethno-nationalist assumptions, conducts the sole logic, employs a set of common key concepts, and demonstrates a single approach on three grounds⁴⁷:

1. The Constitution and almost all 'ethnic' acts use the concept of group rights in the sense that ethnic groups as such are deemed legal subjects; for example, Articles 68, 69, 71, and 72 of the Constitution introduce such expressions as 'rights of national minorities', 'rights of small indigenous peoples', and 'the right of peoples to preserve the native language'.

2. Another key element is the notion of 'ethnic development'. It is present in the 1991 RSFSR law 'On the Rehabilitation of the Repressed Peoples', the 1991 RF law 'On Languages of Peoples of the Russian Federation', the 1996 federal law 'On National-Cultural Autonomy' (save the official Concept of the RF Nationalities Policy of 1996), and in federal and regional programmes. Even the Constitution (Article 72, item 'e') contains a reference to 'federal programmes' in the area of 'national development'.
3. Yet another basic construction is the concept of 'inter-ethnic relations' (and, consequently, 'regulation' of the given 'relations'), which acquires the meaning of relations among 'communities' and among individuals acting as members of ethnic collectivities.

The Constitution does not mark the subjects of the federation as 'ethnic' entities, and the federal legislation expresses this idea indirectly. A few laws –in particular, the RF law on languages and the federal law on national-cultural autonomy – contain the term, 'citizens living outside their national-state and national-territorial entities'. At the regional level, constitutions and charters of the republics and autonomous districts employ compromise wording. The 'titular' groups are usually not mentioned at all, the past 'self-determination' of the 'titular' nation is mentioned in parallel with the assertion that the power belongs to the entire population, or a specific role of the 'titular' group is highlighted without reference to political power⁴⁸. For example, according to the 2002 version of the 1992 Preamble of the Tatarstan Constitution, the Constitution expresses 'the will of the *multinational people* of the Republic of Tatarstan and the *Tatar people*' (italics are ours), whereas Article 3, part 1 stipulates that 'the sovereignty of the Republic of Tatarstan shall lie on its *multinational*

people, which shall be the only source of power in the Republic of Tatarstan⁴⁹. Article 2 of the Constitution of the Republic of Komi (1994) says that 'the source of power of the Republic of Komi is its multinational people', but Article 3 makes reservation that 'the foundation of the Republic of Komi and its name are related to the primordial habitation of the *Komi people* on its territory'⁵⁰. The Constitution of the Republic of Karelia of 1978 (with later amendments) which was in force until February 2001 did not refer to any link between Karelia's statehood and ethnicity, except for a clause about a separate constituency embracing the area where the Vepps (one of the region's indigenous minorities) lived. The new Constitution of Karelia (2001) includes the following provision: according to Article 1, part 5, 'historical and national features of the Republic of Karelia are determined by the habitation of *Karels* on its territory'. According to Article 21, 'in the Republic of Karelia, measures aiming at the revival, preservation and free development of Karels, Vepps and Finns living on its territory, shall be undertaken'⁵¹. Languages of the 'titular' ethnic groups in most but not all republics are also declared state languages along with Russian.

The idea of the 'designation' of certain territories to certain ethnic groups is implicitly present in the legislation and overtly expressed in political practices. It entails neither a symbolic hierarchy of ethnic groups nor special legal entitlements to individuals on the grounds of their ethnicity (with the exception of persons belonging to small groups of aboriginal peoples pursuing a traditional way of life).

The term 'national minorities' is present among the ethnicity-related categories of the federal and regional legislation⁵². It is of little use, and is not specified in the Constitution, current legislation, or normative interpretations of the Constitution and laws. According to Article 71, item 'c', of the 1993 Constitution, 'the regulation and protection of human and civil rights and freedoms <...> the

regulation and protection of the rights of national minorities' fall within the jurisdiction of the Russian Federation. Article 72, item 'b' specifies that 'the protection of human and civil rights and freedoms; the protection of the rights of national minorities' (official translation) belong to the joint jurisdiction of the Russian Federation and its constituent units. Apart from the Constitution, 'national minorities' are mentioned in four federal laws: 'On Libraries' (1994), 'On the Ratification of the Framework Convention for the Protection of National Minorities' (1998), the RF laws 'On Employment in the Russian Federation' (1991), and 'On the Foundation of Ingush Republic within the Russian Federation' (1992).

There is no specific legislation on 'national minorities', although there were numerous attempts to elaborate and adopt it. The RSFSR Supreme Soviet undertook the first initiative of this sort in the early 1990s. The necessity of adopting such a law was emphasised in the 1994 Presidential Address to the Federal Assembly⁵³. In early 1995, a group of parliamentarians initiated a draft law on minorities, and for several years it was a work in progress (albeit with long breaks) in the RF State *Duma* (the lower chamber of the Parliament). The outcome was insignificant, and the draft did not even pass through the first reading in 1998. The work was frozen then, but the draft has not been officially cancelled. This story is noteworthy because of, among other things, the definitions offered⁵⁴.

In 1995, the following wording was put forward:

A national minority' is deemed the citizens of the Russian Federation who reside in a compact or are dispersed throughout the territory of any subject of the Russian Federation; who differ from the basic population ethnically, by their language, and primordial culture; and who are united by their common self-naming and unified national self-consciousness. A national minority can have or have not its own national-state or national-territorial entity within or outside the Russian Federation⁵⁵.

Consequently, 'minorities' were not supposed to include non-nationals, and this is an indispensable feature of *all* definitions performed in *all* further drafts⁵⁶. In the authors' view, minorities must be determined on the grounds of some 'objective' features like ethnic and linguistic characteristics – 'minority' as opposed to some 'basic population' which was not defined either in the draft itself or in the legislation at large. That made the definition of 'minority' non-operational, as the existing traditions allowed various interpretations of the term 'basic population'.

The 1998 draft offered another scheme:

National minorities are acknowledged to be the citizens of the Russian Federation, possessing a stable ethnic character; striving for the preservation and development of their national language, culture, religion and traditions; not having national-state and national-territorial entities (republics, krais, oblasts, autonomous oblast, autonomous okrugs) inside the Russian Federation; and not belonging to small indigenous peoples of Russia⁵⁷.

Therefore, the authors excluded from the potential 'national minorities' all 'titular' ethnic groups of Russia, ethnic Russians⁵⁸, and small groups of indigenous people, which were described in the same draft as 'peoples living on the territories of their ancestors' traditional residence (habitation), preserving the original way of living, considering themselves separate ethnic communities and numbering less than 50,000 people inside Russia⁵⁹.

After 1994, the RF Government was trying to insert a definition of 'national minorities' into the draft law and, later, into the law 'On National-Cultural Autonomy'. The draft which the Government submitted to the *Duma* on 9 October 1995 described 'national minorities' in the following way: 'National minorities are considered by the given Federal Law as the communities of citizens of the Russian Federation who realise their affiliation with the peoples (nationali-

ties), possessing state formations outside the Russian Federation or not possessing such, but whose majority resides outside the Russian Federation’.

