

From Soviet federalism to the creation of the Commonwealth of Independent States (CIS)

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The collapse of Soviet Communism led to dislocation of the Soviet Union, sapped by an ideological, political and economic crisis. This in turn precipitated the break-up of the empire, both cause and effect of the end of Communism. The organisations specific to 'Soviet federalism' hastened the implosion of the Soviet Union despite being primarily intended to consolidate it. One after another the Soviet Socialist Republics (SSRs) proclaimed their sovereignty in the summer of 1991. In December of the same year, some of these republics, which had become independent in the meantime, redefined their respective links by creating the Commonwealth of Independent States (CIS).

Lenin and Soviet federalism

In 1917 the Communist revolutionaries aimed to end capitalism and the centralised despotism of the Tsarist regime. After a brief period of government by the democratic coalition following the revolution of spring 1917, the Bolshevik Party⁽¹⁾, a Marxist revolutionary party led by Lenin, gradually seized the majority in the workers' and peasants' political organisations referred to as soviets. With the revolution of 25 October the party finally overthrew the provisional government. Lenin ended the centralised power that had characterised the Tsarist empire by organising the new Soviet State along federal lines. By taking account of the various nations and ethnic groups occupying the vast area controlled by the Bolsheviks, Lenin established a form of federalism with several tiers, giving a degree of autonomy to the various 'Soviet nations'. The Constitution of the Russian Soviet Federative Socialist Republic (RSFSR), dated 10 July 1918, marked the birth of the first Soviet State. This federal State comprised the Soviet Socialist Republic (SSR) of Russia, several Autonomous Soviet Socialist Republics (ASSR), Autonomous Regions and Autonomous Districts. Different degrees of competence and autonomy were invested in the various federal bodies. Once the RSFSR had been formed, Lenin encouraged the formation of new SSRs following the example of the RSFSR across all the territories of by the former Russian empire.

New Soviet Republics thus sprang up at the instigation of national revolutionary governments. On 10 March 1919, the Seventh Congress of the Soviets of Ukraine adopted a Constitution modelled on the RSFSR. In Belarus, the First Congress of the Soviets adopted a Soviet-style Constitution in February 1919. SSRs were also formed in Lithuania, Latvia and Estonia, but they disappeared in 1919 when Soviet forces collapsed. In the Caucasus, Soviet Republics were established in 1920 in Azerbaijan and Armenia. In contrast, Georgia retained its Menshevik⁽²⁾ Government which would not recognise the authority of the Bolsheviks. The conflict was settled by the Red Army's incursion into Georgia to counter the Menshevik regime. Constitutions based on the RSFSR model were adopted by the SSRs of Azerbaijan (19 May 1921), Armenia (2 February 1922) and Georgia (28 February). From 1920, the RSFSR was the de facto dominant force over the other republics in political, military, economic and demographic terms⁽³⁾.

The birth of the Soviet Union (30 December 1922)

With the final victory of the Bolsheviks over the Mensheviks, liberals and 'whites'⁽⁴⁾, Lenin wanted to strengthen and codify the links between the various SSRs. On 10 August 1922, a committee chaired by Stalin, the People's Commissar of Nationalities, was formed to draw up a plan for a federal State. The plan, presented on 10 September 1922, proposed that the SSRs should be absorbed into the RSFSR. Stalin wanted Ukraine, Belarus, Georgia, Armenia and Azerbaijan to become an integral part of the RSFSR in their capacity as autonomous entities. The republics were not at all in favour of this approach, the most outright hostility being voiced by the Communist leaders of the Caucasus⁽⁵⁾. In the end Lenin intervened, taking into account the views of the various SSRs and agreeing to the adoption, on 13 December 1922, of the Constitution of the Transcaucasian Soviet Federative Socialist Republic, comprising the Republics of Armenia, Azerbaijan and Georgia, by the first Congress of the Soviets of Transcaucasia.

