

**COMPARATIVE ANALYSIS OF
THE ORGANIZATIONAL AND
LEGAL SUPPORT OF LOCAL SELF-GOVERNMENT
IN PLACES OF COMPACT RESIDENCE OF
INDIGENOUS SMALL-NUMBERED PEOPLES
IN THE NORTHERN CAUCASUS AND
THE NORTHERN SPECIAL-STATUS TERRITORIES
OF THE KRASNOYARSK KRAI**

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ABSTRACT

The paper is devoted to the issues of the modern state of the organizational and legal support of local self-government in places of compact residence of indigenous small-numbered peoples in Russia. The emphasis is placed on comparative legal study of the practical implementation of local self-government in the Northern Caucasus and the Northern special-status territories of the Krasnoyarsk Krai (administrative territory). An analysis of the constitutional provisions of the Russian Federation, which regulate the right to local self-government and determine the list of state guarantees of their preservation, has been conducted. The peculiarities of legal regulation

of the right to local self-government in accordance with the Federal Law on General Principles of the Organization of Local Self-Government in the Russian Federation have been identified. This regulatory act establishes the general provisions, principles and methods of implementation of the right to local self-government in the subjects (constituent entities) of the Russian Federation. Meanwhile, the federal legislation does not restrict the policy-making of the governing bodies of the federation subjects in the sphere of regulation of local self-government with regard to ethnic, cultural and historical peculiarities of regional development. The analysis of the regulatory and legal support

of the local self-government in the Northern Caucasus and the Northern special-status territories of the Krasnoyarsk Krai holds a special place in the work. Furthermore, the issues and peculiarities of such regulation at the federal level and the level of the federation subjects are analyzed separately. The authors propose a comparative characteristic of the regulatory and legal support of local self-government in certain Russian Federation subjects. The conclusions made on the basis of such analysis demonstrate the need to accept the fact that the nature of legal regulation of local self-government in federation subjects is directly dependent and founded on, in particular (but not exclusively), its administrative and territorial structure. A conclusion is drawn in regard to the legal regulation of the implementation of the right to local self-government reflects the peculiarities of the authorities' territorial organization in the specific subject of the federation. Special attention is heeded to the

issues of implementation of local self-government in the Krasnoyarsk Krai. For instance, it has been determined that in the Krasnoyarsk Krai, the legislation of the federation subject creates far more extensive opportunities for the development of the local self-government, which simultaneously do not contradict the Constitution of the Russian Federation or the federal laws. Meanwhile, it has been determined that the method of exercising the right to local self-government by specific ethnic groups has found its practical manifestation in the form of corresponding constitutive acts of the subjects of local self-government (the local self-government entities). An analysis of implementation of local self-government in the federation subjects with administrative-territorial units with a special status has been conducted, which has made it possible to formulate the corresponding proposals on the elucidation and improvement of the Russian legislation.

KEYWORDS: *local self-government, subject of the federation, federal legislation, administrative-territorial units with a special status, legal regulation, organizational and legal support, self-government bodies.*

Introduction

The right to exercise local self-government is one of the fundamental ones in the system of democratic rights guaranteed and realized by the state in regard to the population, especially poly-ethnic population. The development of local self-government is a crucial component of state policy for the Russian Federation, although it is nominally implemented in the interests of the city district and municipal population. On the scale of the entire state, with regard to the heterogeneity of the ethnic makeup and places of compact residence of national minorities and small peoples, the implementation of the right to self-government is considered one of the ways to ensure the unity of the all-Russian vector of socio-economic development in all the state's territories. Considering the ethnic, mental, national and other peculiarities of the populations of certain territories, the state establishes the required premises for the stable development of all the territories via creating the joint organizational and legal foundations for local self-government. Such development is conducted with regard to the maximum realization of each federation subject's and municipal district's potential. The realization of such a potential is possible only via raising the level of involvement of local communities in the processes of resolving socio-economic and public policy issues of territorial development. It is

precisely through the local self-government mechanism that the required level of inclusion of the local community in the political and legal continuum of self-government issues is attained. In order to raise the efficiency of local self-government in the Russian Federation, it is necessary to take a selective approach with regard to the peculiarities to the national and ethnic makeup of the regions in question. It seems that the stimulation of the national identity components of certain, first and foremost, small peoples, may provide new momentum to the efficiency of local self-government. The actualization of this research direction with regard to the development of the small peoples of the Northern Caucasus and peoples in other regions of the Russian Federation is determined by the discrepancy in the level of economic development of different areas. In other words, a serious hypothesis is proposed regarding the fact that the level of national self-identification of small peoples and their ethnic distinctiveness directly affect the level and nature of the practical realization of the right to local self-government. The level of national self-consciousness in a poly-ethnic state, with the proper construction of state government architecture and the development of effective mechanisms of state regional policy, affects not only the quality of territorial development, but also resolves a far more global issue—the de-actualization of ethnic conflicts and lowering the risks of growing separatism. This is precisely why the goal of this paper is the search for effective determinants of the organizational and legal development of local self-government in the Russian Federation with regard to national, mental and cultural distinctions characteristic of Russia's small peoples.