It was also added below that ‘the communities of citizens, who realise their affiliation with the peoples (nationalities), possessing within the territory of Russian Federation a respective republic, autonomous *oblast*, or autonomous *okrug*, but reside outside this entity’ as well as ‘other ethnic communities of citizens of the Russian Federation living in an a different ethnic environment on the territory of the Russian Federation’ ‘may also consider themselves national minorities’⁶⁰. Consequently, minorities were recognised as all ‘non-titular’ ethnic groups, including Russians, within an individual region if they had constituted a numerical minority there. Only the groups which were not empowered to ‘develop’ ‘their’ cultures and languages through ‘their’ statehoods could enjoy the right to cultural autonomy and the authors stuck to the concept of certain regions ‘belonging’ to certain ethnicities. The draft was adopted at the first reading on 22 November 1995, but the notion of minority was dropped by the second reading, and the right to established non-territorial ‘autonomies’ was granted to all citizens when the law was enacted in June 1996.

The RF Government was not contented with this situation, and in 2001 submitted new draft amendments, which were finally adopted in October 2003. Since their adoption, ‘national-cultural autonomies’ can be established only on behalf of the groups in a situation of a national minority on the corresponding territory’. In the meantime, the legislation in force delineates neither ‘minority’ nor any indicators of the respective ‘situation’.

In March 2001, a group of State *Duma* deputies submitted the draft federal law ‘On the Fundamentals of Nationalities Policy in the Russian Federation’, which has not yet been adopted. The authors of the text came up with a new definition:

A national minority is a numerically non-prevailing ethnic community or a part of ethnic community, residing outside its chosen form of self-determination or outside the place where the main part of the given community is situated without self-determination in any form, preserving its self-consciousness, identifying itself as an ethnic minority and being aware of its non-dominant position⁶¹.

In summary, we can say that every attempt to introduce the notion of national minorities into the Russian legislation rests on the same ethno-nationalist grounds as the overall public discourses on ethnicity. Minorities are determined as ‘non-native nationalities’ – as ethnic groups living outside ‘their’ ethnic territories or ‘their’ statehoods, or lacking ethnic territories or statehoods. Virtually no one tries to mark ‘titular nationalities’ as ‘minorities’, and ‘minorities’ in a more or less consistent way are divided from groups that are deemed ‘indigenous’ to a given territory.

But there are other terms for ethnic groups that we can examine. Article 69 of the Constitution guarantees ‘the rights of numerically small indigenous peoples’; the latter term is used in the meaning close to ‘indigenous peoples’ in the sense of ILO Convention No. 169 of 1989. The specificity of the Russian definition further developed in the current legislation is that it employs a quantitative criterion for recognition of a ‘people’ in question – 50,000 persons.

Article 72, item 1 of the Constitution places ‘the protection of the primordial habitat and traditional way of life of numerically small ethnic communities’ within the joint jurisdiction of the Russian Federation and its components. This constitutional term – *numerically small ethnic communities* – has not been reflected in the current legislation and not yet even been discussed publicly.

The basic but not the sole term of the ethnicity-specific laws adopted in 1991-1993, before the Constitution in force, was ‘peoples and other ethnic communities’. The laws at the federal level also

contain such definitions as *numerically small peoples, native (aboriginal) peoples, small peoples of the North (Far North), national groups and communities, ethnic communities, numerically small ethnic communities of the North, cultural-ethnic communities*. The 1992 Fundamentals of the RF Legislation on Culture employs the terms *ethnic communities, compactly residing outside their national-state entities and ethnic communities without statehood of their own*. We should emphasise here that there is also a category of *repressed peoples*, introduced by the RSFSR law of 1991, 'On the Rehabilitation of the Repressed Peoples'. Another novel notion worthy of note is *nationalities of the Russian Federation*, launched by the 1999 federal law on compatriots abroad.

The RF legislation is missing a clear approach to the type of individuals to which the corresponding norms on ethnic groups should apply. The only exception is the federal law on small indigenous peoples, which mandates the government to compile a list of the peoples in question. Both RF nationals and non-nationals are covered by a number of minority-related laws such as the RF law 'On Languages of Peoples of the Russian Federation' and the Fundamentals of the RF Legislation on Culture. Some laws apply exclusively to RF citizens.

Even greater diversity is present at the regional level. The categories enumerated above are supplemented by *nationalities, populations*, and '*narodnosti*' (peoples) and by mentioning individual ethnic groups and by identifying the Cossacks as a distinct ethnic community⁶². For example, the Charter of the Pskov province (in North-West Russia) contains a separate article which guarantees 'the rights of a nationality setu⁶³ on a primordial inhabitancy, on preservation of originality, language, customs and traditions, on self-management'⁶⁴.

To gain the full picture, one should also mention some other constitutional and legislative norms which concern minority protection

in substantive rather than formal sense. Article 26, part 1, of the RF Constitution establishes each person's entitlement 'to determine and indicate his own nationality' (in the meaning of ethnicity). Article 26, part 2 provides for each person's right 'to use his native language and to the free choice of language of communication, education, instruction and creativity'. Article 68 proclaims the republics' entitlements to establish their own state languages and guarantees to the RF peoples the right 'to retain their mother tongue, and to create conditions for its study and development'. Article 19 includes general provisions on the overall equality before the law and the courts, on the state guarantees of the equality of rights and freedoms and on prohibition of restrictions of rights on grounds of social, racial, national, linguistic, or religious affiliation. Article 13, part 5, bans the creation and activity of social associations the objectives and actions of which are directed towards 'fuelling of social, racial, national, or religious strife', among other things. Article 29, part 2 prohibits 'propaganda or agitation exciting social, racial, national, or religious hatred and enmity' as well as 'propaganda of social, racial, national, religious, or linguistic supremacy'. The current legislation corresponds to the constitutional norms.

A summary of the regulative methods and mechanisms envisaged by the 'ethnic' legislation is in order at this point. Since the 1991 RSFSR Law 'On the Rehabilitation of the Repressed Peoples' (which one could deem a model on a number of key components), legal underpinnings of the Russian 'nationalities policy' rest on the principle of 'narrowing funnel'. In other words, advancement from general legislative declarations to their enforcement via a succession of bylaws implies gradual reduction of the state's guarantees and obligations. A declarative law based on the rhetoric of 'collective rights' in the meaning of 'peoples' rights' bears basically blanket norms, has no direct effect, and can be implemented if and only if addi-

tional laws and bylaws are enacted. In practice, these general blanket norms make reference to a vacuum because the respective acts are not adopted or because there are subordinate normative acts which restrict the coverage and effect of the basic law. Enforcement of the supplementary bylaws requires funding in the frame of federal and regional programmes; meanwhile the adoption of these programmes and the allocation of funds envisaged therein typically remain occasional and are not guaranteed.

Some features of the Russian 'ethnic' legislation are amusing. The most common type of ethnicity-related act is the so-called 'concept' or conceptual outline of the 'nationalities policy' or 'improvement of inter-ethnic relations'. Dozens of such 'concepts' have been adopted at the regional level; the 1996 Concept of Nationalities Policy is still in effect at the federal level. Russian officials and academics often call these documents basic acts in the area of ethnic relations; however, their legal ground and, correspondingly, their legal sense remain unclear. A 'concept' adopted by the executive cannot bind lawmakers; on the contrary, the executive is ruled by legislation and not by its own theoretical speculations. The 'concepts' have no legal force and cannot apply in the courts.