On 30 December 1922 the first Congress of Soviets⁽⁶⁾ created the Union of Soviet Socialist Republics (USSR) by adopting the Treaty and Declaration of Union between the four republics (RSFSR, SSRs of Ukraine and Belarus, SFSR of Transcaucasia). Finally the RSFSR did not absorb the other constituent parts and each republic kept its own Constitution. Scarcely a year later the Treaty and Declaration of Union⁽⁷⁾

were replaced by the second Constitution of the Soviet Union, the *Lenin-Trotsky* Constitution. The ‘common text on the creation of the Soviet Union’ was ratified on 31 January 1924 by the second Congress of Soviets.

The USSR comprised several federal republics with borders defined on the basis of the demographic distribution of a ‘people’, in its Soviet definition. The Lenin-Trotsky Constitution of 1924 enshrined, in formal terms, the union of sovereign nations with equal rights. It granted to the SSRs the right of secession (Article 4) as well as allowing new Socialist Republics to join the Union (preamble). During the 1920s many territorial changes occurred with borders being redrawn and the formation of several ASSRs inside the SSRs⁽⁸⁾. In addition, three new federal republics were created (the SSRs of Turkmenistan and Uzbekistan, previously part of the RSFSR, then the SSR of Tajikistan, which was separated from Uzbekistan).

The third Soviet Constitution, adopted on 5 December 1936 and known as the *Stalin* Constitution, redefined federal bodies and the government of the USSR, giving Moscow greater power over the other SSRs. In addition to concentrating greater powers in the hands of the federal leadership of the Communist Party, the interests of the USSR increasingly merged with those of the RSFSR.

Under the 1936 Constitution, the number of federal republics rose from seven to eleven. The RSSF of Transcaucasia was disbanded and Armenia, Georgia and Azerbaijan were integrated directly into the USSR in the form of SSRs. Two new republics were also formed, the SSRs of Kazakhstan and Kyrgyzstan.

In 1940, following the outbreak of the Second World War, other SSRs were formed by incorporating previously independent States (Lithuania, Latvia and Estonia). Some time before, on 12 October 1924, the USSR had established the Moldavian ASSR, which was part of the SSR of Ukraine. This particular ASSR officially granted many rights to the Romanian minority of Ukraine and, according to Stalin, would ‘foreshadow what would one day become Soviet Romania’. In August 1940, following the Germano-Soviet pact of 1939, the Moldavian ASSR was converted into the SSR of Moldavia, becoming a federal entity of the USSR. In 1956, the SSR of Karelia, an area once part of Finland but annexed by the USSR in 1940, became a part of the RSFSR as the ASSR of Karelia. No further changes were made to the organisation of the USSR until its final collapse.

The federal organisation of the USSR (1956–1990)

The organisation of the USSR continued without any structural changes from 1956 to 1990. The Soviet federal State comprised 15 federal entities, the SSRs. As sovereign republics, they kept their own constitution and were divided into regions (or *oblasts*), except for Latvia, Lithuania, Estonia and Moldavia which had a unitary structure. Some federal republics (Russia, Georgia, Armenia, Uzbekistan and Tajikistan) contained ASSRs that enjoyed a degree of self-government. Furthermore, some territories in the RSFSR itself and the SSRs of Tajikistan, Georgia and Azerbaijan were given the status of autonomous regions.

Of the four Soviet Constitutions, it was the third one, adopted in 1936, that was in force for the longest time. It was only replaced on 7 October 1977 when the Supreme Soviet⁽⁹⁾ of the USSR unanimously adopted the fourth and final Soviet Constitution, referred to as the ‘Fundamental Law of the Union of Soviet Socialist Republics’. Article 70 of the *Brezhnev* Constitution states that the USSR is an integral, federal, multinational State formed on the principle of socialist federalism. It also states that the USSR is the result of the free self-determination of nations and the voluntary association of equal Soviet Socialist Republics. Article 72 recalls that each republic ‘shall retain the right freely to secede from the USSR’.

Towards secession of the Soviet Socialist Republics

As long as the Soviet Communist regime was able to contain and control the civic and social demands of the peoples of the various SSRs, no one questioned the underlying need for the Union. The policy of the Party leadership naturally sought to maintain a cohesive whole, whereas each national group tried to obtain the most advantages. To achieve its aims, the Party leadership used the various resources at its disposal, granting loans and allocating varying degrees of cultural autonomy. At the same time it acted to repress

‘exaggerated nationalism’ if the central power loosened its grip. The national factor consequently encouraged decentralisation of power. However the Kremlin was careful to ensure that the limits set by the central power were not exceeded.

