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**Bowring, B. (2008) – *Legal and policy  
developments in the Russian Federation in 2007  
with regard to the protection of minorities.***

In:

***European Yearbook of Minority Issues, vol.6***

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## European Yearbook of Minority Issues

### "National Developments" section

Legal and policy developments in the Russian Federation in 2007 with regard to the protection of minorities.

Professor Bill Bowring, Birkbeck College, University of London

#### Introduction

This contribution is written as Russia votes in parliamentary elections (in 2007) and prepares for presidential (in 2008) elections. There is a high degree of political uncertainty and speculation, and it is not possible to predict the likely future policy of Russia, especially with a view to its minorities.

Moreover, Russia is now experiencing significant tensions in its relations with the guardians of minority rights in Europe, the Council of Europe and the OSCE.<sup>1</sup> Not only is it the only one of 47 member states to have refused to ratify Protocol 14 to the European Convention on Human Rights, and is therefore preventing the implementation of essential reforms to the Court's system of protection, Russia was also subjected to strong criticism in the Report dated 9 February 2007 adopted by the Parliamentary Assembly of the Council of Europe (PACE), entitled "Member states' duty to co-operate with the European Court of Human Rights".<sup>2</sup> This resolution was confirmed and updated in October 2007.<sup>3</sup> On 16 November 2007, the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) refused to send observers to cover Russia's forthcoming elections in view of Russia's failure to grant necessary visas<sup>4</sup>. This is an unprecedented step. After several days silence, President Putin said on 26 November 2007 that he saw "the hand of Washington" in this decision.<sup>5</sup>

Nevertheless, there have been important developments with regard to minorities protection during 2007. Although my main focus is on "national minorities", it would not be possible to provide a useful analysis of the dynamics of Russian law and policy without, first, reference to the steadily growing numbers and significance of the Muslims of Russia.

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<sup>1</sup> See Bill Bowring (2007) "Russia's relations with the Council of Europe under increasing strain" *EU-Russia Centre*, at <http://www.eu-russiacentre.org/articles.asp?id=1884&lng=en>

<sup>2</sup> Doc. 11183; at <http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc07/EDOC11183.htm>

<sup>3</sup> <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta07/ERES1571.htm>; Resolution 1571 (2007)

<sup>4</sup> Press Release "ODIHR unable to observe Russian Duma elections", at [http://www.osce.org/odihr/item\\_1\\_27967.html](http://www.osce.org/odihr/item_1_27967.html) (accessed on 30 November 2007)

<sup>5</sup> [http://www.newsru.com/russia/26nov2007/obse\\_us.html](http://www.newsru.com/russia/26nov2007/obse_us.html) (accessed on 30 November 2007)

Second, the year has seen the completion of the second cycle of reporting under the Framework Convention on the Protection of National Minorities (FCNM). The Advisory Committee Opinion, completed in 2006, contained a number of strongly worded criticisms of Russian policy and practice, and on 2 May 2007 the Advisory Committee published Russia's Comments, which contained an unusual element of protest.

Third, there have been interesting developments in Russia's experiment with personal cultural autonomy, under its 1996 Law on National-Cultural Autonomy in the Russian Federation. This is a topic on which the present author has written extensively.<sup>6</sup> I reflect in particular on the significance of this experiment for Russia's largest minority, the Tatars.

Fourth, the gap left by the abolition of the Ministry for the Affairs of Nationalities in 2004 (it was created in 2001), and the consequent dismissal of the last Russian government minister with responsibility for NCAs, Vladimir Zorin<sup>7</sup>, has now been filled, by the Ministry for Regional Development. This institution has in the course of 2007 acquired new status and resources. Its Department for Inter-Ethnic (National) Relations (*Departament mezhnatsionalnikh otnoshenii*) leads in relation to minority protection.

Fifth, it appears that progress is now being made in the – quite understandably, given the fact that Russia has at least 150 “traditional” ethnic minority languages – long process of ratification of the European Charter on Regional or Minority Languages.

Sixth, there are signs of new policy with regard to the rapidly disappearing “small in number” indigenous peoples of Russia's North, Far East, and Siberia.

Seventh, I refer, albeit briefly, to the alarming rise in racism and xenophobia in Russia, and the murders and pogroms which have stained the past year. I pay special attention to the response of the authorities, especially in the Ministry.

## **Two points of terminology**

I should at once clarify two points which often lead to confusion.

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<sup>6</sup> Bill Bowring (2007) “The Tatars of the Russian Federation and National-Cultural Autonomy: A Contradiction in Terms?” in Karl Cordell and David Smith (eds) *The Theory and Practice of Cultural Autonomy in Central and Eastern Europe: Historical and Contemporary Perspectives* Special Issue of *Ethnopolitics*, v.6, n.3, pp.417-435; Bill Bowring (2005) “Burial and Resurrection: Karl Renner's controversial influence on the ‘National Question’ in Russia” in Ephraim Nimni (ed) *National-Cultural Autonomy and its Contemporary Critics* (London: Routledge) pp.191-206; Bill Bowring (2002) “Austro-Marxism's Last Laugh?: The Struggle for Recognition of National-Cultural Autonomy for Rossians and Russians” v.54, n.2 *Europe-Asia Studies* pp.229-250

<sup>7</sup> For his short biography, see <http://www.pfo.ru/main/?id=8500>. He has had a classically Soviet functionary's career, and is now the Deputy Representative of the President in the Volga Federal Okrug.