The Constitution and a number of federal laws stipulate the general equality of rights and liberties and prohibit encroachment on this equality. At the same time, the Russian domestic legislation does not contain a definition of discrimination or a related term in either normative acts or in judicial normative interpretations. Correspondingly, mechanisms for the prevention and elimination of discrimination as well as the accompanying legal redress exist only in theory, and the respective judicial and administrative practice is lacking⁶⁵.

Undoubtedly, the Russian legal system has attained an achievement in its safeguard for certain freedoms of public and economic activities which are essentially relevant to minority protection. We

refer to such basic civil rights and liberties as the right to association, the right to receive and disseminate information, and religious freedoms, all secured without regard for ethnicity. The reality of the exercise of these rights is far from ideal, but with a few minor exceptions, national minorities do not face problems other than those affecting the society at large.

At the federal level, several framework laws declare general guarantees for the protection of the linguistic and cultural 'identity' of ethnic groups. The 1991 law 'On the Languages of Peoples of RSFSR' (since 1998, 'On the Languages of Peoples of the Russian Federation') concerns ethnicity because it determines languages not as a mere tool of communication, but as a 'property' of 'peoples' in the ethnic sense. The law protects languages and declares the people's right to use 'native' languages; it empowers the republics to establish official languages and stipulates for official use of the languages of ethnic groups in the places of their compact settlement. However, the fact that the 'development' of languages understood as a collective wealth of ethnic groups is proclaimed as the basic objective results in vagueness of most of the provisions and in a number of substantial lacunas – specifically, in labour and administrative relations⁶⁶.

The 1991 RSFSR law 'On the Rehabilitation of the Repressed Peoples' envisages 'collective rehabilitation' – measures aimed at the formerly deported ethnic groups and providing redress and compensation for the damage inflicted on those groups by the deportations of the 1920s to 1950s. The 'rehabilitation' involves the restoration of the former administrative borders and 'national-territorial units', some social programmes, and the development of 'national' cultures. Throughout the 1990s, a number of special programmes fashioned to support individual ethnic groups were adopted under references to this law by presidential decrees and governmental resolutions.

The 1992 RF law 'On Education' established citizens' rights to

general education and to the choice of the language of instruction within the limits of opportunities provided by the educational system. However, federal and regional legal normative acts do not contain any special rules and regulations for educational institutions teaching or employing as a tool of instruction languages of 'the peoples of Russia' other than Russian. Although such institutions (in total, about 9,000 primary and secondary schools)⁶⁷ exist *de facto*, they do so without a relevant legal basis or guarantees, and that creates significant problems in practice.

The 1992 fundamentals of the RF Legislation on Culture declare, but remain far from clarifying the collective rights of the RF 'peoples and other ethnic communities' to 'the preservation and development of their national-cultural originality' and 'the right to cultural-national autonomy'. These provisions have not developed in the latest legislation⁶⁸.

On the basis of Article 69, the 1999 federal law 'On the Guarantees of the Rights of Numerically Small Indigenous Peoples' was adopted. It envisages some privileges in employment, land possession, exploitation of natural resources, taxation, and local self-government for individual aboriginal peoples, as well as the right to conduct traditional economic activities and the right of the regions to adopt additional protective measures in favour of these people. Furthermore, two other federal laws on indigenous peoples have been adopted – on the territories of 'traditional exploitation' and on aboriginal communities – as well as several dozens of regional laws and other acts.

The 1996 federal law 'On National-Cultural Autonomies' (NCA)* declares the right of 'national' ethnic public associations to establish local, regional, and federal 'autonomies'. Each NCA is to serve a single ethnic group and promote its culture and language. NCAs are designed as umbrella organisations expected to consolidate ac-

tivities within their respective ethnic groups and to maintain certain cultural and educational programmes and institutions. In theory, 'autonomies' are also entitled to governmental and municipal funding of their individual projects and to consultative functions before federal and regional executive. As voluntary, not-for-profit NGOs, NCAs enjoy fewer rights but encounter more limitations than 'ordinary' NGOs do. More, 'ordinary' NGOs, even those that are ethnically based, can, like NCAs, possess separate property, arrange deals, and establish mass media outlets and educational institutions. The law states that public authorities may fund the activities of these 'autonomies' (literally – only individual arrangements and only in the framework of special programmes), but they are not obliged to do so. Neither the law nor any bylaw specifies who distributes public funds allocated for NCA or how they are to be distributed⁶⁹. Although the hope for public support resulted in the creation of more than 300 local, regional and federal 'autonomies' throughout Russia, in total they have raised an insignificant amount of either governmental⁷⁰ or private funds, and the consultative bodies for NCA have not been established in most regions of Russia.

Minority protection in Russia's international obligations

On the surface, Russia's participation in the international system of minority protection appears to be active – sometimes even too active. Article 15, part 4 of the Constitution stipulates that 'Generally recognized principles and norms of international law and the international treaties of the Russian Federation are a constituent part of its legal system. If an international treaty of the Russian Federation establishes rules other than those stipulated by the law, the rules of

the international treaty apply' (official translation). The Soviet Union was party to the International Covenant on Civil and Political Rights, the UNESCO Convention Against Discrimination in Education and the Convention on the Rights of the Child, all of which are international instruments containing certain minority provisions. As the USSR's successor state, Russia bears obligations under these treaties. Russia also is a party to approximately two dozen bilateral treaties which include minority-related clauses⁷¹.

In February 1996, the Russian Federation signed and in June 1998 ratified the Framework Convention for the Protection of National Minorities (FCNM). The European Charter for Regional or Minority Languages (hereafter called the Language Charter) was signed in May 2001, but remains unratified.

However, Russia's activities raise questions. The FCNM is not the first legally binding multilateral instrument designed exclusively for minority protection, and the priority is the 1994 Convention on Rights of Persons Belonging to National Minorities, adopted by the Commonwealth of Independent States (CIS) and initiated by Russia⁷². The Convention was signed in Moscow on 21 October 1994 by the heads of ten CIS member states and went into force in 1997 after being ratified by three signatories – Armenia, Azerbaijan and Belarus. The Convention determines national minorities as persons who are permanently resident on the territory of a state party; possess its citizenship; and differ in their ethnic origin, language, culture, religion or traditions from that country's main population. The RF President placed the Convention before the State *Duma* for ratification in September 1995, but in December of the same year the *Duma* failed to provide the number of votes sufficient for its enactment. Such a failure does not imply a withdrawal of a draft law on ratification from the Parliament's agenda, however, unless the President himself recalls the draft. Consequently, the issue of

ratification remains frozen, and at the time of this writing, the President's administration has not pushed the process forward. The Convention has not been implemented, primarily because the control mechanism is lacking and because Russia's interest in this document appears to be exhausted.

The FCNM was ratified on 5 June 1998 with the following reservation:

The Russian Federation considers that none is entitled to include unilaterally in reservations or declarations, made while signing or ratifying the Framework Convention for the Protection of National Minorities, a definition of the term 'national minority', which is not contained in the Framework Convention. In the opinion of the Russian Federation, attempts to exclude from the scope of the Framework Convention the persons who permanently reside in the territory of States Parties to the Framework Convention and previously had a citizenship but have been arbitrarily deprived of it, contradict the purpose of the Framework Convention for the Protection of National Minorities⁷³.