Until the mid-1980s Moscow repressed any movements deemed to be ‘exaggerated nationalism’, which sometimes degenerated into sporadic uprisings and civil war. When the process of democratic reform set in motion by Gorbachev undermined the central Soviet power base and its outposts in the SSRs, nationalist movements cited Articles 70 and 72 of the 1977 Constitution to back their demands for greater autonomy or even independence.

In the Baltic countries, which had been fought over for centuries by the Slavs, Germans and Swedes, and had been independent from 1920 to 1939, revolts occurred throughout the Communist era. Inspired by the hopes of independence voiced by the Eastern Bloc countries and encouraged by the establishment of a semi-democratic government in Poland, demonstrations in favour of a return to independence were held simultaneously in the three Baltic countries between 1988 and 1989. Particularly violent demands also surfaced in the Transcaucasian republics, which recalled their past history of independence, sometimes spanning several centuries. When the national popular fronts first threatened to invoke Article 70 of the Constitution, they were really asking Moscow for an end to the dominance of the central powers and the RSFSR over the other SSRs.

Confronted with a difficult political and economic situation, Gorbachev endorsed the constitutional reform of 1 December 1988, which allowed multiple candidates for the next elections. The new Legislative Assembly, elected on 26 March 1989, consequently sought to restore the legitimacy of the central power and consolidate the Union. Two thirds of the Congress of People’s Deputies were now elected by universal suffrage, with a secret ballot and several candidates. But the first free general election was marked by defeat for candidates sympathetic to Gorbachev and the election of radical and nationalist reformers. The arrival in the Supreme Soviet of representatives of national popular fronts, such as the *Sajudis* from Lithuania, revealed the scale of the disaster facing Gorbachev. The nationalists gained a formidable platform from which to promote their ideas of independence and national liberation. By allowing national movements to express themselves freely, the democratisation of the regime fuelled tension, which in turn caused unrest and even civil war between peoples nursing deep-rooted enmity, such as the Orthodox Armenians and the Muslim Azeris.

To thwart nationalist forces and secure the survival of the USSR in one way or another, Gorbachev tried to rally the republics around a new proposed Union. The new Union would serve as a basis for the renewal of Soviet federalism as part of an increasingly democratic USSR. The new Treaty was well received in the Central Asian republics, which above all wanted the economic support of the RSFSR and access to the markets of the USSR. In March 1991 Gorbachev called a referendum⁽¹⁰⁾ on the future of the Soviet Union in nine republics⁽¹¹⁾. The electorate voted in favour of the New Union Treaty. Armenia, Estonia, Latvia, Lithuania, Georgia and Moldova, governed by their respective national popular fronts, did not take part in the referendum. In April 1991, at the summit of Novo-Ogaryovo, Gorbachev and the leaders of the nine republics decided to speed up the establishment of the New Union Treaty. Gorbachev thought that if an initial group of SSRs signed the new Treaty it would encourage the other republics to follow suit.

The Commonwealth of Independent States, an inter-state organisation with mixed achievements

On 19 August 1991, on the eve of the signing of the Union Treaty by Russia, Kazakhstan and Uzbekistan, but before the six other republics in favour of reforming the Union had declared their support, a coup d’état took place in Moscow, launched by a group of conservatives⁽¹²⁾ who could not accept the risk that the USSR might break up. They decided to depose Gorbachev, who was on holiday in the Crimea at the time, replace him as Head of State by the Vice-President Gennady Yanayev, declare a state of emergency and restore censorship. Boris Yeltsin, who had been elected President of the Supreme Soviet of the RSFSR by universal suffrage on 12 June 1991 with a large majority (53.7 % of the vote), thwarted the coup. He called for a general strike, rallying troops and leading demonstrations against the coup leaders. The latter were swiftly arrested.

