

## Consociationalism in the Russian Federation?

Written by Paul Pryce

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PAUL PRYCE, OCT 3 2011

Within the territory of the Russian Federation, there are 170 officially recognized ethnic groups.[1] Recent years have seen a multitude of conflicts between the Russian Federation and regionally-based secessionist groups, such as in Chechnya and Tatarstan. There is a significant body of literature addressing the question of how these regional and ethnic conflicts might be resolved. One possible mechanism for conflict prevention and resolution lies with consociational democracy. Here we will focus particularly on the Council of the Federation as a previous, and potentially future, instrument of consociationalism in Russia.

Consociationalism was originally articulated by Arend Lijphart, applied to the case of the Netherlands initially but then later transferred to Switzerland and other subjects of analysis. Indeed, consociationalism has since become a widely accepted concept of power-sharing within a democratic polity that corresponds to an ethnically diverse society. The conditions by which a polity can be identified as consociational have varied between authors. However, four key components can be said to be common to most consociational frameworks: "...government by a grand coalition of political leaders of all significant segments; the mutual 'veto', which serves as an additional protection of vital minority interests; proportionality as the method of political representation; and a high degree of autonomy for each segment in its own affairs." [2]

This concept of consociationalism has come under criticism from some authors, with many of these criticisms submitting that these theoretical conditions have in fact not been applied in any of the case studies used by Lijphart. One of the more controversial cases of this has been Lijphart's assertion that the Swiss confederal state is consociational.[3] But, as Barry points out in his own critique, there are (or were at the time of his writing) many political parties in Switzerland which strive to cross-cut ethnic cleavages within Swiss society and appeal more so to the civic commons and social consensus than to any sub-state identity.[4] However, this only discredits Lijphart's example of Switzerland as a consociational democracy and does not necessarily undermine the theory itself. Given the powers mandated to the Council of the Federation under the original terms of the 1993 Constitution of the Russian Federation, it is certainly possible to speak of a past application of consociational democracy in Russia and the potential for a future such application as a remedy to ethnic tension.

"Consociationalism focuses on the grand coalition or rules which allow all groups to be brought on board." [5] If anything, the Council of the Federation in its original format served as a 'grand coalition', satisfying the first condition by which we can say consociationalism is present in a system of governance. By directly electing representatives to the Council, institutionalized rules had been set in place to 'bring all groups on board' from all the myriad regions of Russia's vast territorial and cultural space.

The Council was also afforded powers equivalent to that of an upper house of parliament, conveying upon the regions the capacity to veto or amend legislation passed by the State Duma. The powers of the Council go even further than the veto on legislation brought before it, however. Article 93 of the Constitution describes the Council's authority to impeach the President. "The Federation Council also has a key role in changing the Constitution, which could potentially limit the powers of the president." [6] It is noteworthy that these powers were placed with the Council, a body consisting of regionally-based and directly elected representatives, rather than a more centralized institution, such as the Senate of Canada whose members are appointed under the sole authority of the Prime Minister. The Council of the Federation therefore fulfills the second criteria of a consociational democracy in its role as a check or a

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balance in the core-periphery relationship between Moscow and the regions, possessing veto power in vital areas of governance.

“...The Council of the Federation was specifically created to represent the regions.”[7] Regional governors and legislatures have the power to enact legislation on the regional level, but the Council allowed for a direct interaction between the regions and the centre. This constructs the relationship between the dominant ethnic group – in this case, ethnic Russians – and the various minorities as one of constructive and mutually beneficial dialogue within a civic commons rather than one of confrontation and armed resistance. By electing representatives to the Council, “this would allocate key political posts at both the central and local levels on a proportionality principle that mirrors the ethnic segmentation of the country.”[8] Where an ethnic group is the dominant community in a given region, that ethnic group would very likely have representation on the Council – for example, as ethnic Tatars make up the majority of the population in Tatarstan, it follows that an ethnic Tatar would likely, though not necessarily, be elected as Tatarstan’s representative on the Council of the Federation. The choice for a national self-determination in this regard would be an electoral one, uninhibited by restrictions from the centre.

This consociationalism had civic nationalist connotations. As espoused in the time preceding the referendum to adopt the 1993 Constitution, “the new Russian federalism was said by its proponents to refer to the ideal of civic or civil federalism.”[9] The Council of the Federation could act as a bridge between the ethnic nationalisms of the latent identities emerging in the regions with the collapse of the Soviet Union and the civic ideal of a Russian state. Without this consociationalism, it is not clear whether one can identify a coherent civic nationalism or civic federalism in Russia, but rather an increasingly centralized state that discounts the role ethnic identities have come to play in regions like Tatarstan, Bashkortostan or Chechnya.