A reservation of this type was initiated jointly by the Ministry of Foreign Affairs and the State *Duma's* Committee on International Relations⁷⁴. Hence, one can speak of a consolidated position taken by the executive and the legislature in this area. Therefore, in a legal sense, Russia does not count citizenship of the country of residence as a necessary criterion for belonging to a national minority. It is amazing to compare this viewpoint with the concept of the CIS Minorities Convention and of the Russian draft laws on minorities which accord minority status only to local nationals.

Immediately after the breakdown of the USSR, Russia initiated the adoption by the CIS countries of a multi-lateral treaty on the rehabilitation of persons and groups subjected to forced displacement during the Soviet period. The Agreement on the Issues Related to Restoration of the Rights of Formerly Deported Persons, National

Minorities, and Peoples was signed by the heads of ten CIS countries in Bishkek, Kyrgyzstan, on 9 October 1992. The agreement was a full-scale framework international treaty subject to ratification. As its title indicates, it contains direct references to 'national minorities' and is actually designated *inter alia* for the protection of vulnerable and ethnically identifiable groups. In other words, it relates to minorities both in formal and substantive respects. Although six CIS member states have signed the treaty since 1992, Russia is not among them. Moreover, the document was not even introduced for ratification to the Russian parliament. Since the term of effect was established as ten years, the agreement has lost its force and any practical significance.

Although Russia declares active policies of the indigenous promotion and protection, the 169 ILO Convention remains unsigned. Although parliamentary hearing on this issue took place several years ago, there is no evidence of any preparation for its signature and ratification and there have been no official comments on this matter.

Has Russia's participation in international minority instruments affected its domestic legislation and politics in any case? Definitely not. Moreover, in the aftermath to the FCNM ratification, a number of changes to the domestic legislation contradicting the country's obligations have occurred. In particular, the 2001 federal law 'On Political Parties' was enacted, prohibiting any type of political activity bearing an ethnic component, including representation and advocacy of ethnic interests. The 2002 amendment to the RF Law on Languages places a ban on any script other than Cyrillic for official languages of the republics within Russia. The 2003 and 2004 amendments to the Federal Law on national-cultural autonomy have drastically restricted the right to association within these types of public organisations and their entitlements.

Russia's initial official report on the implementation of the

FCNM in 2000 and the compound seventeenth periodic report (the fifteenth, sixteenth and seventeenth reports were merged into one document) on Russia's 2002 compliance with the International Convention on the Elimination of All Forms of Racial discrimination clearly demonstrate the RF government's persuasion that the country's international obligations have been completely implemented in the domestic legal system. This point could be easily refuted; in particular, the Opinion on the Russian Federation of the Advisory Committee on the FCNM (2002)⁷⁵ and the CERD's Concluding Observation on Russia (2003)⁷⁶ emphasise a significant gap between the national law and international obligations. The domestic legislation lacks a definition of discrimination, for instance, and the legal defensive remedies available are insufficient to protect the country's minorities from discrimination⁷⁷.

How should Russia's general approach to its commitments and obligations on minority protection be interpreted? It's fairly clear that the activities in this area are limited to demonstrative gestures addressed to the external audience. The government wanted to adopt the CIS conventions on minorities and formerly repressed groups; yet once these treaties were drafted and signed, all interest towards them evaporated. Specific objectives like the issues of resettlement from and to Russia and the procedures for establishing and maintaining Russian cultural and information centres are regulated by bilateral agreements without reference to 'minority' or 'diaspora' protection⁷⁸. Russia strongly wished to be a member of the Council of Europe and hence acceded to the FCNM in one package with the other CoE treaties. Afterwards, the task of bringing the domestic legislation in line with this convention was forgotten. No one in Russia actually remembers the bilateral treaties, and being of a framework character, they do not contain directly enforceable norms that can be applied in courts.

Who were the initiators of Russia's accession to the FCNM, Language Charter, and other treaties on minorities? No one other than the RF President's Administration and the Russian Ministry of Foreign Affairs played a role in the process, which was apparently non-transparent. As mentioned previously, the FCNM was signed in one package with other CoE treaties on Russia's accession. Was Russia's accession the minority treaties publicly debated inside the country? For all intents and purposes, it was not, and the issue as well as the actual accession generated no noticeable interest. Were minority organisations lobbying Russia's participation in the FCNM and Language Charter or taking part in discussions on the course and consequences of the ratification with the government? The answer is definitely negative – they were merely presented with a *fait accompli*, and no visible reaction followed.

It should be noted that since the early 1990s one of the strongly announced directions of the RF foreign policy has become the so-called 'protection of the compatriots abroad'. In practice, the term 'compatriots'⁷⁹ is interpreted broadly – both as RF nationals residing abroad and as people sharing a common language and culture with Russia. The RF government issued several resolutions concerning support to the 'compatriots'; the 'compatriots' were mentioned in the Concept of the Nationalities Policies; finally, in 1999, the federal law 'On the State Policy of the Russian Federation towards Compatriots Abroad' was enacted⁸⁰. Russian officials, including diplomats, regularly make statements about 'the situation of Russian-speaking population' in the former USSR's constituent republics, first of all in the Baltic States⁸¹. All explanatory reports to all the draft laws on national minorities of 1995-1998 and the explanatory report to the 1995 draft law on national-cultural autonomy underlined the fact that adoption of these acts must facilitate the country's efforts to defend its 'compatriots' abroad. The President's Address to the

Federal Assembly of 1994 declared the same with regard to effects of the future CIS convention on national minorities. The basic motive behind the adoption of the reservation on the FCNM ratification in 1998 was the desire to oppose the position of Estonia, which had limited the FCNM applicability in terms of citizenship⁸².

It should be noted that the instrumental policies in this area do not adequately correspond with the symbolic ones. The declarative Law on Compatriots of 1999 has not been enforced and remains a set of contradictory intentions⁸³. One of the first changes to the Russian migration policy under Putin's rule was the abolition at the end of 2000 of visa-free entry into Russia for non-nationals of Latvia and Estonia, and that was a hard blow to these people. Meanwhile, the Russian authorities mentioned them more often than others as good examples of Russians suffering outside Russia and as an argument in favour of a pro-compatriot foreign policy.

Russia and the Central-Eastern European context

Obviously, Russia has many specific geographical, demographical, and political features. We are far from asserting, however, that it basically differs from Central and Eastern Europe in such areas as public talks on ethnicity and minorities as well as in the respective internal policy. Public, particularly legislative, discourses rest upon common ethno-nationalist assumptions, and the uniform essentialist and group-centric logic dictates the thought of politicians and academics. One could mention here the growing impact of the outside world, especially in the context of Russia's co-operation with European institutions. However, this impact means that Russia imports the terminology of international organisations and Western academia and incorporates them into its own domestic ethno-centric discourses.

A significant specific feature of Russia is the fact that its elites do not currently perceive and represent the country as a 'national state' in ethno-cultural terms⁸⁴. Although there are obvious signs that the country is drifting in this direction, this issue requires separate consideration. On the contrary, the idea of Russia's 'multi-nationality' and of the ethno-national statehoods within it is deeply embedded in the public consciousness⁸⁵. This leads, among other directions, to a number of complexities and difficulties in the management of meanings connected with the term 'minority' and to diversity and vagueness in the legislative vocabulary related to ethnicity.