Regulatory and Legal Support of the Local Self-Government in the Northern Caucasus and Special-Status Northern Territories of the Krasnoyarsk Krai: Federal Level

The exercise of the right to local self-government is enshrined in the Constitution of the Russian Federation, where Chapter 8 “Local Self-Government” is devoted to it. A systemic analysis of Arts 130-133 of this chapter demonstrates the following peculiarities of the constitutional legal status of the local self-government bodies and the mode of implementing the right to it:

- First of all, the general nature of the constitutional norms is of interest, in particular, the delineation of the essence and the forms of local self-government. For instance, in accordance with Art 130 of the Constitution of the Russian Federation, “Local self-government in the Russian Federation shall ensure the independent solution by the population of the issues of local importance, of possession, use and disposal of municipal property. Local self-government shall be exercised by citizens through a referendum, election, and other forms of direct expression of the will of the people, through elected and other bodies of local self-government.”¹ Meanwhile, the Constitution of the Russian Federation does not contain an exhaustive list of potential self-government bodies, but does determine the method of its implementation—the citizens’ direct expression of will.

¹ *The Constitution of the Russian Federation*, 12 December, 1993, available at [<http://www.constitution.ru/en/10003000-09.htm>], 6 March, 2019.

- Secondly, Art 131 of the Constitution of the Russian Federation stipulates the right to exercise self-government “with the consideration of the historical and other local traditions. The structure of local self-government bodies shall be determined by the population independently.”² Thus, the peculiarities of the population’s self-organizations determine the differences in forms and methods of local self-government depending on the mental and national peculiarities of the peoples of the Russian Federation, meanwhile the territorial or regional ties are conducted accordingly to an exclusively ethnic principle.
- Thirdly, the independence of local self-government bodies in the issues of municipal property management and municipal law and order is directly consolidated on the constitutional level (Art 132 of the Constitution of the Russian Federation), while the possibility of delegating certain powers from federal authorities to local self-government bodies is present.

Meanwhile, Levan Chikhladze remarks that “in actuality, constitutional norms that have stipulated the foundations of local self-government still require legislative specification, although they are directly applicable norms.”³ This subject sphere is regulated by the special regulatory act, the Federal Law on General Principles of the Organization of Local Self-Government in the Russian Federation dated 6 October, 2003 #131-FZ (hereinafter Federal Law #131-FZ), which determines, among other things, the principles of organization of the local self-government; powers of the federal state authorities and state authorities of the Russian Federation subjects in the sphere of local self-government; legal premises of municipal legislative acts; issues within the competence of local self-government bodies; legal premises of the activities of these bodies and their legal status; forms of direct implementation of local self-government by the population; economic foundations of its implementation, as well as the issues of inter-municipal cooperation.⁴

In accordance with this law, local self-government in the Russian Federation is a “form of the people exercising their power, which allows an independent and responsible resolution by the population directly and (or) through the self-government bodies of the issues of local significance with regard to the interests of the population and historical or other local traditions in the scope set by the Constitution of the Russian Federation, federal laws, and in cases stipulated by federal laws—by the laws of the subjects of the Russian Federation.”⁵ Thus, the dualism of the regulatory and legal support of the local self-government in the Russian Federation is maintained: on the federal level (principles and foundations of the local self-government, its limits and bounds of realizing the rights to it are determined); at the level of federation subjects (peculiarities and typical differences in realization of the local self-government in a specific subject of the Russian Federation or in the area of compact residence of a specific ethnic group). According to Andrey Klishas,⁶ such dualism primarily contributes to the efficiency of state guarantees and the very process of state regulation of exercising the right to self-government by the people of the Russian Federation, as an integral component of democratization of social processes and one of the most important constitutional rights.

For the purposes of this paper, the following provisions of the Federal Law #131-FZ are of interest:

² *The Constitution of the Russian Federation*, 12 December, 1993.

³ L.T. Chikhladze, “Konstitutsionnye osnovy mestnogo samoupravleniia v Rossiyskoy Federatsii,” *Vestnik Moskovskogo universiteta MVD Rossii*, No. 5, 2015, pp. 45-49.