In fact, many of the aforementioned conditions for consociationalism have been undermined by measures taken in the later years of Boris Yeltsin’s presidency and by the administration of former President Vladimir Putin. First of all, there was the centralization of power under “...the Bill on Amending the Law on the Principles of Organizing the Legislative and Executive Bodies of Russian Territories, which proposed giving the Russian president the powers to remove governors or suspend regional legislatures when they fail to comply with federal laws.”[10] Subsequent steps to centralize power have included the realignment of the regions and the current system for filling the seats on the Council of the Federation by presidential appointment rather than by election. “The creation of seven administrative regions, together with the reform of the upper house of parliament so that places in the Council of the Federation would thereafter be held not by governors, but by their representatives, was one of the main thrusts of this reform.”[11] This set several layers of divide between the centre and the periphery, essentially ending or at least suspending the dialogue between the Russian Federation, as embodied by the President, and the regional communities.

To be more precise, the representatives of each region on the Council were directly elected by their constituents in regionally-mandated elections rather than a federation-wide election. “From the mid-1990s, the elected governor of each region and the head of the regional legislature themselves sat on the Federation Council. Since 2000, the system has again shifted so that these representatives are appointed, one by the region’s governor and the other by the region’s legislature.”[12] Since the implementation of reforms put forward under Putin, “the federal provinces are further divided into so-called federal districts... These districts are governed by a governor, appointed by the president.”[13] This has limited the responsiveness of the Council to the regional needs and interests of the Federation’s myriad constituencies. It also fundamentally alters the symmetry of the federal structure intended under the 1993 Constitution, replacing a kind of ‘bottom-up’ federalism with a ‘top-down’ arrangement that increasingly resembles that of a unitary state.

With regard specifically to concerns regarding the makeup of the Council during the tenure of Yeltsin and Putin, “in constitutional terms, the fact that the Federation Council had a substantial corps of presidential appointees contradicted the principle of the separation of powers.”[14] Indeed, the unique place of the Council in the governance institutions of the Russian Federation had been compromised by the tightening of presidential authority over the body. The Council cannot, in its current state, function as a check or a balance on both the legislative and executive branches of government in much the same way that it can no longer serve as a liaison between the core and the

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periphery of Russian society. Rather, it has been made an instrument of the centre and of the core. Several authors concur with this assessment, pointing out that "...the Federation Council has shown itself to be ineffective in the Russian political system. Not being directly elected, its membership has been open to manipulation in the way that it is recruited. The Council has come, in fact, to reflect the dominance of the centre over the regions." [15]

This may have been prompted by a concern over the assertive populism of Russian governors and of the directly elected members of the Council of the Federation in the early years of Yeltsin's presidency. This populism presented a risk of latent or emerging nationalisms oriented in opposition to Russian unity. "Heading into the 1999-2000 campaign season, Russia's governors appeared ready to capitalize on the power vacuum that had developed in the Kremlin. The political and economic crisis created a window of opportunity for a well-organized regionally-based movement to take power in post-Yeltsin Russia." [16] This assertiveness was likely perceived by Putin to be a challenge to the cohesion of the Russian Federation, leading him to view the regional governments as competition for the powers accrued by the central government under Yeltsin. The federal reforms undertaken under Putin might then have not necessarily been intended to convert Russia into a unitary state but to safeguard federalism and prevent further decentralization and devolution to a confederal state. "The ultimate result of Putin's federal reforms, however, was the return to a de facto unitary state, killing Russian federalism in order to save it." [17]

More than anything, the difficulty with applying consociationalism in Russia has been para-constitutional behavioural norms on the part of political elites both in the centre and on the periphery. "Para-constitutional behavioural norms predominate that, while not formally violating the letter of the constitution, undermine the spirit of constitutionalism." [18] Consociationalism depends on a certain degree of constitutionalism present in the polity. In the case of the Russian Federation, this is because the 1993 Constitution enshrined the consociational mechanism of representation in its provisions pertaining to the Council of the Federation and the structure of asymmetrical federalism itself with the splitting of jurisdictions between the federal government and the regional governments. "...Para-constitutional behaviour gets things done, but is ultimately counter-productive because its reliance on bureaucratic managerialism undermines popular trust and promotes self-interested behaviour on the part of elites." [19]

With consociational democracy having been undermined, the legitimacy of the federal government has been harmed and popular trust in these institutions, especially among the ethnic communities that once benefited from consociational democracy, has diminished. Until para-constitutional behaviour is limited, prospects for a return to consociationalism do not appear to be significant. However, as para-constitutional behaviour itself is a highly subjective and narrative-based concept, it is difficult to measure precisely how pervasive this behaviour is or to devise legal or structural mechanisms for its limitation and restraint.

Furthermore, there are challenges or risks inherent in the restoration of a consociational model of governance in the Russian Federation that need to be addressed in this analysis. "A constitutional arrangement may exclude the possibility of a homogenous executive, composed exclusively by persons belonging to the dominant/majority group. The right of peoples to self-determination requires representative government." [20] While the possible exclusion of an ethnically homogenous executive is a given, even inherent scenario, in the case of a directly elected Council, the question of self-determination and representative government could lead to the long-term fragmentation of the Russian Federation and the disintegration of a unifying Russian civic identity. If ethnic minorities require directly elected representation in not only their regional legislatures and through their regional governors but also through regional representatives on the Council of the Federation, then this could contribute to the social construction of an ethnic nation with a right to full national self-determination – that is to say, ethnic minorities may come to press even further for an independent and sovereign state better capable of meeting the needs of the corresponding community.