The Russian ethnicity-related public discourses are basically determined by the tropes which depict the country as a place where relatively monolithic and internally structured 'communities' co-exist and interact. This does not, however, correspond with real practices; ethnicity appears as just one of many modes for describing, representing, and organising social interactions. The latter are constructed on a variety of grounds, and all this does not allow the portrayal of the country as a segmented or segregated society. The gap between ethno-centric discourses and the high degree of social and cultural integration manifest itself, among other ways, in a disjunction between symbolic and instrumental policies, particularly in the declarative nature of the 'ethnic' legislation.

The latter can hardly be explained exclusively by the government's desire to pursue a positive international image of itself, although this type of motive could be easily revealed. More likely, one should acknowledge that ethnocentric approaches to legal regulation are basically non-operational in practical terms. Legislation and official declarations resting on the concepts of 'group rights' and 'ethnic development' could be implemented in their literal meaning if and only if the government actively arranges by administrative means for firm social boundaries, the maintenance of ethnicity-based special status

of individuals, and the redistribution of public resources in favour of various ethno-cultural projects. These types of policies, conducted not in a divided society, but in a deeply integrated society, require significant expenses and political risks and have a poor chance of being considered as acceptable projects, much less to be realised. Naturally, this type of thing does not occur in Russia. Official ethno-centrism predominantly manifests itself within the realm of speech and symbols. There are few practical arrangements stemming from a view of the country as a community of ethnic groups. These arrangements are the republics' bilingualism, limited state funding of minority-oriented educational and cultural institutions, and the indirect feeding of discrimination and xenophobia.

From the perspective of the Russian government, this situation constitutes success rather than failure. The so-called 'nationalities question' and minority issues as a part of it have been canalised into talks about general symbols, terminology, and outlines. Talks replace a pragmatic agenda of resource (re)distribution and decision-making. The sole exception was the issue of federalist arrangements, but the government succeeds in managing it and the federalist topic has lost its ethnic profile. Abstract ideological issues capture public discussions and prevent the appearance of another thematic field friendly to pragmatic questions. This situation suits the government because it allows it to avoid its concrete obligations and does not require it to switch symbolic politics into instrumental ones. Ethnic activists also seem to have nothing against such a state of affairs. They speak a common language with the government, and on seeking and getting public recognition do not object to the imposed agenda.

Conclusions

1. The Russian public authorities, politic activists, and academics follow a cultural determinist and essentialist approach to ethnicity.
2. The Russian public and academic discourses demonstrate diversity in the use and interpretation of terminologies. There is a variety of terms like 'ethnic minority', 'national minority', 'indigenous people', 'native population', and 'titular ethnic group'. Reference or an omission of reference to any one of them depends on the speaker and the context.
3. Russia's situation is specific because ethnic criteria are relevant to the territorial organisation of the state. The so-called 'ethnic federalism' means that a certain 'titular' ethnic group symbolically possesses a certain territorial unit.
4. There are more than 150 ethnic groups in Russia which could be considered 'minorities' if compared with the Russian majority. However, as a result of the fight for symbolic status, spokespeople for many of these groups reject such a label. Elites of the groups which have a territorial entity of 'their own' or which claim the status of an 'indigenous people' are maintaining this position.
5. Migrant groups are, by default, excluded from the overall context of 'minorities' and, respectively, 'minority protection'. Consequently, 'minorities' are something between new migrants and 'native populations' routed within a given territory – or, in other words, ethnic groups that for years and generations are residing outside traditional ethnic territory of 'their own'.
6. The Russian public discourse addresses language as an attribute of the respective 'ethnos'. Consequently, the terms 'ethnic minority' and 'linguistic minority' are actually used as

synonyms. Nevertheless, cultural assimilation has gone so far for many groups that most people considered as members of a certain group have limited or no proficiency in the corresponding language.

7. The Russian Federation is party to the international instruments concerning minority protection. However, in this case, as in many others, there is a substantial gap between symbolic and instrumental policies, between talk and action. Most of the minority-related legislative acts are *declarative*.
8. There is a potential for tension between human rights and group protection. In some cases, the latter can replace the public agenda and lead it away from the former. The Russian cases can offer some illustrations of this kind.

Notes

- 1 R. Brubaker, *Nationhood and the National Question in the New Europe* (Cambridge: Cambridge University Press 1996), pp. 1-22.
- 2 N. Glazer, D. P. Moynihan (eds.), *Ethnicity: Theory and Experience* (Cambridge, Mass.: Harvard University Press 1975).
- 3 See: F. Heckmann, *Ethnische Minderheiten, Volk und Nation: Soziologie inter-ethnischer Beziehungen* (Stuttgart: Ferdinand Enke Verlag 1992); E. Dittrich, F.-O. Radtke (Hrsg.), *Ethnizität: Wissenschaft und Minderheiten* (Opladen: Westdeutscher Verlag 1990); Brubaker (note 1).
- 4 For a comprehensive critique of the essentialist paradigm in the social sciences and, in particular, with regard to 'culture' see: S. Benhabib, *The Claim of Culture. Equality and Diversity in the Global Era* (Princeton, N.J.: Princeton University Press 2002).
- 5 See G. Welz, "Die soziale Organization kultureller Differenz. Zur Kritik des Ethnosbegriffs in der anglo-amerikanischen Kulturanthropologie" in H. Berding (Hg), *Nationales Bewusstsein und kollektive Identität: Studien zur Entwicklung des kollektiven Bewusstseins in der Neuzeit 2* (Frankfurt am Main: Suhrkamp 1994), S.66-81; for a critique of the hermeneutic methodology of the contemporary ethnic studies which rest on the postulates of identity, authenticity, and culture (attributed to ethnoses) see Dittrich, Radtke (note 3).
- 6 For a profound criticism of the notion of 'identity', see R. Brubaker, F. Cooper, 'Beyond Identity', *Theory and Society* (2000. No.1), pp. 1-47.
- 7 V. Malakhov, "Preodolimo li etnotsentrichnoye myshleniye?" in V. Voronkov, O. Karpenko, A. Osipov (eds.), *Racism v yazyke sotsialnykh nauk* (Sankt-Peterburg: Aleteia 2002), S.9-22; V. Tishkov, *Rekviyem po etnosu: Issledovaniya po sotsialno-kulturnoi antropologii* (Moskva: Nauka 2003).
- 8 P. Bourdieu, *Distinction: A Social Critique of the Judgement of Taste* (Cambridge, Mass.: Harvard University Press 1984).
- 9 P. Bourdieu, "Identity and representation: elements for a critical reflection on the idea of the region" in *Language and Symbolic Power* (Cambridge, Mass.: Harvard University Press 1991), pp. 220-228.
- 10 The list, adopted by the RF Government Resolution # 255 from 24 March 2000, comprises 45 groups with the total number of approximately 250,000 people.
- 11 *Natsionalny sostav naseleniya SSSR. Po dannym Vsesoyuznoi perepisi*