⁴ See: *On the General Principles of the Organization of Local Self-Government in the Russian Federation: Federal Law of 6 October, 2003 # 131-FZ*, available in Russian at [http://www.consultant.ru/document/cons_doc_LAW_44571/], 6 March, 2019.

⁵ *Ibidem*.

⁶ See: G.K. Artamonova, V.V. Gorbachev, A.A. Klishas, “Prava cheloveka, politicheskaia stabilnost i konstitutsionnyy kontrol: nekotorye voprosy vzaimoobuslovlennosti,” *Yuridicheskaya nauka: istoriya i sovremennost*, No. 8, 2012, pp. 27-30.

Art 10, which stipulates the subjects of local self-government, including: cities, villages, municipal districts, city districts and intra-city areas of federally governed cities.⁷

Chapter 5, which stipulates the forms of direct realization of local self-government by the population: local referendum (Art 22); municipal elections (Art 23); people's gathering as a form of a specific municipal authority, endowed with law-making initiative, but barred from direct law-making (Art 25); citizens' direct law-making initiatives (Art 26); election of village chief (Art 27); public hearings and discussions (Art 28); citizen meetings (Art 29); citizen conferences (Art 30); citizen polling (Art 31); other forms of implementing local self-government (Art 33), which do not contradict the Constitution of the Russian Federation, federal laws, or laws and legal acts of the federation subjects, but take into account their territorial, cultural, ethnic and socio-economic specifics;

Chapter 3, which stipulates the powers of local self-government bodies in accordance with the status of subject of local self-government.

Regulatory and Legal Support of the Local Self-Government in the Northern Caucasus and Special-Status Northern Territories of the Krasnoyarsk Krai: Federation Subject Level

A systemic analysis of the regulatory legal acts that determine the nature of implementation of local self-government in various subjects of the Russian Federation in the Northern Caucasus (Chechen Republic, Republic of Dagestan, Stavropol Krai), as well as in the Krasnoyarsk Krai displays an example of a significantly broader implementation of this right [to local self-government] in modern conditions of Russian state-building. It should be noted that in the above-mentioned Russian Federation subjects, local self-government is carried out on the basis of the corresponding republican constitutional laws and regional charters. They describe the general parameters of exercising the right to local self-government, but the detailed elaboration of this right in a specific federation subject is contained in a special legislative act, which regulates the functioning of local self-government bodies (see Table 1). It should be noted that the features of almost all constitutional acts, with the exception of the Charter of the Krasnoyarsk Krai, replicate the provisions of the Constitution of the Russian Federation and Federal Law #131-FZ. Table 1 demonstrates that there are a number of distinctions between the organizational and territorial structure of local governments in the respective subjects of the federation. At the same time, the regulatory acts of the Krasnoyarsk Krai do not contradict the provisions of the Constitution of the Russian Federation, but rather develop the immanence of the provisions that concern the practical implementation of the organizational form of local self-government. This thesis is confirmed by the results of fundamental research conducted by A.A. Akmalova. The scientist notes that "the issues common to legal regulation and organization of local self-government possess the immanently inherent properties of any system (integrity, structure and functionality) and are characterized by attributive qualities, which are jointly represented by the concept of 'local self-government.' They embody the theoretical ideas about local self-government and reflect the

⁷ See: *On the General Principles of the Organization of Local Self-Government in the Russian Federation...*

Table 1

Comparative Characteristic of the Regulatory and Legal Support of Self-Government in Certain Subjects of the Russian Federation

The Subject of the Federation	Number of Subjects of Local Self-Government	Legislative Framework of Local Self-Government within the Federation Subject*	Nature of Legal Regulation of Exercising the Right to Local Self-Government
Republic of Dagestan	42 municipal districts; 10 city boroughs	<ul style="list-style-type: none"> — Constitution of the Republic of Dagestan dated 10 July, 2003; — Law of the Republic of Dagestan on Some Issues of Organization of Local Self-Government in the Republic of Dagestan #117, dated 8 December, 2015 	Provisions of regulatory legal acts of the federation subjects duplicate or reproduce the provisions of the Constitution of the Russian Federation and Federal Law #131-FZ. They differ only in the comprehensiveness of the transfer of powers from federation subjects' state authorities to the level of local self-government bodies, towards a decrease in the list of such delegated powers in comparison with the Constitution of the Russian Federation and the norms of the Federal Law #131-FZ
Stavropol Krai	26 municipal districts; 10 city boroughs	<ul style="list-style-type: none"> — Charter of the Stavropol Krai #6-kz, dated 12 October, 1994; — Law of the Stavropol Krai on Local Self-Government in the Stavropol Krai #12-kz, dated 2 March, 2005 	
Chechen Republic	15 municipal districts; 2 city boroughs	<ul style="list-style-type: none"> — Constitution of the Chechen Republic dated 23 March, 2003 (as amended on 20 July, 2018); — Law of the Chechen Republic on Local Self-Government in the Chechen Republic #11-RZ, dated 24 May, 2010 	
Krasnoyarsk Krai	42 municipal districts; 2 administrative-territorial units with a special status; 13 city boroughs; 3 closed administrative-territorial units	<ul style="list-style-type: none"> — Charter of the Krasnoyarsk Krai #5-1777, dated 5 June, 2008; — Law of the Krasnoyarsk Krai on Some Issues of Organization of Local Self-Government Bodies in the Krasnoyarsk Krai #7-2884, dated 1 December, 2014 	Has a number of special characteristics that are implemented through corresponding regulatory legal acts, the possibility of adoption and realization of which do not contradict the Constitution of the Russian Federation and the Federal Law #131FZ, and is directly stipulated in the region's legal acts