It must be noted that the Russian Federation has a particular social and political situation that may avoid the risk of entrenching ethnic division. As was previously mentioned, the Russian Federation has officially recognized 170 ethnic groups within its territory. Article 65 of the 1993 Constitution also sets out a complex federal structure for the Russian state, including a series of republics, territories, regions and autonomous areas. With such officially recognized diversity, this reduces the potential for the consociational dialogue between the core and the periphery to be constructed as confrontational. The framing is not one of the Self pitted against a monolithic Other. Rather, the

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Constitution sets out mechanisms for vertical and horizontal accountability between different levels of government and different centres of power within the federal structure of the state. This is not to say that the diversity of the Russian Federation entirely eliminates the potential for political competition between institutions and regions to emerge as social tension or even ethnic conflict. However, it does reduce this risk as there could never be a direct competition between the core and a particular community on the periphery – it would inevitably emerge in the Council of the Federation's lack of cooperation on a given proposal that all or most of the communities on the periphery would be opposed to any unilateral initiative of the core.

Conversely, a small state might not possess such an advantage. For example, a small state like Estonia is not characterized by the same level of ethnic diversity as the Russian Federation. The principal ethnic minority in Estonia would be ethnic Russians. Whereas ethnic Russians make up 25.6% of Estonia's population, the next most populous ethnic minorities in the country would be ethnic Ukrainians and ethnic Belarusians, who make up 2.1% and 1.2% of the population respectively.[21] It is clear that any consociational arrangement would pertain specifically to power-sharing with the sizeable ethnic Russian minority rather than affording the same opportunity to the minimal presence of the smaller ethnic Ukrainian and Belarusian minorities.

Given the regional consolidation of ethnic Russians particularly in Ida-Virumaa, it may seem to be reasonable to institute a consociational arrangement for Ida-Virumaa within the Estonian state. However, without any other similar consociational arrangement for another region or ethnic minority, there is a risk of intensifying ethnic division in Estonia for the short-term with an aim to reaching a long-term civic commons that may be unattainable. Thus, a consociational arrangement for the Estonian region of Ida-Virumaa could create the potential for a prevailing narrative whereby ethnic Estonians and ethnic Russians are directly opposed and in constant competition over the policymaking process. This would be tantamount to the social construction of a mutual 'Othering', deepening ethnic division within Estonia rather than reducing tensions.

With this Estonian comparison, it is evident that the Russian Federation possesses considerably greater potential for consociational democracy. Estonia would perhaps be better served by the model of governance that Lijphart identifies as 'consensus democracy'. After all, Lijphart himself "...admits that consensus democracy is better at representing..."[22] The consolidated space of the Estonian state allows for this viability of consensus democracy, whereas the diffusion of the Russian Federation's citizens across such sprawling territory seems to require a consociational arrangement simply by virtue of the disparity in needs and social consciousness of those living, for example, in Murmansk versus those living in Vladivostok.

Therefore, the Russian Federation finds itself presented with deeper challenges than simply restoring the direct election of regional governors. Indeed, the challenge experienced by the Russian Federation is not unlike that of the European Union or of Canada or any other federal or supranational entity in the early 21<sup>st</sup> century: the so-called 'democratic deficit'. A democratic deficit insinuates that political decisions are taken 'far' from the level of the individual citizen or that the decision-making process lacks legitimacy due to an attendant lack of input from the *demos*. Therefore, any measures to be taken by Russian political elites to restore consociational democracy will need to take place within a body of other intensive reforms.

Restoring public confidence in the decision-making process will doubtless require finding means by which to prevent or discourage para-constitutional behaviour, while decentralizing political power from the presidency to other institutions and offices. A process of such considerable devolution and deconcentration of political power will also require considerable political will, which might only be generated through increasing social tensions. Such a political and social atmosphere in Russia could just as well contribute to securitizing narratives and the further centralization of power as it would bring about this shift back to consociational democracy.

As we have discussed here, the Russian Federation originally possessed a consociational democratic framework under the terms of the 1993 Constitution. With the introduction of subsequent reforms and the centralization of political power under the Russian Federation, consociationalism has apparently been abandoned as the model of governance. However, as discussed, consociationalism still has the potential to defuse ethnic tensions and improve accountability between levels of government.

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Nonetheless, the challenges and obstacles to the re-introduction of consociational democracy in Russia are considerable and the prospects are not promising. The diminishing public trust in political elites, exacerbated by para-constitutional behaviour, means that consociationalism alone may not be sufficient to restore the confidence of ethnic minorities in the Russian state as an institution that can meet the needs of all its communities. Furthermore, even if consociational democracy could be reintroduced in Russia, it is possible that consociationalism will only entrench ethnic division and provide regional elites an opportunity to demonstrate to their constituents the viability of full national self-determination.

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