- naseleniya SSSR 1989 goda (Moskva: Finansy i statistika 1991), pp. 28-33.
- 12 Narody Rossii. Entsiklopediya (Moskva: Bolshaya rossiiskaya entsiklopediya 1994), p. 28.
 - 13 Natsionalny (note 11), pp. 28-33.
 - 14 'Ofitsialnye materialy. Itogi Vserossiskoi perepisi naseleniya 2002 goda', Rossiiskaya Gazeta (2004, 31 March), 15.
 - 15 There are a number of popular metaphors designed to reflect this type of perception: 'inter-ethnic dialog', or 'exacerbation of inter-ethnic contradictions'.
 - 16 For instance, one paper on the 'geopolitical' role of the Kaliningrad province – the Western exclave of Russia on the Baltics – begins (with a reference to an official statistical source) by mentioning that the population of the province consists of over 100 'nationalities' and includes, in particular, more than 8 per cent Ukrainians, over 7 per cent Belorussians, and 2 per cent Lithuanians, as well as some 4,000 (0.4 per cent) Germans. – In: Yu. Zverev, "Kaliningradskaya oblast Rossii v novoy sisteme geopoliticheskikh koordinat" in A. Zverev, B. Coppieters, D. Trenin (eds.), *Etnicheskiye i regionalnye konflikty v Yevrazii – Kniga 2 - Rossiia, Ukraina, Belorussiya* (Moskva: Ves Mir 1997), S.45.
 - 17 Tishkov (note 7), S.201-229.
 - 18 V.Kolosov, "Primordialism" i sovremennoye natsionalno-gosudarstvennoye stroitelstvo', *Polis* (1992. No.3), S.95-106; V. Malakhov, "Natsionalny vopros' i grazhdanskoye obshchestvo" in *Kuda prishla Rossiya. Itogi sotsialnoi transformatsii* (Moskva: Moskovskaya vysshaya shkola sotsialnyh i ekonomicheskikh nauk 2003), S.193-199; S.Panarin, 'Natsionalno-kulturnoye vrozhdeniye v respublikah i territorialnaya tselostnost Rossii', *Vestnik Yevrazii* (1996. No.2), S.113-135; V. Voronkov, "Privatizatsiya etnichnosti vs 'natsionalnaya politika'" in *Kuda prishla Rossiya. Itogi sotsialnoi transformatsii* (Moskva: Moskovskaya vysshaya shkola sotsialnyh i ekonomicheskikh nauk 2003) S.206-213; V. Voronkov, I.Oswald, "Postsovetskiye etnichnosti" in V. Voronkov, I.Oswald (eds.), *Konstruirovaniye etnichnosti. Etnicheskiye obshiny Sankt-Peterburga* (Sankt-Peterburg: Dmitri Bulanin 1998), S.6-36.
 - 19 On the institutionalisation of ethnicity under Communist governance see: Brubaker (note 1); G. W. Lapidus (ed.), *The "Nationality" Question in the Soviet Union* (New York: Garland Pub. 1992); A. Motyl, *Sovietology, Rationality, Nationality: Coming to Grips with Nationalism in the USSR* (New York: Columbia University Press 1990); G. Simon, *Nationalismus*

- und Nationalitaetenpolitik in der Sowjetunion: von der totalitaeren Diktatur zur nachstalinischen Gesellschaft (Baden-Baden: Nomos 1996); V. Tishkov, *Ethnicity, Nationalism and Conflict in and after the Soviet Union: the Mind Aflame* (London: Sage Publications 1997).
- 20 We are not talking here about illegal discrimination on ethnic grounds; this is another issue.
 - 21 The Komi-Permiyski autonomous distinct is to be merged with the Perm oblast (the Urals) by 1 December 2005.
 - 22 An official definition of 'titular nation' in the sense of an ethnic group giving a name to a country, was first employed with regard to foreign states in the Federal Law 'On the State Policies of the Russian Federation with Respect to Compatriots Abroad' (1999).
 - 23 Naseleniye otdelnykh natsionalnostei po vozrastnym gruppam i polu po subyektam Rossiiskoi Federatsii. Available at: http://www.perepis2002.ru/ct/doc/TOM_04_07.xls(accessed on 16 July 2005).
 - 24 Calculated by the authors in accordance with the census data; see *ibid*.
 - 25 K. Dammann et al. (Hrsg.), *Die Verwaltung des politischen Systems: neuere systemtheoretische Zugriffe auf ein altes Thema; mit einem Gesamtverzeichnis der Veröffentlichungen Niklas Luhmanns 1958-1992* (Opladen: Westdeutscher Verlag 1994); N. Luhmann, *Funktion und Folgen formaler Organisationen* (Berlin: Duncker und Humbolt 1995).
 - 26 N. Brunsson, *The Organization of Hypocrisy. Talk, Decisions and Actions in Organizations* (Chinchester, NY: John Wiley & Sons 1989).
 - 27 This approach with respect to connection between rhetoric and actions of power was offered by Tatiana Baraulina, the University of Bielefeld, Germany, in regard to the German migration policies.
 - 28 Malakhov (note 18); *Idem*, 'Racizm i migranty', *Neprikosnovenny zapas: debaty o politike i kulture* (2002. No.5), S.29-34; *Idem*, 'Etnizatsiya migratsii v publicnom diskurse i institutah', *Kosmopolis* (2004. No.1 (7)), S.56-69.
 - 29 See *Mezhetnicheskiye otnosheniya i konflikty v postsovetskikh gosudarstvakh. Yezhegodny doklad. 2001* (Moskva: Institut etnologii i antropologii RAN 2002); Voronkov (note 18); Voronkov, Oswald (note 18).
 - 30 L. Drobizheva et al., *Demokratizatsiia i obrazy natsionalizma v Rossiiskoi Federatsii 90-kh godov* (Moskva: Mysl 1996); L. Drobizheva et al., *Sotsialnoe neravenstvo etnicheskikh grupp: predstavleniia i realnost* (Moskva: Academia 2002).
 - 31 Voronkov, Oswald (note 18); Voronkov (note 18).

- 32 V.Vuyacic, V.Zaslavski, 'SSSR i Yugoslaviya: prichiny raspada', *Etnograficheskoye obozreniye* (1993. No.1), S.21-36; Lapidus (note 19).
- 33 It should be emphasized here that in the Soviet period, at the level of the entire USSR (or Russia as its constituent part), the legislation and public narratives at large were lacking figures of speech which encompassed the notion of 'state-founding' or 'basic nation' in the ethnic or cultural sense (see note 1 on Brubaker). This does not deny that Russians constitute the largest 'people' of the country, that the Russian language has dominated all spheres of public life, that mainstream historiography remains predominantly Russo-centric, and that the official propaganda in some periods (especially in the 1940s and 1950s) strongly articulated the role of Russians.
- 34 A. Kappeler, *Russland als Vielvoelkerstaat. Entstehung, Geschichte, Zerfall* (Muenchen: Beck 1992).
- 35 Simon (note 19).
- 36 K. Kalinina, *Natsionalnye menshinstva v Rossii* (Moskva: Lutch 1993), S.13.
- 37 See M.Guboglo, 'Natsionalnye gruppy i menshinstva v sisteme mezhnatsionalnyh otnosheniy v SSSR', *Sovetskaya Etnografiya* (1989. No. 1), S.26-41.
- 38 B.Tsilevich, 'Kulturnaya avtonomiya ili karmannye natismenshinstva', *SM-Segodnya* (1992. 2, 4 September); A. Osipov, "Izderzhki terminologicheskoy i kontseptualnoi neopredelennosti (ob ispolzovanii ponatuya 'menshinstvo')" in *Chelovek v mnogonatsionalnom obshestve: etnichnost i pravo* (Moskva: IEA RAN 1994), S.43-56.
- 39 At this point we should highlight the USSR Law 'On the Free National Development of the USSR Citizens Residing outside their Own National-State Unit or not Possessing Such Units on the Territory of the USSR' (1990). For the first time this law legally fixed, albeit indirectly, the concept of 'ethnic statehood' that is clearly obvious from the words 'citizens residing outside their own national-state unit or not possessing such units'. This declarative framework act did not contain the term 'minority', but reflected a well established rhetorical distinction between 'native' and 'non-native' parts of the population; the latter, by that time, had begun to be labeled as 'minority'.
- 40 See L. Karapetian, 'Malochislennyye narody i natsionalnye menshinstva', *Etnopoliticheskii vestnik Rossii* (1993. No.1), S.36-41; I. Lisinenko, "Etnopoliticheskiye problemy natsionalnyh menshinstv v Rossiiskoy