* Aside from the Constitution of the Russian Federation and the Federal Law #131-FZ.

fundamental generally accepted principles of its organization, systematized in the European Charter of Local Self-Government, the Declaration of the Rights of the City and other acts of international law.⁸ Thus, the legislation of the Russian Federation and its subjects reflects the general trends and aspects of the realization of the right to local self-government in its doctrinal sense. However, taking into account the nature and the diversity of the ethnic and national composition of the Russian Federation, the general trends should have the practical utility tools under the conditions of a particular region or specific territory. This is feasible only with regard to the peculiarities of legal consciousness, law enforcement and legal culture of those who exercise the right to local self-government.

First of all, it should be noted that the Constitution of the Republic of Dagestan dated 10 July, 2003 (as amended on 26 December, 2017),⁹ The Constitution of the Chechen Republic dated 23 March, 2003 (as amended on 20 July, 2018),¹⁰ The Charter (Fundamental Law) of the Stavropol Krai #6-kz, dated 12 October, 1994,¹¹ almost completely repeat the provisions of Arts 130-133 of the Constitution of the Russian Federation as far as regulation of the implementation of local self-government is concerned.

Regulatory legal acts of the aforementioned federation subjects, which regulate the implementation of local self-government in such subjects, are also identical to the federal legislation. For example, the Law of the Stavropol Krai on Local Self-Government in the Stavropol Krai #12-kz, dated 2 March, 2005¹² and the Law of the Chechen Republic on Local Self-Government in the Chechen Republic #11-RZ, dated 24 May, 2010¹³ are an exact reflection of the norms of the Federal Law #131-FZ.

Some distinctions are present in the Law of the Republic of Dagestan on Some Issues of the Organization of Local Self-Government in the Republic of Dagestan #117, dated 8 December, 2015.¹⁴ It is significantly shorter than the above-described regulatory acts, including Federal Law #131-FZ, and in terms of its structure and presentation logic, it is, in fact, a constitutive document of the organizational and administrative nature which describes the architecture of local governments and the nature of their relations with state authorities in the Republic.

The nature of the legal regulation of local self-government in a certain subject of the federation directly depends on its administrative and territorial structure. This conclusion suggests that the legal consolidation of the procedure for exercising the right to local self-government plays an auxiliary role and primarily reflects the features of the administrative component of the territorial authority in a particular federation subject. At the same time, the ethnic, mental, and cultural components, or, in other words, the population, which is the carrier of the right to local self-government, plays a secondary role and acts mostly as an object for which the legal and regulatory framework for implementing this right is being created.

As far as the legal framework for implementing the right to local self-government in the Krasnoyarsk Krai is concerned, a number of specific features inherent in this federation subject are to be noted:

⁸ A.A. Akmalova, *Osobennosti pravovogo regulirovaniia i organizatsii mestnogo samoupravleniia v Rossiyskoy Federatsii: teoretiko-metodologicheskii aspekt*: Doctoral Thesis (Law); specialty—12.00.02 constitutional law; municipal law, Moscow, 2003, pp. 12-14.

⁹ See: *The Constitution of the Republic of Dagestan*, 10 July, 2003 (as amended on 26 December, 2017), available in Russian at [<http://docs.cntd.ru/document/802018919>], 6 March, 2019.

¹⁰ See: *The Constitution of the Chechen Republic*, 23 March, 2003 (as amended on 20 July, 2018), available in Russian at [<http://docs.cntd.ru/document/819051373>], 6 March, 2019.

