

Between Minority Rights and Civil Liberties: Russia's Discourse Over "Nationality" Registration and the Internal Passport*

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The registration of citizens' ethnicity ("nationality") in official documents was commonplace and often obligatory in the Soviet Union, and the practice continued in the Russian Federation through the 1990s. In 1997, the Yeltsin government replaced the Soviet internal passport with a new one not featuring the "nationality" entry. The new document was met with an instant wave of protests from Russia's regions, above all the ethnically defined federal subjects. They objected to the removal of the "nationality" entry, and also because the passport (unlike the Soviet one) did not have a section in the federal subject's own language(s) besides Russian, and did not display the emblems of the region in question.

The internal passport was introduced in the Soviet Union in 1932, and has since served as the citizens' main identity document.¹ Since nationality was the fifth entry in these documents, following surname, name, patronymic and date and place of birth, it has been known as the "fifth point" (*pyatyy punkt; pyataya grafa*). A passport holder was not in a position where he could choose what nationality to enter (contrary to what has been the practice at censuses). If both parents were of the same nationality, that would also be his nationality. If they were of different nationalities, he could choose only between these two. The choice would be his to make when he received his first passport at the age of 16. In the public debates over the abolition of the "fifth point," a variety of arguments for and against have been put forward.² Some have argued that ethnicity should be a matter of individual privacy; others have pointed out that citizens have a constitutional right to express their ethnic identity. Some have held that ethnicity should not be politically institutionalized; others have said that if it is not, vulnerable ethnic groups will be threatened by assimilation into stronger groups.

This article will examine the reactions to the new passport that were heard from Russia's ethnically defined regions—in particular on the absence of the "nationality" entry—and contextualize this center–region conflict in relation to broader issues of balancing minority protection versus civil liberties. The period considered begins with the October 1997 introduction of the passport, and ends with the final solution of the conflict, in spring 2001. Thus, the time-span covers a period of rapid change in Russian center–region relations: the transfer of power from Boris Yeltsin

to Vladimir Putin, and the latter's reassertion of central power over the regions. Focus is on regions that were particularly prominent in challenging the federal center on the passport issue, and where the different ethnic composition of the populations has created different political dynamics.

The article first gives a background to the federal decision to abolish the "fifth point" before it lays out the discourse in the regions over the new passport and the "nationality" entry. Thereafter, the political context is explored in some more detail, as the controversy is seen in light of the "nationalizing" trend in the regions in the 1990s, and the issue of ethnic reidentification and ethnicity registration. The last two sections describe how the conflict came to an end, and how the Council of Europe's experts have assessed the solution and its compatibility with the Council's Framework Convention on Minority Rights.

Deciding to Abolish the "Fifth Point"

An essential aspect of the controversy over the passport and "nationality" is the 1993 Constitution's position on this issue. This constitution may appear ambiguous on the issue of nationality; Article 26.1 reads:

Everyone has the right to determine and state [*opredelyat i ukazyvat*] his national affiliation. No one can be forced to determine and state his national affiliation [*natsionalnoy prinaldlezhnosti*].³

These two sentences have been cited by different sides in the debate over the new passport. That being so, one might consider that the paragraph has not been made sufficiently clear to provide a solution to the issue of the "nationality" entry. However, it does look as if this constitutional text was interpreted by most parties involved in the preparation of the new passport as pointing in only one direction: towards an abolition of the "fifth point." A commentary edition of the 1993 constitution seems to lend support to such an interpretation. It concluded that in the new constitution, an approach to the problem had been formulated that was different from the Soviet one: "Stating one's personal nationality is not a duty, but the right of the individual."⁴

A diversity of this author's informants, including both scholars and political actors of different views, share the basic view that it was politicians and intelligentsia of liberal democratic orientation that shaped the decision to abolish the "fifth point." Among these, furthermore, it seems to have been a widespread opinion that the 1993 Constitution provided no other option than an abolition. This is not to say that there was no dissent within the political and administrative quarters where the decision was made. It appears, for instance, that police and security organs were against the abolition, for their own reasons. "Of course they were . . . In general a system like this is very useful to power structures and police states," said Vyacheslav Igrunov, a Duma deputy from Yabloko and human rights activist since the Brezhnev era. To

make his point even clearer, he referred to the harassment by Moscow police of persons of Caucasian nationality—*litsa kavkazskoy natsionalnosti*, as the catchphrase goes. The ultimate decision to abolish the nationality entry Igrunov attributed to the liberal, humanistic orientation of those who dominated the process.⁵ According to Professor Valeriy Tishkov, director of the Institute of Ethnology and Anthropology at the Russian Academy of Sciences, and a former Minister of Nationalities, the outcome was not given at the outset. He explained how he himself tried to influence the decision by advancing his scholarly perspectives, and also by directly warning the decision-makers that any other solution than abolition would contradict the 1993 Constitution. Tishkov explained his position on the issue precisely in accordance with the liberal, civic understanding of nationhood, by which ethnic affiliation is seen as a private matter.⁶