First, the English word “Russian” is the only translation into English of two very different words in Russian. The first, *Russkiy*, denotes first and foremost the Russian language, Russian culture, and the Russian Orthodox Church. It can also denote ethnicity, and is as well the adjective attached to nationalism and xenophobia. The second word is *Rossiskiy*, which refers to the state, to citizenship, and to the law. The state has, according to Article 1 of the Constitution, two official names of equal status, *Rossiskaya Federatsiya* and *Rossiya*. The preamble of the 1993 Constitution starts “We, the multinational people of the Russian Federation, united by a common fate on our land, establishing human rights and freedoms, civil peace and accord, preserving the historically established State unity, proceeding from universally acknowledged principles of equality and self-determination of peoples...”<sup>8</sup>

Second, although the Russian language has the word “ethnic” – “*etnicheskiy*”, the word “national” – “*natsionalniy*” is general used in its place. Thus “ethnic minorities” in Russian are generally referred to as “national minorities”. As will become clear in this contribution, Russia has not adopted a law on national minorities. Instead, since 1996 it has combined the policy which it inherited from the USSR of a large number of “ethnic” republics, in which a “titular people” gives its name to the subject of the Federation (Tatarstan, Bashkortostan, Chechen Republic, Udmurtiya, Mordova, etc), with a large-scale and continuing experiment in National-Cultural Autonomy, that is, non-territorial personal cultural autonomy. A further complication is that in many “ethnic” republics the titular people does not even have a relative majority, and the overwhelming majority, more than 80% of the population of the Federation, are ethnic Russians.

### **Muslims in Russia**

Russia as a whole is estimated to have a Muslim population of up to 25 million, at least 15% of its total population, and about one fifth of them are Tatars. Since 1989, Russia's Muslim population has increased by some 40 percent. It should come as no surprise, then, that contemporary Moscow is home to more than two million Muslims, many of them Tatars, giving it the largest population of Muslims of any non-Muslim city in the world. Since 2005, following an initiative taken by President Putin in 2003, Russia has been an Observer State of the Organisation of the Muslim Conference, which unites 57 Muslim states.<sup>9</sup> Russia's demography is anyway changing rapidly. The 2002 census showed that the ethnic Russian population was declining, whereas Muslim populations had grown – Ingush by 90%, Chechens, Amars and Kumyks by 50%, Bashkirs by

<sup>8</sup> The 1993 Constitution in English can be found at <http://president.kremlin.ru/eng/articles/ConstMain.shtml> (accessed on 2 December 2007)

<sup>9</sup> Alyautdinova, Dina (2007) “*Rossiya i islamskii mir – ravnopravnoye sotrudnichestvo* (Russia and the Islamic world – cooperation based on equal rights”, at <http://tatarica.yuldash.com/culture/article551/print/>

24%. There are now five and a half million Tatars by self-identification living in Russia, about 3.8% of the total population.

According to Paul Goble, ethnographers predict Russia will have a Muslim majority "within our lifetime." Russia today has more than 8,000 mosques, up from just 300 in 1991. By 2010, experts predict, some 40 percent of Russian military conscripts will be Muslims.<sup>10</sup> One recent alarmist publication argues that Russia's Muslims are uniting for power.<sup>11</sup> At the same time Russia's Muslims feel themselves under threat. On 5 March 2007 the daily *Izvestiya* published an open letter signed by 3,000 Muslims from 10 regions, complaining of a series of attacks, prosecutions, and, in Astrahan, the destruction of mosques.<sup>12</sup>

### **Russia and the FCNM**

The FCNM's Advisory Committee adopted its Second Opinion on Russia on 11 May 2006, and it was published, together with Russia's Comments, on 2 May 2007.<sup>13</sup> While noting some positive developments, for example in the practice of certain regions, and a flourishing print media, the Committee noted that:

"The situation of persons belonging to national minorities has nevertheless experienced a number of setbacks since the adoption of the first Opinion. There has been an alarming increase in the number of racially motivated crimes in recent years and hate speech has become more prevalent in the media. Incidents of discrimination, including in access to residency registration, remain high. Negative trends have been noted as regards access for numerically small indigenous peoples to land and other natural resources. The situation of persons belonging to national minorities in the Northern Caucasus is particularly disturbing, with incidents of violence and intolerance reported in a number of regions. Efforts are needed to ensure the effective participation of persons belonging to national minorities in both elected bodies and consultative organs at the federal level and in the subjects of the federation."<sup>14</sup>