¹¹ See: *The Charter (Fundamental Law) of the Stavropol Krai: Law of the Stavropol Krai of 12 October, 1994 #6-kz*, available in Russian at [<http://docs.cntd.ru/document/461505117>], 6 March, 2019.

¹² See: *On Local Self-Government in the Stavropol Krai: Law of the Stavropol Krai of 2 March, 2005 #12-kz*, available in Russian at [<http://docs.cntd.ru/document/461500681>], 6 March, 2019.

¹³ See: *On Local Self-Government in the Chechen Republic: Law of the Chechen Republic of 24 May, 2010 #11-RZ*, available in Russian at [<http://docs.cntd.ru/document/906800156>], 6 March 2019.

¹⁴ See: *On Some Issues of the Organization of Local Self-Government in the Republic of Dagestan: Law of the Republic of Dagestan of 8 December, 2015 #117*, available in Russian at [<http://docs.cntd.ru/document/430599396> 2019-03-06], 6 March, 2019.

- First of all, in order to regulate the local self-government issues in the Krasnoyarsk Krai, significantly more legal acts have been adopted and are in effect than in the above-mentioned federation subjects analyzed above. These regulatory acts include the following, and are structured in a specific hierarchical order:
 - at the first level of this hierarchy is the Charter of Krasnoyarsk Krai #5-1777, dated 5 June, 2008,¹⁵ where a separate section is devoted to issues of local self-government, the semantic and functional content of which is broader than the Constitution of the Russian Federation and Federal Law #131-FZ. However, at the same time, the provisions of the Charter of the Krasnoyarsk Krai do not contradict the specified legal acts. For example, in accordance with Art 157 and Art 160 of this Charter, “local self-government is organized in accordance with the general principles established by federal law. Territorial public self-government may be exercised in accordance with federal and regional laws within separate parts of municipal formations.”¹⁶ Such rules contain the most important remark—the legal regulation of the procedure for exercising the right to local self-government in the Russian Federation is not limited to the provisions of the Constitution of the Russian Federation or Federal Law #131-FZ, but may be carried out through separate independent legal acts;
 - the second level of the hierarchy consists of the Law of the Krasnoyarsk Krai on Some Issues on Organizing Local Self-Government in the Krasnoyarsk Krai¹⁷ #7-2884, dated 1 December, 2014, and the Law of the Krasnoyarsk Krai on Elections to Local Self-Government Bodies in the Krasnoyarsk Krai¹⁸ #5-1611, dated 17 May, 2018. They determine the special operational regime of local self-government bodies, which is identical to that established by Federal Law #131-FZ. This is due to the fact that Art 162 of the Charter of the Krasnoyarsk Krai contains an imperative norm, which states that “regional authorities cannot make decisions that infringe upon the rights of municipalities and local self-government bodies, which are secured by federal laws and local laws, or restrict the guarantees provided to them.”¹⁹ However, in accordance with Part 1 of Art 163 of the Charter of the Krasnoyarsk Krai, “federal laws and laws of the region can endow local self-government bodies in the region with certain state powers.”²⁰ This approach is implemented from the practice of federal law-making, when the legislator allocates a special status of a local self-government subject to administrative-territorial units that are places of compact residence of small peoples, or in a number of other cases. Exactly the same logic is used in the regional legislation;
 - the third level of the hierarchy consists specifically of municipal legal acts, which determine the procedure for the practical implementation of local self-government in certain territories. In particular, these include the Charter of the Evenk Municipal District, adopted by the decision of the District Council of Deputies of the Evenk Municipal District on 22 December, 2005 #27-3,²¹ and the Charter of the Taimyr Dolgano-Nenets Municipal

¹⁵ See: *The Charter of the Krasnoyarsk Krai: Law of the Krasnoyarsk Krai of 5 June, 2008 #5-1777*, available in Russian at [<http://www.krskstate.ru/docs/0/doc/483>], 6 March, 2019.

¹⁶ Ibidem.

¹⁷ See: *On Some Issues of the Organization of Local Governments in the Krasnoyarsk Krai: Law of the Krasnoyarsk Krai of 1 December, 2014 #7-2884*, available in Russian at [<http://zakon.krskstate.ru/doc/21734>], 6 March, 2019.

¹⁸ See: *On Elections to Local Self-Government Bodies in the Krasnoyarsk Krai: Law of the Krasnoyarsk Krai of 17 May, 2018 #5-1611*, available in Russian at [<http://www.krskstate.ru/docs/0/doc/49001>], 6 March, 2019.

¹⁹ *The Charter of the Krasnoyarsk Krai...*

²⁰ Ibidem.