- Federatsii” in *Gosudarstvennaya sluzhba i mezhnatsionalnye otnosheniya* (Moskva: Lutch 1995), S.164; L. Andrichenko, ‘K voprosu o poniatiiyah “natsionalnye menshinstva” i “korennye narody”’, *Federalism* (2002. No.3), S.123-158.
- 41 See V. Mukomel, ‘Natsionalnye menshinstva v federalnom zakonodatelstve i zakonodatelstve subjektov federatsii” in *Novye diaspora. Gosudarstvennaya politika po otnosheniyu k sootchestvennikam i natsionalnym menshinstvam* (Moskva: Tsentr etnopoliticheskikh i regionalnykh issledovaniy 2002), S.177-183.
- 42 In a number of public addresses, high-ranking Russian officials deny that certain groups may be recognised as minorities. This point of view with regard to Meskhetian Turks, for example, was advocated by Kim Tsagolov, a former deputy minister on the affairs of nationalities and the head of the Russian official delegation at the international consultations under the auspices of the OSCE HCNM on the issues of the Meskhetians (Vienna, 17 March 1999); personal record of A. Osipov; see also A. Ossipov, *Russian Experience of Ethnic Discrimination. Meskhetians in Krasnodar Krai* (Moscow: Zvenia 2000).
- 43 For illustrations, see Mukomel (note 41); N. Vitruk, ‘Prava natsionalnykh menshinstv v Rossiiskoi Federatsii” in *Rossiia i Sovet Yevropy: perspektivy vzaimodeistviya* (Moskva: Institut prava i publichnoi politiki 2001), S. 264-297.
- 44 For an overview, see A. Osipov, R. Sapozhnikov, ‘Zakonodatelstvo Rossiiskoi Federatsii, imeyushche otnosheniye k etnichnosti. Kontseptualnye osnovy, sodержaniye, problemy realizatsii” in *Problemy pravovogo regulirovaniya mezhetnicheskikh otnosheniy i antidiskriminatsionnogo zakonodatelstva v Rossiiskoi Federatsii* (Moskva: Vybor-print 2004), S.21-73.
- 45 Currently, there is a formal distinction between ‘federal constitutional laws’, ‘federal laws’, i.e. laws enacted on the basis of the 1993 RF Constitution, and ‘RF laws’ (including the framework, ‘Fundamentals of legislation’), i.e. laws adopted before the current Constitution took effect. Some of the USSR laws remain valid and some of the pre-1992 Russian laws still bear the name, ‘RSFSR laws’. The USSR laws and RF laws are effective to the extent that they don’t contradict the Constitution and federal laws.
- 46 S. Sokolovski, *Obrazy ‘drugih’ v rossiiskoi nauke, politike i prave* (Moskva: Put’ 2001), S.143-144.
- 47 See A. Ossipov, ‘Legislative process on ethnic affairs in the Duma (Russian federal parliament): 1994-1995. A quest for paradigm” in *The Con-*

- stitutional and Political Regulation of Ethnic Relations and Conflicts (Ljubljana: Institute for Ethnic Studies 1999), pp. 135-144; A. Ossipov, "Official and academic discourse on ethnicity and nationalism in post-Soviet Russia" in *Ethnicity and Democratisation in the New Europe* (London & New York: Routledge 1998), pp. 183-196.
- 48 For a general overview see: M.Guboglo, *Mozhet li dvuglavy orel letet s odnim krylom? Razmyshleniya o zakonotvorchestve v sfere etnogo-sudarstvennyh otnoshenii* (Moskva: TsIMO 2000), S.154-164.
- 49 Constitution of the Republic of Tatarstan available at: http://www.tatar.ru/?DNSID=a626156220175707de5da5c04fb14e4d&node_id=1384 (accessed on 17 January 2005). The official translation.
- 50 Konstitutsiya Respubliki Komi available at: <http://www.rkomi.ru/gosud/konst.html> (accessed on 17 January 2005). Translated by the authors.
- 51 Konstitutsiya Respubliki Karelia available at: <http://gov.karelia.ru/gov/Constitution> (accessed on 17 January 2005). Translated by the authors.
- 52 The terms 'ethnic', 'linguistic', 'religious', and other 'minorities' are virtually useless.
- 53 *Poslaniye Prezidenta Rossiiskoy Federatsii Federalnomu Sobraniyu* (Moskva: Yuridicheskaya literatura 1994), S.34.
- 54 Also see *Osnovy natsionalnyh i federativnyh otnosheniy* (Moskva: Izdatelstvo RAGS 2001), S.123-124.
- 55 The Archive of the State Duma of the RF Federal Assembly. Fund 10100. Inventory 2. File 1339. S.97. Translated by the authors.
- 56 It is worth comparing this with the provision of the Federal Law 'On the Ratification of the Framework Convention for the Protection of National Minorities' (1998) which rejects limiting the scope of the term 'minority' by the criterion of citizenship; see below.
- 57 Quoted from a photocopy of the original draft. Translated by the authors.
- 58 That stems from the notion that there are 'peoples' which possess 'their own' kraia and oblasts; no group other than Russian falls within this definition.
- 59 For some reason, the authors inserted into the definition of 'minority' a 'subjective' criterion – to strive for 'the preservation and development' of its identity. Unfortunately, there are no available sources that clarify how the authors imagined this criterion characteristic of the definition to be implemented in practice. Furthermore, the definition has not experienced essential changes.