As regards legislation, the Committee noted that

"... recent amendments resulting in a decline in the level of financial and other forms of support for the cultural activities and economic and social development of persons belonging to national minorities; initiatives aimed at strengthening the role of the Russian language in a number of private and public settings which may present undue obstacles to the use of minority languages; and changes in the rules governing elections and political

<sup>10</sup> Briefing at RFE/RL's Washington office, 28 February 2007

<sup>11</sup> "Musulmane Rossii obyedinyayutsya dlya borby za vlast (The Muslims of Russia are uniting for the struggle for power)" 24 January 2007, at [http://nr2.ru/can\\_not\\_be\\_silent/101082.html](http://nr2.ru/can_not_be_silent/101082.html) (accessed on 30 November 2007)

<sup>12</sup> [http://www.islam.ru/pressclub/islamofobia/open\\_letter](http://www.islam.ru/pressclub/islamofobia/open_letter)

<sup>13</sup> ACFC/OP/II(2006)004, 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/2\\_Second\\_cycle/List\\_2nd\\_Opinions.asp](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/2_Second_cycle/List_2nd_Opinions.asp)

<sup>14</sup> Second Opinion, Executive Summary

parties, which are likely to negatively affect the possibilities for persons belonging to national minorities to participate in public life.”<sup>15</sup>

Implementation also came in for criticism:

“... the Russian Federation’s legislative framework pertaining to minority protection is, in a number of areas, characterised by an unclear division of competences between the federation and its subjects. Aspects of this legislative framework have, moreover, also been subject to rapid and frequent changes in recent years. Neither of these considerations facilitate the task of federal and regional government officials in charge of implementing the legislation, especially in view of the size and demographic complexity of many of the territories concerned.”<sup>16</sup>

As noted above, the Comments of the Russian Federation were also published on 2 May 2007.<sup>17</sup>

The Comments start with a complaint that the Advisory Committee’s views “quite often are unreasonably negative.”<sup>18</sup> On the contrary, Russia asserted, it was “undertaking ultimate efforts” to implement the FCNM. Russia admitted that “... The practice of last years does show that wide opportunities provided by the Federal Law “On National-Cultural Autonomy” are not fully utilized in many instances. Nevertheless, in the majority of cases this situation is due to inadequate institutionalization of persons belonging to national minorities...” The reader should try to puzzle out the meaning of this complaint for herself, and to guess what an “adequately institutionalised” person might be.

Using exceptionally strong language, Russia also expressed “... concern over the somewhat biased interpretation of the Russian legislation and law-enforcement practice on the part of the Advisory Committee, despite the fact that all the required information was submitted to the Committee experts during their visit to Russia in March of 2006.”<sup>19</sup> It was not made clear exactly what was the nature of the bias allegedly shown by the Advisory Committee.

This remark is, however, in line the decision of the Russian State Duma (lower house of parliament), when on Wednesday 20 December 2006, it had voted to refuse to ratify Protocol 14 to the European Convention on Human Rights. This Protocol, which must be ratified by every one of the Council of Europe’s 47 member states in order to come into force, is designed to streamline the procedure of the Strasbourg Court, so as to reduce the backlog of cases (now about 80,000 cases), and shorten the time needed to deliver a decision (now 5-6 years for a “fast-track” case, up to 12 years for other cases). Every member state has now ratified, except Russia.

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<sup>15</sup> Second Opinion, p.4

<sup>16</sup> Second Opinion, p.5

<sup>17</sup> GVT/COM/II(2006)006

<sup>18</sup> Comments, p.2

<sup>19</sup> Comments, p.11

The Duma's decision was accurately described in the *Kommersant* daily newspaper as "The Duma 'Gives It' to the European Court."<sup>20</sup> During the debate, the Vice-Speaker of the Duma, the nationalist Sergey Baburin, complained that "... our voluminous membership fees (Euro 12m, the same as the UK - BB) are being used for attacks on our country" by the Council of Europe<sup>21</sup>. Alexei Mitrofanov, deputy chairman of the Duma's legislation committee, said that the Duma decision was "a direct order from the Kremlin... it is also a mystery what we can achieve by all this. We should simply have explained our grievances to the West."<sup>22</sup>

Russia's Comments to the FCNM also echo President Putin's words with regard to recent decisions of the European Court of Human Rights when, on 11 January 2007 he met members of the "Civil Society Institutions and Human Rights Council". Former Constitutional Court judge and leading human rights supporter Tamara Morshchakova asked him specifically about the refusal to ratify Protocol 14. Putin replied:

"Unfortunately, our country is coming into collision with a politicisation of judicial decisions. We all know about the case of *Ilascu*<sup>23</sup>, where the Russian Federation was accused of matters with which it has no connection whatsoever. This is a purely political decision, an undermining of trust in the judicial international system. And the deputies of the State Duma turned their attention also to that...."