²¹ See: *The Charter of the Evenk Municipal District: Decision of the District Council of Deputies of the Evenk Municipal District of 22 December, 2005 #27-3*, available in Russian at [http://www.evenkya.ru/power/ustav_emr/], 6 March, 2019.

District, adopted by the decision of the Taimyr Dolgano-Nenets Municipal District meeting on 22 December, 2005 #02-0063.²² The possibility of adoption and the significance of these regulatory legal acts for regulating local self-government in certain areas of the Krasnoyarsk Krai are defined in Art 33 of the Charter of the Krasnoyarsk Krai. Thus, in accordance with Part 1 and Part 2 of this article, the “Taimyr Dolgano-Nenets and Evenk Districts are administrative-territorial units with a special status, which guarantees that the interests of these territories are taken into account by the federal authorities in accordance with federal legislation, this Charter and the laws of the region. The interests of the above-mentioned administrative-territorial units are ensured by taking into account their special status in the regulatory legal acts adopted by the state authorities.”²³

- Secondly, a systemic analysis of the above-mentioned legal acts allows us to conclude that the Krasnoyarsk Krai offers extended opportunities for the population to realize its right to local self-government, which do not contradict the Constitution of the Russian Federation. At the same time, such a right is not merely stipulated at the legislative level in the legal field of the Krasnoyarsk Krai, but also manifests in the form of relevant legal acts of local self-government subjects.
- Thirdly, the regulatory support of local self-government in the Krasnoyarsk Krai is subject to the provisions of the Federal Constitutional Law on the Formation of a New Constituent Entity of the Russian Federation in the Russian Federation as a Result of the Unification of the Krasnoyarsk Krai, the Taimyr (Dolgano-Nenets) Autonomous District and the Evenk Autonomous District, dated 14 October, 2005, #6-FKZ²⁴. This federal constitutional law establishes new subjects of the federation in the Krasnoyarsk Krai—Taimyr (Dolgano-Nenets) and Evenk Autonomous Districts, in order to improve the management of territorial development, create better conditions for the region’s socio-economic development, with regard to ethnic composition and the needs of small peoples. Formally, the above-mentioned law has a constitutive character, since it creates the prerequisites for the functioning of a separate independent entity of state relations. The status of this subject is not stipulated at the constitutional level, but the fact that the local government authorities have the greatest effect on the development of both districts, given the content of the provisions of the Federal Constitutional Law #6-FKZ, is quite obvious. Therefore, the Charter of the Krasnoyarsk Krai establishes a special procedure for the implementation of local self-government in these autonomous districts.

Thus, the legislative framework for the implementation of local self-government in the analyzed federation subjects provides for the possibility of a significant expansion of the forms and options of implementation of this right by the legal acts adopted in the subjects of the federation. Given the heterogeneity of composition, a significant number of federation subjects and the differences in their status, the Russian legislator chooses the correct legislative strategy to ensure the exercise of the right to local self-government, creating general principles and frameworks for its implementation, without burdening it with imperative provisions that can lead to excessive and erroneous algorithmization of its implementation.

²² See: *The Charter of the Taimyr Dolgano-Nenets Municipal District: Decision of the Taimyr Dolgano-Nenets Municipal District Meeting of 22 December, 2005 #02-0063*, available in Russian at [<http://www.taimyr24.ru/Documents/Ustav/>], 6 March, 2019.

²³ *The Charter of the Krasnoyarsk Krai...*

²⁴ See: *On the Formation within the Russian Federation of a New Subject of The Russian Federation as a Result of the Unification of the Krasnoyarsk Krai, the Taimyr (Dolgano-Nenets) Autonomous Region and the Evenk Autonomous Region: Federal Constitutional Law of 14 October, 2005 #6-FKZ*, available in Russian at [http://www.consultant.ru/document/cons_doc_LAW_56027/], 6 March, 2019.

Organizational and Institutional Support of the Local Self-Government in the Northern Caucasus and Special-Status Northern Territories of the Krasnoyarsk Krai

The peculiarity of the implementation of local self-government in the federation subjects where administrative-territorial units with a special status (hereinafter—ATUSS) are located is that the legal regime of ATUSS operation is not stipulated in the Constitution of the Russian Federation, and not regulated by the provisions of Federal Law #131-FZ. At the same time, the creation of an ATUSS is carried out exclusively in accordance with the federal constitutional law, since it predetermines the alteration of the Constitution of the Russian Federation itself in connection with the emergence of a new subject of the Russian Federation. Meanwhile, there is no emphasis on how the right to local self-government is exercised by citizens inhabiting the territory of such an ATUSS.