- 60 The Archive of the State Duma of the RF Federal Assembly. Fund 10100. Inventory 24p-II. File 7. S.117. Translated by the authors.
- 61 Quoted from a photocopy of the original draft; translated by the authors.
- 62 Sokolovski (note 46), pp. 127-53; Mukomel (note 41), pp. 177-183.
- 63 The Setu is a group of people originally confessing the Orthodox faith, speaking the Estonian language, and residing on both sides of the border between Estonia and Russia.
- 64 The Charter of the Pskov region available at: http://www.pskov.ru/downloads/ustav_eng.doc (accessed on 17 January 2005). The official translation.
- 65 Compliance of the Russian Federation with the Convention on the Elimination of All Forms of Racial Discrimination. NGO report to the UN Committee on Elimination of Racial Discrimination. (62nd session, March 2003) available at: http://www.memo.ru/hr/discrim/ethnic/docl_ind.htm (accessed on 17 January 2005).
- 66 Osipov, Sapozhnikov (note 44).
- 67 GVT/COM/INF/OP/I(2003)005. Comments of the Government of the Russian Federation on the Opinion of the Advisory Committee on the implementation of the Framework Convention for the protection of national minorities in the Russian Federation. 21 February 2003 available at: [http://www.coe.int/T/e/human_rights/Minorities/2._FRAMEWORK_CONVENTION_\(MONITORING\)/2._Monitoring_mechanism/5._Comments_by_the_States_concerned/1._First_cycle/1st_comments_Russian_Fed.asp#TopOfPage](http://www.coe.int/T/e/human_rights/Minorities/2._FRAMEWORK_CONVENTION_(MONITORING)/2._Monitoring_mechanism/5._Comments_by_the_States_concerned/1._First_cycle/1st_comments_Russian_Fed.asp#TopOfPage) (accessed on 17 January 2005).
- 68 Except for their mechanic reproduction in a number of regional laws on cultural affairs.
- 69 See also B. Bowring, 'Austro-Marxism's Last Laugh?: the Struggle for Recognition of National-Cultural Autonomy for Rossians and Russians', *Europe-Asia Studies* (2002. No. 2), pp. 229-250.
- 70 The Russian official reports on the implementation of the FCNM (2000) and on the compliance with the ICERD (2002) directly acknowledge inadequate funding of the NCAs; see ACFC/SR(1999)015. Report submitted by the Russian federation pursuant to Article 25, paragraph 1 of the Framework Convention for the Protection of National Minorities available at: [http://www.coe.int/T/e/human_rights/Minorities/2._FRAMEWORK_CONVENTION_\(MONITORING\)/2._Monitoring_mechanism/3._State_reports/1._First_cycle/1st_SR_](http://www.coe.int/T/e/human_rights/Minorities/2._FRAMEWORK_CONVENTION_(MONITORING)/2._Monitoring_mechanism/3._State_reports/1._First_cycle/1st_SR_)

- Russia.asp#TopOfPage (accessed on 17 January 2005); 29/07/2002. CERD/C/431/Add.2 and Corr.1. (State Party Report). Seventeenth periodic reports of States parties due in 2001: Russian Federation available at: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CERD.C.431.Add.2%20and%20Corr.1.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CERD.C.431.Add.2%20and%20Corr.1.En?Opendocument) (accessed on 17 January 2005).
- 71 In particular, they are the treaties on the basic principles of bilateral relations with Azerbaijan (1997), Belarus (1995), Finland (1992), Georgia (1994), Greece (1993), Hungary (1991), Kyrgyzstan (1992), Poland (1992), Tadjikistan (1993), Turkmenistan (1992), Ukraine (1997), and others.
- 72 Adoption of a CIS Convention on national minorities was mentioned in the President's 1994 Address to the RF Federal Assembly as a goal of Russian foreign policy; see Poslaniye (note 53).
- 73 "Federalny zakon 'O ratifikatsii Ramochnoi Konventsii o zashite natsionalnykh menshinstv'" from 18 June 1998 No.84-FZ in Sobraniye zakonodatelstva Rossiiskoi Federatsii (1998. No.25) St.2833; also *Declaration contained in the instrument of ratification deposited on 21 August 1998* available at: <http://conventions.coe.int/Treaty/EN/cadreprincipal.htm> (accessed on 17 January 2005). The official translation.
- 74 Gosudarstvennaya Duma. Stenogrammy zasedaniy. Bulletin (1998. 5 June No. 180 (322)), S. 22-23.
- 75 ACFC/INF/OP/I(2003)005. Advisory Committee on the Framework Convention for the Protection of National Minorities. Opinion on the Russian Federation available at: [http://www.coe.int/T/e/human_rights/Minorities/2._FRAMEWORK_CONVENTION_\(MONITORING\)/2._Monitoring_mechanism/4._Opinions_of_the_Advisory_Committee/1._Country_specific_opinions/1._First_cycle/1st_OP_Russian_Federation.asp#TopOfPage](http://www.coe.int/T/e/human_rights/Minorities/2._FRAMEWORK_CONVENTION_(MONITORING)/2._Monitoring_mechanism/4._Opinions_of_the_Advisory_Committee/1._Country_specific_opinions/1._First_cycle/1st_OP_Russian_Federation.asp#TopOfPage) (accessed on 17 January 2005).
- 76 21/03/2003. CERD/C/62/CO/7. Concluding observations of the Committee on the Elimination of Racial Discrimination: Russian Federation available at: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CERD.C.62.CO.7.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CERD.C.62.CO.7.En?Opendocument) (accessed on 17 January 2005).
- 77 M. Puchkova, "Sootvetstviye Konstitutsii i tekushego zakonodatelstva Rossiiskoi Federatsii mezhdunarodnym obazatelstvam strany v oblasti predotvrasheniya i likvidatsii rasovoi i etnicheskoy diskriminatsii" in Problemy pravovogo regulirovaniya mezhetnicheskikh otnosheniy i anti-diskriminatsionnogo zakonodatelstva v Rossiiskoi Federatsii (Moskva:

- Vybor-print 2004) S.27-104; Idem, “Sootvetstviye Konstitutsii i tekushhego zakonodatelstva Rossiiskoi Federatsii mezhdunarodnym obazatelstvam strany v oblasti zashity natsionalnykh menshinstv” in *Problemy pravovogo regulirovaniya mezhetnicheskikh otnosheniy i antidiskriminatsionnogo zakonodatelstva v Rossiiskoi Federatsii* (Moskva: Vybor-print 2004), S.105-148.
- 78 T.Vasilyeva, “Rossiya i sootchestvenniki: priorityety i politika” in *Novye diaspory. Gosudarstvennaya politika po otnosheniyu k sootchestvennikam i natsionalnym menshinstvam* (Moskva: Tesntr etnopoliticheskikh i regionalnykh issledovaniy 2002), S.131-144.
- 79 ‘Ethnic Rossians’ (i.e., in Russian, people belonging to Russia (Rossiya) as a country vs. Russians as ethnic Russians) and ‘Russian-speaking population’ are also used in the same contexts as similar but not identical terms.
- 80 V. Mukomel, E.Pain, “Gosudarstvennaya politika Rossii v otnoshenii zarubezhnykh sootchesvennikov: etapy stanovleniya” in *Novye diaspory. Gosudarstvennaya politika po otnosheniyu k sootchestvennikam i natsionalnym menshinstvam* (Moskva: Tesntr etnopoliticheskikh i regionalnykh issledovaniy 2002), S.112-130; Vasilyeva (note 78).
- 81 Hereby we do not want to deny the validity of the issue in question and of Russia’s concerns.
- 82 See Gosudarstvennaya Duma. Stenogrammy zasedaniy. *Bulleten* (1998.5 June. No. 180 (322)), S. 22-23.
- 83 Vasilyeva (note 78); A. Osipov, “Chto v Rossii oznachayet ponatiye ‘regulirovaniye migratsii?’” in T. Baraulina, O.Karpenko (eds.), *Migratsiya i natsionalnoye gosudarstvo* (Sankt-Peterburg: Centre for Independent Social Research), S.15-45.
- 84 Unlike Russia, most of the post-Communist states (from Croatia to Kazakhstan and Turkmenistan) represent themselves as ‘national’ (in ethnic sense) states. R.Brubaker offered a good term: ‘nationalizing states’(see Brubaker, note 1).
- 85 The term ‘multi-nationalism’, introduced by B. Barry, matches this situation fairly well; see B. Barry, *Culture and Equality. An Egalitarian Critique of Multiculturalism* (Cambridge, Mass.: Harvard University Press 2001), p. 314.

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