The reader will have noted the Advisory Committee's reference to the North Caucasus. Russia has also been losing a large number of cases brought by Chechens to the Strasbourg Court, starting with the "first six" cases dating from the start of the Second Chechen War in late 1999. The list of defeats for Russia grows every day, and some of the judgments amount to findings of war crimes by named Russian generals. Recent events in Dagestan are also giving rise to new applications.<sup>24</sup>

It is highly unlikely that Russia will leave the Council of Europe, or be expelled from it. But the somewhat peevish response to the Opinion of the FCNM's Advisory Committee is characteristic of Russia's present mood of irritation with all activities and obligations emanating from Strasbourg.

### **The future of the experiment in National Cultural Autonomy (NCA) in Russia**

<sup>20</sup> [http://www.kommersant.com/p732043/r\\_500/State\\_Duma\\_European\\_Court/](http://www.kommersant.com/p732043/r_500/State_Duma_European_Court/) (accessed 30 November 2007)

<sup>21</sup> <http://www.humanrightshouse.org/dllvis5.asp?id=5031> (accessed 30 November 2007)

<sup>22</sup> <http://en.rian.ru/analysis/20061225/57808422.html> (accessed 30 November 2007)

<sup>23</sup> *Ilascu and Others v Moldova and Russia* (No. 48787/99) 08.07.2004; the Court held that Russia was in "effective control" of the unrecognised entity "The Transnistrian Moldovan Republic", and responsible for human rights violations there.

<sup>24</sup> A list of cases and links to judgments can be found on the web-site of the European Human Rights Advocacy Centre (EHRAC), which the author helped to found in 2002. He has represented many of the applicants. See <http://www.londonmet.ac.uk/research-units/hrsj/affiliated-centres/ehrac/>

The second Russian periodic report for the FCNM proclaimed that the Russian experiment in NCA was at the centre of Russia's compliance with its obligations under the FCNM. The Report noted that the Federal Law "On National and Cultural Autonomy" of 1996<sup>25</sup> defined the NCA as

"a form of national and cultural self-determination constituting a public association of citizens of the Russian Federation, identifying themselves with certain ethnic communities, based on their voluntarily chosen identity for the purpose of independently solving the issues of their identity preservation and their linguistic, educational and national cultural development".

The Government cited as a step forward the fact that an amendment to the 1996 Law enacted in 2004<sup>26</sup> give the regions of the Russian Federation the right to render financial support to NCAs:

"for the purpose of preserving the national identity, developing the national language (mother tongue) and national culture and implementing national and cultural rights of citizens of the Russian Federation, identifying themselves with certain ethnic communities...".

Thus, according to the amendments, "the constituent entities of the Russian Federation can participate in the implementation of state policy related to national and cultural autonomies."

In my article on the Tatars of Russia, written in 2005, but published this year<sup>27</sup>, I asked the question: "What is the reason for the clear disutility of the NCA form?"<sup>28</sup> I cited the leading scholar Aleksandr Ossipov, who criticised all other Russian analysis of the NCA phenomenon for the fact that there is no serious attention to the most important question: how does an NCA differ in substance from a social association – an NGO?<sup>29</sup> Ossipov asked the question: what relationship does the institution of NCA have to the Russian state's policy towards ethnic minorities and multiculturalism?<sup>30</sup> He noted that the authorities advertise the NCA policy as a great achievement and the corner-stone of the state's "nationalities policy".

In fact, Ossipov argued, the high-sounding term "autonomy" turns out to be just a worse, inferior, variation of "non-commercial organization". The law gives the NCAs even fewer rights than "ordinary" social associations (NGOs), and on the contrary imposes new and material limitations on them. The Law does not set out clearly the way in which NCAs are to be supported by central

<sup>25</sup> No. 74-Φ3 of June 17, 1996, as amended on June 29, 2004

<sup>26</sup> No. 58-FZ of 29 June 2004

<sup>27</sup> Bill Bowring (2007) "The Tatars of the Russian Federation and National-Cultural Autonomy: A Contradiction in Terms?" in Karl Cordell and David Smith (eds) *The Theory and Practice of Cultural Autonomy in Central and Eastern Europe: Historical and Contemporary Perspectives* Special Issue of *Ethnopolitics*, v.6, n.3, pp.417-435

<sup>28</sup> This is a question which I raised at several seminars organized by the Council of Europe on the FCNM, which I attended as an expert.

<sup>29</sup> Aleksandr Ossipov (2004) *Natsionalno-kulturnaya avtonomiya. Idei, resheniya, instituty*. (National-cultural autonomy. Ideas, decisions, institutions.) (St Petersburg: Centre for Independent Sociological Research), p.246

<sup>30</sup> Ossipov, *ibid*, p.290

or local government. There is provision for cooperation between the authorities and NCAs, but in such a way as to exclude in practice the implementation of long-term, technically complex or costly projects, especially in the field of education. Ossipov insisted that all the tasks for which the NCAs were established can with perfect success be accomplished by way of “ordinary” social associations (NGOs), even without giving them any kind of “ethnic” status. It appeared that the experiment might be dead.