Pavel Romashov therefore concludes that an ATUSS “is formed as a part of new subjects of the Russian Federation as a result of the dissolution of autonomous districts as subjects of the Russian Federation as a result of merging with the ‘parent’ region. The nature and content of the unification process regulated by federal and regional legislation is predetermined by the constitutional and legal nature of the special status of administrative-territorial units. In the units where ethnic groups constitute the majority of the population or its significant part, a special status may be granted in the form of administrative ethnic group autonomy in the places of compact residence in the respective district.”²⁵ A feasible viewpoint holds that ATUSS is a transitional form of the government’s territorial organization and administrative division, which takes into account the interests of small nations to the maximum. We see the special utilitarian nature of ATUSS under conditions of limited economic resources for the implementation of local self-government, where the issue of administrative-territorial unit enlargement does not infringe upon the rights of indigenous peoples and does not lead to changes in the ethnic composition of the newly formed federation subjects.

In this regard, we can cite the thesis previously proposed by Maksim Zhurov regarding the fact that “the most important task of local self-governments is to promote the development of statehood under condition of the harmonization of ethnic relations, tolerance, and prevention of extremism.”²⁶ This important remark simultaneously proves the necessity and expediency of the existence of the ATUSS, and the importance of the administrative and legal determination of its status. In the same vein, we can propose the thesis that ATUSS not only preserves the cultural and mental identity of small peoples, but promotes the development of the tradition of their self-government and self-organization, especially in the conditions of the North.

We can partially find confirmation of this thesis in the works of Vladimir Fadeev,²⁷ Natalia Yaltonskaya and Irina Eliseenko,²⁸ as well as comparative legal research conducted by Alexander

²⁵ P.A. Romashov, *Administrativno-territorialnaia yedinitsa s osobym statusom (konstitutsionno-pravovoe issledovanie)*: Abstract of Ph.D. Thesis (Law); specialty—12.00.02—constitutional law; municipal law, Tyumen, 2008, pp. 7-8.

²⁶ M.A. Zhurov, *Rol etnicheskikh soobshchestv v konstitutsionno-pravovom formirovanii organov mestnogo samoupravleniia v Rossiyskoy Federatsii*: Ph.D. Thesis (Law); specialty—12.00.02—constitutional law; municipal law, Moscow, 2006, pp. 8-10.

²⁷ See: V.I. Fadeev, “Mestnoe samoupravlenie v Rossii: istoricheskii opyt i sovremennaia praktika pravovogo regulirovaniia,” *Lex russica*, No. 4, 2014, pp. 396-412.

²⁸ See: N.S. Yaltonskaya, I.V. Eliseenko, “Institut praktikov ili kompleksnoe razvitiie mestnogo samoupravleniia v Krasnoyarskom kraie,” *Munitsipalnoe imushchestvo: ekonomika, pravo, upravlenie*, No. 2, 2017, pp. 46-47.

Larichev.²⁹ Levan Chikhladze also draws attention to the fact that local self-government in certain territories with a special status can be an element of the state's national unity policy.³⁰ However, Vitaliy Yeremian concludes that the state considers the right to local self-government for certain ethnic groups to be a way of more stable organization of the administration system in the region where such a group lives.³¹

According to Denis Kozlov, the Krasnoyarsk Krai is the most striking example of the effective ATUSS operation in the Russian Federation. This became possible due to a balanced and consistent policy of the Krasnoyarsk Krai authorities aimed at ensuring inter-ethnic tolerance and developing a multi-cultural basis for social interaction within the region. Thus, the researcher notes that “with the 2007 merger of the Krasnoyarsk Krai, the Taimyr (Dolgano-Nenets) and the Evenk Autonomous Districts into a single subject of the Russian Federation, significant structural changes took place in the regional authorities and bodies: The Legislative Assembly Committee of the Far North and Small Indigenous Peoples has been set up; the Ministry of the Affairs of the North and the Support of Small Indigenous Peoples has been created in the regional government structure.”³²