Gorbachev returned to Moscow on 27 August after the failure of the coup d'état, but he did not regain his position of power. From then on it was Yeltsin who held all the cards. In June 1991 he had convinced the Russian Supreme Soviet to adopt a text proclaiming the superiority of Russian law over its Soviet counterpart. On 12 June 1991, the day he was elected President of Russia, Yeltsin declared the sovereignty of Russia and resigned from the Communist Party. The party was forbidden in the army and state bodies, and he later had it suspended. Gorbachev resigned as General Secretary of the Communist Party. The RSFSR, a pillar of the USSR, distanced itself from the authority of the Kremlin.

Encouraged by the failure of the coup, the Congress of Deputies of the USSR granted substantial powers to the republics, the 'centre' only retaining control over foreign and defence policy. But the republics were increasingly reluctant to accept any limitation on their sovereignty. Central government having lost its authority, demands for independence were heard on all sides, rendering the ultimate dislocation of the USSR inevitable.

Lithuania was the first SSR to declare its independence on 11 March 1991. Estonia and Latvia followed suit on 20 and 21 August respectively, during the attempted coup in Moscow. In the Caucasus, Georgia was the first to declare independence on 9 April 1991, followed by Azerbaijan on 30 August 1991 and Armenia on 23 September 1991. One after another the federal entities of the Soviet Union declared independence: Ukraine on 24 August 1991, Belarus on 25 August, Moldova on 27 August, Uzbekistan and Kyrgyzstan on 31 August, Tajikistan on 9 September, Turkmenistan on 27 September and finally Kazakhstan on 16 December. Secession by Ukraine on 1 December 1991 and its refusal to sign the Union Treaty signalled the ultimate demise of the Soviet Union.

Gorbachev, still President of the USSR — having been elected on 1 March 1990 by the Soviet deputies after obtaining the necessary amendment to the Constitution — tried, in vain, to have a treaty of economic union adopted. On 3 December he issued a dramatic appeal to prevent disintegration of the Union. On 8 December, however, the Presidents of Russia, Belarus and Ukraine, meeting in Minsk, decided that 'the Soviet Union as a geopolitical reality and a subject of international law has ceased to exist'. They signed an accord establishing a Commonwealth of Sovereign States open to all the States of the former USSR. Gorbachev had no option but to endorse this solution. On 21 December, at a meeting in Alma-Ata⁽¹³⁾, eight other republics joined the initial three. The Commonwealth of Independent States (CIS) thus came to be established. It comprised 11 republics: Armenia, Azerbaijan (formal membership in 1993), Belarus, Kazakhstan, Kyrgyzstan, Moldova (formal membership in 1994), Uzbekistan (formal membership in 1992), Russia, Tajikistan, Turkmenistan and Ukraine. Estonia, Latvia, Lithuania and Georgia refused to sign the Declaration of Alma-Ata. The same day, the 11 signatories informed Gorbachev that the USSR and his role as President had ceased to exist. Gorbachev resigned on 25 December.

The role of the Commonwealth of Independent States

The CIS is a loosely bound, inter-state organisation, comprising some but not all of the former SSRs of the Soviet Union. Following in the footsteps of the former Eastern Bloc countries, the Baltic States were determined to move closer to the West. The logical conclusion of this trend came with membership of the North Atlantic Treaty Organisation and the European Union in 2004.

The CIS Charter, which sets forth the basic rules for its operation, was adopted in 1993. That same year, the Member States signed an Agreement on Economic Union in order to develop economic and trade cooperation. In 1993 the increasingly unsettled political situation in Abkhazia and the region of Tskhinvali forced Georgia to apply for CIS membership.

Between 1994 and 1999 the CIS, with its headquarters in Minsk, was paralysed by tensions between Member States. Following a Russian initiative the executive bodies of the CIS were reformed in the first decade of the 21st century to give it renewed impetus. But most of the projects launched within the framework of the CIS have come to nothing. The 1992 Collective Security Treaty, which was signed by Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Uzbekistan, Russia and Tajikistan,

purports to enshrine the military strength of the CIS. Its official aim is to combat terrorism and organised crime. But the Collective Security Treaty Organisation (CSTO) is often seen as an instrument designed to guarantee Russian control over its 'near abroad'. Azerbaijan and Georgia, which signed the original Treaty, have left the CSTO. Uzbekistan also left, but, yielding to Russian pressure, rejoined the organisation in early 2006.