During 2006-2007, however, there has been renewed activity. On 17 April 2006<sup>31</sup> the Ministry of Regional Development of Russia was selected as the government body within which a new body would be established. On 13 June 2006 the then Minister of Regional Development Mr. V.A. Yakovlev issued an order, No.72, entitled “On the Consultative Council on National-Cultural Autonomies of the Ministry of Regional Development of the Russian Federation”. Its inaugural meeting was held on 15 June 2006.

In August 2006, the youthful but prolific Aleksandr Vladimirovich Zhuravskii<sup>32</sup> became Director of the Department for Inter-Ethnic (National) Relations (*Departament mezhnatsionalnikh otnoshenii*) in the Ministry of Regional Development, with direct responsibility for National Cultural Autonomies. In the same month a “Unified Inter-Departmental Commission for Interrelations with Ethnic (National) Public Associations” was created in the Ministry. There are similar consultative bodies in 62 out of 86 of the regions (subjects) of the Russian Federation. On 27-28 June 2007 a joint meeting of the Consultative Council and the Inter-Departmental Commission took place in Kaliningrad. NCA representatives motivated an “Appeal on the inadmissibility of the use of the ethnic factor for political purposes”.<sup>33</sup>

Zhuravskii gave an interview, entitled “Unity, Diversity and Competitiveness”, published on 27 June 2007<sup>34</sup> by the web-site “Peoples of Russia”<sup>35</sup>. In particular, he claimed credit for amendments to the 1996 Law on NCA, giving – at last – support from the Federal budget for the activities of federal NCAs, from regional budgets for regional NCAs, and from regional and local budgets for local NCAs. According to him, there are now 17 Federal, 175 Regional and 371 Local NCAs.

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<sup>31</sup> Order no. No.527-p

<sup>32</sup> He is only 37 years old (born 1970), comes from Kazan, the capital of Tatarstan, has two PhDs (*Kandidat Nauk*) in History and Theology, and until 2002 worked primarily in or with the Russian Orthodox Church. He started his career as a civil servant in 2004 when he became Deputy Director of this Department. See <http://c-society.ru/main.php?ID=217134&ar2=150&ar3=10> (accessed 30 November 2007)

<sup>33</sup> <http://www.minregion.ru/workitems/NewsItem.aspx?NewsID=645> (accessed on 30 November 2007)

<sup>34</sup> <http://www.narodru.ru/article10911.html> (accessed 30 November 2007)

<sup>35</sup> This web-site, [www.narod.ru](http://www.narod.ru), is closely connected with the “Unified Committee for Ethnic (National) Policy and the Inter-relationships between the State and Religious Associations” of the Federation Council (upper house of parliament)

The Appeal of the Consultative Council of 28 June 2007<sup>36</sup> stressed the fact that the sole bearer of sovereignty in Russia is its multi-ethnic people, the united civic Russian (*Rossiskayai*) nation. It expressed alarm at the recent pogroms and racist violence, and declared that the NCA representatives are Russian patriots, despite their varied ethnic roots (Jews, Germans, Ukrainians, Tatars etc).

I have already indicated the importance of the Tatars, as the largest national minority in Russia. According to the 2002 census, there were by then five and a half million Tatars by self-identification living in Russia, about 3.8% of the total population. Tatarstan is one of 21 national (ethnic) republics in the 86-member Russian Federation, and the Tatars are its “titular people”. Tatarstan is about the size of Ireland, with a similar population of nearly 4 million. Its capital, Kazan, has a population of just over 1 million.<sup>37</sup>

On 11 September 2007 the Cabinet of Ministers of Tatarstan and the Council of the Federal NCA of Tatars of Russia concluded an unusual agreement<sup>38</sup>, with the aim of improving cooperation in the fields of preserving and developing the Tatar language and culture in the subjects of the Federation.

Tatars have been prominent in expressing dissatisfaction with the present legislation. On 10 October 2007, Ildar Gilmutdinov, the Chairman of the Federal NCA of Tatars of Russia spoke at the All-Russian meeting on the role of local authorities in prophylaxis of extremism and xenophobia in Saratov, located not far from Kazan on the River Volga.<sup>39</sup> He was also at that time a Deputy of the State Duma, and was especially concerned that the Russian Government had not carried through amendments, proposed by him and his colleagues, to the 1996 Law on NCAs. He pointed to the provision of the law according to which local authorities *may* give financial support to NCAs – but may not. Furthermore, the Federal budget does not contribute a single kopeck to support such financing.

Unless the Russian Government plays a more active leadership role with regard to NCAs, and the newly elected Duma votes for real monetary contributions from the Federal budget, the NCA experiment may well die.

### **New status for the Ministry of Regional Development**

<sup>36</sup> <http://www.minregion.ru/OpenFile.ashx/zayavleniye.doc?AttachID=1136> (accessed on 2 december 2007)

<sup>37</sup> [http://www.kcn.ru/tat\\_en/tatarstan/index.htm](http://www.kcn.ru/tat_en/tatarstan/index.htm) (accessed on 30 November 2007)

<sup>38</sup> <http://nka.tatarlar.ru/news.php?lng=ru&pg=202> (accessed on 2 December 2007)

<sup>39</sup> <http://nka.tatarlar.ru/news.php?lng=ru&pg=211> (accessed on 2 December 2007)

The last Russian government minister with direct responsibility for NCAs was Vladimir Zorin.<sup>40</sup> He was Minister for the Affairs of Nationalities from 2001 to 2004, when his Ministry was abolished. The Ministry's functions with regard to NCAs were then spread among several government ministries and departments, and could not be found on the government's web-sites.