Returning to the practice of organizing local self-government in the ATUSS territories on the example of the Krasnoyarsk Krai, one should pay attention to the provisions of Art 164 and Art 165 of the Charter of the Krasnoyarsk Krai. Thus, in accordance with Part 1 of Art 164, “in order to organize the interaction of local governments, the expression and protection of common interests of municipalities, the Council of Municipalities of the Krasnoyarsk Krai and the Association for the Interaction of Government Representative Bodies and Local Self-Government Bodies of the Krasnoyarsk Krai are formed.”³³ And in accordance with Part 2 of Art 165, “the governor of the region determines the executive authority of the region and (or) the regional official responsible for the interaction with municipalities located in the Taimyr Dolgano-Nenets and Evenk districts, and taking into account the interests of these municipalities when dealing with issues of relations with state authorities.”³⁴ The above-mentioned institutional entities establish the required level of coordination of state authorities' activities in the field of development and guarantees of local self-government in ATUSS. But the Council, the Association, and, even more so the officials of state bodies act as the components of an authoritative and managerial system determined by the state. As for the institutional basis of local self-government, which has a clearly defined public character, one should heed attention to the existence of the Nenets parliament as a special form of self-organization of the population of not merely such an ATUSS as the Taimyr (Dolgano-Nenets) autonomous district, but rather of the entire Nenets ethnicity, living in other territories of the Krasnoyarsk Krai, among other places.

According to Yuri Lukin, the main goal of the Nenets parliament's activity is the practical realization of the right to self-organization, political, cultural, mental and historical identity by the Nenets people, which is manifested in the coordination and organizational functions of the parliament.³⁵ In addition, it is important to understand that the representative capacity of the parliament

²⁹ See: A.A. Larichev, *Pravovoe regulirovanie i organizatsiia mestnogo samoupravleniia: opyt Kanady i ego primenimost v rossiyskikh usloviakh: monografiia*, OOO Prospekt, Moscow, 2017, pp. 12-14.

³⁰ See: L.T. Chikhladze, “Nekotorye osobennosti modeli mestnogo samoupravleniia i mestnogo upravleniia v stranakh Latinskoy Ameriki,” *Vestnik Moskovskogo gosudarstvennogo oblastnogo universiteta*, Series: *Yurisprudentsiya*, No. 4, 2014, pp. 29-34.

³¹ See: V.V. Yeremian, *Mestnoe upravlenie i mestnoe samoupravlenie v Latinskoy Amerike*: Abstract of Doctoral Thesis (Law); specialty—12.00.02—constitutional law; municipal law, Moscow, 2001, 44 pp.

³² D.V. Kozlov, “Organizatsionno-pravovye osnovy garantirovaniia prav korennykh malochislennykh narodov kraynego Severa Rossiyskoy Federatsii (na primere Krasnoyarskogo kraia),” *Vestnik ekonomiki, prava i sotsiologii*, No. 3, 2014, pp. 140-144.

³³ *The Charter of the Krasnoyarsk Krai...*

³⁴ *Ibidem*.

³⁵ See: Yu.F. Lukin, “Stanovlenie novoy modeli mestnogo samoupravleniia v severnykh territoriiakh,” *Vestnik natsionalnogo komiteta “Intellektualnye resursy Rossii”*, No. 4, 2006, pp. 112-126.

allows the Nenets people to have legitimate representation in the dialog with government authorities. Under such conditions, the development of local self-government reaches its peak level, and its effectiveness—its maximum potential organizational and legal limits.

Conclusion

Summing up the analysis of the organizational and legal support of local self-government in the places of compact residence of small-numbered peoples on the example of the Northern Caucasus and the special-status Northern territories of the Krasnoyarsk Krai, we come to the following important conclusions:

- Firstly, the current Russian legislation related to local self-government is characterized by two major features of its development. The immanence of federal-level legal acts allows federation subjects and specific subjects of local self-government to acquire forms of practical implementation and methods of activity that maximally reflect the national, socio-economic, historical, cultural, and regional characteristics of the implementation of local self-government. Introducing general principles and frameworks for the exercise of this right, the state encourages the authorities of federation subjects and their population to create their own unique models and connections in the functioning of the local self-government bodies and their interaction with the state authorities within the framework of existing legislation. In this way, the maximum effect is achieved in the development of the small peoples' self-organization system.
- Secondly, the modern practice of local self-government by small peoples of the Russian Federation demonstrates the existence of special subjects—administrative-territorial units with a special status. Taking into account the state of the legislation of the Russian Federation and the lack of a clear definition of the legal status of ATUSS, we propose to supplement the Federal Law #131-FZ with Art 82.6 as follows:

“Art 82.6. Features of the organization of local self-government in administrative and territorial units with a special status

1. Features of the organization of local self-government in administrative-territorial units with a special status are determined by the relevant Federal constitutional law, which determines the establishment of such a unit.
2. The direct implementation by the population of local self-government in administrative-territorial units with a special status and the legal framework of local self-government bodies should be determined with regard to the national, cultural and historical features of the development of small peoples that constitute the ethnic majority of an administrative-territorial unit with a special status.”

Thus, we propose to eliminate one of the most significant problems of the modern legal framework for the realization of the right to local self-government by the small peoples of the Russian Federation residing in the ATUSS.