Despite the patent failure of the CIS, some former Soviet Republics maintain trade links through the Eurasian Economic Community, established in October 2000 between Belarus, Russia, Kazakhstan, Kyrgyzstan and Tajikistan. In September 2003 Belarus, Russia, Ukraine and Kazakhstan signed an agreement setting up a Common Economic Space.

Since its inception, several States have opted to leave the CIS⁽¹⁴⁾ prompted by fears of Russian interference in their domestic affairs. Ukraine gave up membership when it rejected the organisation's Charter on 22 January 1993. In accordance with the Charter, Turkmenistan applied for observer status within the CIS in 2005. But its application has been held up by the Council of Heads of State, so Turkmenistan is still officially a full member. On 14 August 2008, following the Russian intervention in Georgia and the conflict in South Ossetia, the Georgian Parliament voted to take Georgia out of the CIS.

The Commonwealth of Independent States and the legacy of the Soviet Union

The CIS was originally also intended to settle the problems posed by unravelling of the Soviet legacy (nationalities, territory, legacy of the Soviet state apparatus, etc.). In practice, the Russian Federation took over the Soviet legacy: the Kremlin, the Ministry of Foreign Affairs, single command of strategic nuclear weapons, the seat as a Permanent Member of the United Nations Security Council, gold and diamond reserves, and oil resources. In return, Russia recognised the inviolability of frontiers with its partner states, which was important for countries with large Russian minorities (such as Ukraine and Kazakhstan). When the USSR collapsed, the borders between former SSRs were not officially disputed, but as soon as it started to disintegrate, some Autonomous Republics and Regions started demanding self-government or independence from the former SSRs.

Nationalist movements, unleashed by the break-up of the USSR and exacerbated by religious conflicts, sapped the independence of recently formed States, particularly in the Caucasus. Under the Constitution of the USSR, SSRs could secede from the USSR. But the individual constitutions of the SSRs did not grant similar rights to their Autonomous Republics and Regions. When the Armenian population of Nagorno-Karabakh⁽¹⁵⁾, an autonomous region that was part of the SSR of Azerbaijan, proclaimed its independence, it dealt a serious blow to Armenia, suspected by the international community of providing the self-proclaimed republic with military logistic support. Sanctions were consequently imposed on Armenia, which, although it did not officially recognise the Nagorno-Karabakh Republic, refused to condemn its incursions into Azerbaijan, prompting the fall of the regime in power. Heydar Aliyev, a former *apparatchik* and the new leader of Azerbaijan, agreed to negotiate with the separatists but to no avail. The conflict over Nagorno-Karabakh has become one of many unresolved conflicts in the Caucasus.

Since the independence of Georgia, the Abkhaz⁽¹⁶⁾ people have refused to accept the authority of the Tbilisi government, invoking the right of peoples to self-determination. In this they enjoy the support of the Chechens⁽¹⁷⁾, themselves in conflict with Moscow⁽¹⁸⁾ for similar reasons, but also of the Balkars and Kabards⁽¹⁹⁾ who want to establish a Republic of the Peoples of North Caucasus. The South Ossetians⁽²⁰⁾ have been disputing their status as part of the Republic of Georgia since 1989. They want independence, to unite with the North Ossetians⁽²¹⁾ whose territory is inside Russia. This powder keg exploded again on 8 August 2008 when Georgia invoked the need to protect its territorial integrity and sent in large numbers of troops to restore the central government's authority in South Ossetia. This in turn triggered the intervention of the Russian army, which inflicted heavy losses on the Georgian troops. Georgia consequently left the CIS.

In conclusion, the downfall of the USSR has given rise to political reconstruction that has yet to be completed. Despite the efforts of Gorbachev, the break-up of the USSR was inevitable. Given the right of secession, it was also perfectly legal. The CIS emerged from the ruins of the Union. Though a confederate

organisation, its real aim was to manage the cumbersome legacy of the Soviet empire. In practice, the Russian Federation is the successor of the USSR. The CIS, which was supposed to settle post-Soviet conflicts at an intergovernmental level, failed to do so. Nor has it succeeded in preventing the risks of 'Balkanisation' of the Caucasus, particularly as some parties see the CIS as a natural extension of Russia. From this standpoint, the CIS should be seen as a phase in the unfinished process of state-building undertaken by the Tsarist empire and the Soviet Union.