Serious attempts have been made to fill the gap left by the abolition of the Ministry for the Affairs of Nationalities.

However, the main task of Mr Zhuravskii's Department was the formulation, in conjunction with 11 Government Ministries, and experts, of amendments and corrections to the "Concept of State Ethnic (National) Policy of the Russian Federation", originally promulgated by Decree of President Yeltsin in 1996 (the same year as the Law on NCAs). The Republic of Buryatiya, Republic of Chechnya and Arkhangelsk oblast have already adopted Conceptions, and Republic of Karelia, Irkutsk, Sverdlovsk, Chita and Novgorod Oblasts, and the Khanti-Mansinsk Autonomous District are preparing them. A very full and detailed (15 pages) description and analysis of policy and legislative change in the first half of 2007 can be found in the Report (*Spravka*) "On the results of monitoring in the field of state ethnic (national) policy..."<sup>41</sup>

His Department is also leading the Russian National Organising Committee for preparing Russia's participation in the Second World Decade for Indigenous Peoples of the World.

On 24 September 2007 the Ministry of Regional Development was further strengthened, with a massive increase in its budget, and the appointment of the formidable Dmitrii Nikolaevich Kozak<sup>42</sup> as Minister in the place of Yakovlev. He brought in a new team, including several new Deputy Ministers. One of them is Kamil Shamilovich Iskhadov, a Tatar from Kazan, and previously the President's Representative in the Far East Federal District., with a very high-ranking service career behind him in the Communist Party and the Kazan City administration.<sup>43</sup> Zhuravskii kept his job.

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<sup>40</sup> For his short biography, see <http://www.pfo.ru/main/?id=8500>. He has had a classically Soviet functionary's career, and is now the Deputy Representative of the President in the Volga Federal Okrug.

<sup>41</sup> [http://www.minregion.ru/OpenFile.ashx/gos\\_nacpolitika.doc?AttachID=1213](http://www.minregion.ru/OpenFile.ashx/gos_nacpolitika.doc?AttachID=1213) (accessed on 2 December 2007)

<sup>42</sup> Kozak was Head of both the Government Administration in 1999-2000, and Deputy Head and then Head of the President's Administration in 2000-2004. He led the process of legislating substantial legal and judicial reform in 2000-2003, and in September 2004 became the President's Representative in the Southern Federal District, including the Caucasus.

<sup>43</sup> <http://www.minregion.ru/WorkItems/NewsItem.aspx?NewsID=715> (accessed on 30 November 2007)

According to a September 2007 Report by Oksana Yakuba of Zhuravskii's Department<sup>44</sup>, the Federal Budget for 2008, and the Plan period 2009-2010, will contain an article entitled "Measures for realising the State ethnic (national) policy", with annual financing of Roubles 240 million (nearly £48 million). There is to be a special programme for economic and social development of the indigenous small in number peoples of the North, Siberia and Far East of Russia. I refer to this in more detail below.

### **Ratification of the European Charter for Regional or Minority Languages**

Mr Zhuravskii is also leading the long-drawn-out process of ratification of the Council of Europe's European Charter for Regional or Minority Languages, which was signed by Russia on 10 May 2001.

On 12 December 2006 a regular meeting of the Inter-Departmental Working Group on Ratification of the Charter took place at the Ministry.<sup>45</sup> Representatives of the Ministry for Regional Development, the Ministry of the Interior, the Ministry of Education and Science, and the Ministry for Information and Communications took part. The meeting heard the recommendations of the Round Table "The European Charter: fundamental problems and perspectives for ratification" which took place in November 2006 in the Ministry. The main proposal was for a "typology" of languages, sorting the 150 or so languages of the Russian Federation into three groups. First, there will be regional languages or minority languages which have the status of "state language" in (ethnic) republics of the Russian Federation. The second group will comprise languages of indigenous small in number peoples of Russia. Thirdly, there will be regional or minority languages which, although they do not have official status in subjects of the Federation, are "traditional" languages which are widely used in particular territories; a list will be drawn up based on proposals from the regions themselves.

Most importantly, the decision was taken to collect and collate information from the Federal executive authorities and the executive bodies of the subjects of the Federation as to the financial consequences for central and regional budgets of undertaking treaty obligations under Part III of the Charter, as well as analysis of Russian legislation with a view to amendments consequent on ratification. The Working Group was due to meet again in April 2007.

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<sup>44</sup> [http://www.admsurgut.ru/doc\\_download.php?id=106887&kod=dm](http://www.admsurgut.ru/doc_download.php?id=106887&kod=dm) (accessed on 30 November 2007)

<sup>45</sup> <http://www.minregion.ru/WorkItems/NewsItem.aspx?NewsID=469> (accessed on 2 December 2007)

Mr Zhuravskii reported in his interview referred to above that in September 2007 a seminar on ratification of the Charter was due to take place with Ukrainian colleagues. Ukraine has finally ratified the Charter after considerable difficulties.<sup>46</sup>

### **Response to the crisis of the small in number indigenous peoples of Russia**

It is estimated that indigenous small in number people live compactly in more than 30 subjects of the Federation. There are more than 45 ethnic groups, with a total population of 280,000 people.

Here is one example of the crisis that they face. Pavel Sulyandziga, Vice-President of the Russian Association of Indigenous Peoples of the North (RAIPON), is a member of the Udege peoples. Speaking to the “Tribuna” newspaper in November 2007, he said that “... until the 1970s, eight ethnic groups of the Udege people existed, while today only half of them are left because the Ussury taiga forest was cut down on the territories where four of them used to live, which deprived them of their hunting grounds and in effect removed the economic basis of their livelihoods from their under their feet.”

In his view, the greatest danger is the constant deprivation of indigenous peoples of opportunities to practice the traditional pursuits on which their culture, language, traditions and customs are based. Thus, the Law on Guarantees of the Rights of Small in Number Peoples has been so badly mutilated over the past few years that there are practically no rights left. The Law on Territories of Traditional Natural Resources Use of the Small Indigenous Nations of the Russian North, Siberia and the Far East has been in effect since 2001, yet not a single such territory has since been created.

He also complained:

“Life expectancy is probably the best indicator of the quality of life. In our villages it is 48 years. In one of the Evenk villages in the Amur region the average age of the dead was as low as 27 according to the official statistics for the last ten years. The main causes of death were suicides and accidents. I can say without exaggeration that today many of the small peoples are on the verge of disappearance. Out of the 40 indigenous peoples of the North, Siberia and the Far East, 7 are less than a thousand-strong and 12 peoples number less than two thousand each.”<sup>47</sup>

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<sup>46</sup> See Bill Bowring and Myroslava Antonovych “Ukraine’s long and winding road to the Charter” in Robert Dunbar (ed) *The European Charter for Regional or Minority Languages: Legal Challenges and Opportunities* Council of Europe, 2008 forthcoming.

<sup>47</sup> In English at <http://www.arcticpeoples.org/2007/11/05/indigenous-peoples-in-russia-losing-ground/> (accessed on 2 December 2007)

The Government of the Russian Federation has now approved a Concept for a Federal Special Purpose (*Tselevoi*) Programme “Economic and social development of indigenous small in number peoples of the North, Siberia and Far East to the year 2015.”<sup>48</sup> On 26 November 2007 the Ministry for Regional Development announced that it has been instructed to work out a draft of the programme.<sup>49</sup> Its goal is to be provision for sustainable social and economic development of the territories where these people live, to raise their standard of living, and to improve all “life support systems” on the basis of rational use of environmental resources. The draft will also include technical and technological improvement of traditional occupations, of the social sphere, culture and way of life; and identifying and training personnel drawn from the indigenous peoples themselves.

Thus, it is anticipated that by 2015 new homes will be constructed totalling 19.5 thousand cubic metres, as well as education facilities for 10,000 pupils, 430 hospital beds, 19 cultural institutions of 1,000 seats each, 30 traditional craft workshops, and 130 kilometres of electric lines. This will cost 9,844,000 roubles.

It remains to be seen whether this programme will halt or even reverse the inexorable extinction of these peoples.

### **Racism and xenophobia in Russia**

The last few years have seen a growing wave of racist attacks against “non-Russians”, especially those of “Caucasian” appearance. These attacks, frequently resulting in severe beatings and even death, are strongly reminiscent of the pogroms – and the Black Hundreds – of the 19<sup>th</sup> century. The new pogroms came to international attention when, in August-September 2006, a series of mass pogroms took place in Kondopoga, Karelia (which adjoins Finland). On the night of 29-30 August 2006 an affray broke out between drunken local youths and those they described as “blacks” – Russians from Chechnya and other subjects in the southern parts of the Federation. As Zhuravskii points out, some of the victims are “immigrants”, largely from former Soviet republics in the Caucasus and Central Asia, but many are “migrants” from other parts of the vast Russian Federation. As a result of the fighting in Kondopoga, several people died and many were injured. Disturbances continued for several days, and the racist youths appeared to have the support of the

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<sup>48</sup> Instruction of the Russian Government No.1661-r of 21 November 2007.