- (1) The Bolsheviks (meaning 'majority') constituted the majority faction in the Russian Social-Democratic Workers' Party, founded in 1903. Under the leadership of Lenin, the Bolsheviks formed a separate party in 1912. After the Russian revolution of February 1917, the Bolsheviks seized power in the name of the Soviets in October 1917. In 1922 the party changed its name to the Communist Party of the Soviet Union (CPSU).
- (2) The Mensheviks (meaning 'minority') formed the minority faction in the Russian Social-Democratic Workers' Party, when the party split in two at the Congress of London in 1903. (Banned in the Tsarist empire, exiled Russian Communists held their meetings in Britain and Germany.) At the Congress of Soviets on 25 October 1917, the Menshevik delegates walked out rather than endorse the October revolution, which they condemned as a 'Bolshevik coup'. The Bolsheviks finally crushed the Mensheviks during the Civil War.
- (3) In 1918 the RSFSR took charge of recruitment for the Red Army, to which the armed forces of the other republics were attached. To facilitate recruitment, single citizenship was established.
- (4) Supporters of the monarchy.
- (5) Among the Communist leaders in the Caucasus, the Georgians were the most fiercely opposed to absorption of their country by the RSFSR.
- (6) The Congress of Soviets consisted of representatives of urban Soviets and of government Soviets from each SSR. The assembly was convened once a year to ratify decisions taken by the members of the Central Executive Committee, to which, in its capacity as a sovereign assembly, the Congress of Soviets had delegated part of its powers. However its role was soon reduced, with real power shifting to the leaders of the Communist Party of the Soviet Union (CPSU).
- (7) The Treaty and Declaration of Union between the four Socialist Republics became, in the language of historians, the 'first Constitution of the USSR'.
- (8) ASSRs were formed in the RSFSR and in the Transcaucasian FSSR.
- (9) The Supreme Soviet had two chambers, each invested with equal legislative powers. Their members were elected for a five-year term. The Soviet of the Union was elected on the basis of population, with one deputy for every 300 000 inhabitants of the Federation. The Soviet of Nationalities was supposed to represent the various ethnic groups in the Federation. Its members were elected on the basis of 25 deputies for each SSR, 11 for each ASSR, 5 for each AR and 1 for each *oblast*. The Supreme Soviet was the highest executive body in the Soviet Union and the only one empowered to make constitutional amendments.
- (10) The referendum also concerned the creation of a President for the USSR.
- (11) RSFSR, Belarus, Ukraine, Azerbaijan, Turkmenistan, Uzbekistan, Tajikistan, Kazakhstan, Kyrgyzstan.
- (12) This group of conservatives consisted of members of the CPSU, the army and the KGB.
- (13) Alma-Ata was the capital of the SSR of Kazakhstan. It was renamed Almaty in 1991, and remained the capital of the Republic of Kazakhstan until 1998, when this distinction was transferred to Astana.
- (14) Since the CIS was established, the post of Executive Secretary has been held exclusively by Russians and Belarusians.
- (15) During the Soviet era, Nagorno-Karabakh enjoyed AR status, as part of the SSR of Azerbaijan.
- (16) During the Soviet era, Abkhazia enjoyed ASSR status, as part of the SSR of Georgia.
- (17) During the Soviet era, the area occupied by Chechen and Ingush peoples enjoyed ASSR status (Chechen and Ingush ASSR), as part of the RSFSR.
- (18) At the end of two very destructive wars (1994–1996 and 1999), the Russian Federation reasserted its authority over Chechnya.
- (19) During the Soviet era, the area occupied by Kabards and Balkars enjoyed ASSR status (Kabardino-Balkarian ASSR), as part of the RSFSR.
- (20) During the Soviet era, South Ossetia enjoyed AR status, as part of the SSR of Georgia.
- (21) During the Soviet era, North Ossetia enjoyed ASSR status, as part of the RSFSR.