<sup>49</sup> <http://www.minregion.ru/WorkItems/NewsItem.aspx?NewsID=760&PageID=340> (accessed on 2 December 2007)

local authorities.<sup>50</sup> Similar events have taken place in Salsk, Voronezh, Stavropol and Moscow. Indeed, the excellent Sova Center reported:

“... we have witnessed the active and ubiquitous expansion of ethno-nationalism both in public life (even some politicians formerly regarded as "liberal" used nationalist rhetoric) and in official domestic policies, such as the anti-Georgian discriminatory campaign and the populist ban on foreign traders (commonly understood as "ethnic aliens") selling goods in the Russian retail markets.”<sup>51</sup>

In its Report for 2006, published in March 2007, the Sova Center knew of 539 victims of racist attacks, of which 54 lost their lives. These findings showed a 17% increase in comparison to 2005 (461 victims, 47 deaths).<sup>52</sup> The numbers, of course, would eventually be adjusted. Much of this violence is carried out by skinhead groups. The Sova Center reported:

“... violence by organized skinhead gangs was more open and demonstrative. This explicit nature can take various forms; ... attacks to mark certain events are now more common (in addition, of course, to skinheads' long-standing tradition of “celebrating” Hitler's birthday on 20 April). Such explicit attacks are particularly common in St. Petersburg where diverse skinhead groups are organized and coordinated better than elsewhere. To give one example, a nine-year-old black girl Lillian Sissoco was assaulted shortly after the end of the trial over the killing of another nine-year-old girl, Khursheda Sultonova. This trend has been gradually spreading to other communities, particularly to Moscow. For example, at the 40 day anniversary of the death of Dmitry Borovikov, leader of an odious skinhead-group in St. Petersburg, skinheads in Moscow staged a series of attacks, targeting at least seven people.”<sup>53</sup>

Here is a recent example:

“On October 20, 2007, in Moscow, a group of up to 30 teenagers, presumably football fans, attacked several people, and as a result one of the victims died. All of the assaulted people were of "non-Slavic" appearance. The incidents took place after a football match between the "Spartak" and "Moskva" clubs. At around 5 p.m. on Architect Vlasov street, Sergey Nikolaev, a native of Yakutia and a 46 year-old well-known chess player and businessman, was attacked by a mob of young people armed with baseball bats and knives. Nikolaev was severely beaten and received 10 knife wounds. He died on the scene. Later in the same day, the mob moved to the neighboring Nametkina street where two more attacks were carried out. Galidzhan Gulyashov, a 37 year-old street cleaner from Uzbekistan, and Salimjan Rakhmonov, a 28 year-old Tadjik, were hospitalized with serious traumas and wounds.”<sup>54</sup>

According to Mr Zhuravskii, in the interview cited above, his Ministry and Department are taking the lead in preventing such conflicts, and their recommendations have been put into practice in

<sup>50</sup> <http://xeno.sova-center.ru/45A29F2/7DFCE52> (accessed on 30 November 2007). The excellent Sova Center ([www.sova-center.ru](http://www.sova-center.ru)) publishes daily news of such attacks as well as anti-racist campaigning, and has a web site in English at <http://xeno.sova-center.ru/6BA2468>, funded by the OSCE

<sup>51</sup> <http://xeno.sova-center.ru/6BA2468/6BB4208/93A572E> (accessed on 30 November 2007)

<sup>52</sup> Ibid

<sup>53</sup> Ibid

<sup>54</sup> <http://xeno.sova-center.ru/6BA2468/6BB41EE/A047BFA> (accessed on 30 November 2007)

Karelia and Stavropol. Furthermore, amendments to the Federal Law “On general principles of organisation of local self-government in the Russian Federation”<sup>55</sup> came into force in December 2006, and gave local authorities for the first time express powers to take measures for “national-cultural development of peoples” (!) and otherwise to prevent conflict. Moreover, in Spring 2007 his Ministry together with other ministries, the Office of the General Prosecutor, and religious and ethnic minority organisations prepared a Russian Government “Proposal on measures for the struggle against ethnic and religious extremism and the prevention of inter-ethnic conflicts”.<sup>56</sup> He also saw the Consultative Council on NCAs as playing a key role, participating in a new system for monitoring and regulating pre-conflict situations. In his words, the NCAs are “... a real public force in the prophylaxis of extremism, especially if their functions are widened to the adaption of migrants and the prophylaxis of inter-ethnic conflicts”.

## **Conclusion**

I have shown that renewed attention is being paid in Russia to issues of minority protection. The recent strengthening of the responsible bodies of the Russian executive, now led by young and energetic civil servants, gives grounds for optimism. However, the souring of relations between Russia and both the OSCE and Council of Europe will tend to undermine the positive effect of Russia’s international obligations. It is to be hoped that the Languages Charter will soon be ratified; and that the new programme for the indigenous peoples of Russia will bear fruit. But much will depend on the character of the new parliament and the identity of the new president, and given Russia’s demographic crisis and the rising tide of racist extremism, real progress in the field of minorities protection may be in doubt.

5,482 words

6,328 words with footnotes

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<sup>55</sup> Federal Law № 131-FZ "On the general principles of organisation of local governments in the Russian Federation" of 6 October 2003; this law is intended to implement the Council of Europe’s European Charter on Local Self-Government

<sup>56</sup> Zhuravskii interview, *ibid*