Making nationality an exclusively private matter would clearly increase the leverage of an all-encompassing civic identity in relation to exclusionary ethnic identities. Nevertheless, it seems that the prime motivation behind the abolition of the “fifth point” was the civic liberties of the *individual*.⁷ There is a multitude of dimensions to ethnic politics in Russia, and one has been discrimination. The Soviet-era phrase *invalid pyatoi gruppy* (“disabled of the fifth category”) described with characteristic Russian wit those who were deprived of work and other opportunities, or in extreme cases had been deported, solely on basis of their “fifth point” entry.

Another dimension to the issue of abolition was Russia’s entry into the Council of Europe, which took place in February 1996. In October 1997, while the State Duma had not yet ratified the European Human Rights Convention, President Yeltsin pledged that Russia would honor all the obligations it undertook when joining the organization.⁸ Shortly after the protests against the passport erupted, it was reported that experts in the Foreign Ministry considered that the presence of the nationality entry in that document contradicted the European Convention. In the long run, this might negatively affect Russia’s authority in EU and other organizations, they reasoned.⁹ However, while many of those in favor of the abolition of the “fifth point” have referred to “world practice,” it does not appear that international pressure figured very prominently in the debates. Nevertheless, it is helpful at this point to draw the attention to one particular section—Article 3.1—of the Council of Europe’s Framework Convention on Minority Rights, which the signatories are obliged to abide by.¹⁰ This section is worded as follows:

Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.

The similarities between this paragraph and Article 26.1 of the Russian Constitution are striking. Notably, the elements in the latter that have caused much controversy in Russia are also present in the former. What that signifies for minority protection is an issue we will return to at the end of this article.

The passport issue received very little media attention before the document was introduced. Moreover, the political, academic and administrative actors who took part in the decision-making did not provide for a public debate beforehand. Some, like former Minister of Nationality Policies Ramazan Abdulatipov, have suggested that the outcome would have been less tumultuous had there initially been a public debate:

We debated for a long time over whether or not to include nationality in the passport. Then without asking anyone, we issued the passport and then began to discuss whether it was good or bad. What happens as a consequence of this? Any random person has an opportunity to speculate on the nationalities question.¹¹

It is quite likely that this absence of a public debate was the result of the participants' wish not to stir up too much passion. Shortly after the new passport had been introduced in October 1997, representatives of the authorities in charge expressed their surprise that reactions had become so sharp. It is difficult to understand how they could have been so surprised, given the situation in which ethnicity was becoming increasingly politicized in the country. A more plausible explanation is that there was still an effort going on to downplay the political significance of the new passport.

The Regions' Reactions to the New Passport

Russia is divided into 89 federal units, of several different levels of formal and real autonomy. The highest degree of autonomy is enjoyed by the 21 republics, each of which has its own elected president and legislative assembly. These are all ethnically defined: Tatarstan as the homeland of the Tatars, Kabardino-Balkariya of the Kabardins and Balkars, and so on. The same is the case with 10 autonomous *okrugs* and one autonomous *oblast* (Birobidzhan). This does not mean that the titular nationality is dominant in every one of these subjects—on the contrary, it is smaller than the ethnic Russian population in as many as 12 of the 21 republics, and in some of the ethnically defined federal subjects the titular nationality makes up less than 10% of the total population—but it does mean that ethnic awareness in general is strong among the titular population. And local nationalizing policies in post-Soviet years have probably made it even stronger.

Not much material exists to document the attitude in the public opinion in general on the issue of the passport. Moreover, not all of what exists differentiates between respondents of different passport nationality. One all-Russian opinion poll conducted in 1997 did not divide its respondents according to nationality, but to age. In this poll, 22.4% of the young (16–26 years) and 17.3% of the older respondents (40–60 years) were in favor of abolishing the “fifth point” in the passport; 23.7% of the young and 33.3% of the older thought the entry should remain; while finally 38.7% of young and

39.3% wanted it to remain, but that filling it out should become optional.¹² A poll conducted in the republic of North Ossetiya shortly after the passport issue appeared showed that 42% of respondents were negative towards the abolition of the “fifth point,” whereas 43% were positive or indifferent (the remaining 15% found it difficult to answer). Broken down, the figures showed that among the Ossets, 22% were positive, while among ethnic Russians the figure was 41%, and other peoples 30%.¹³ In Kabardino-Balkariya, a survey conducted during the same period showed that, on the question “To what extent is your national affiliation important to you?”, 67.9% answered “important,” 14.5% answered “not very important,” and 8.4% “indifferent.” Asked of their opinion on the removal of the “nationality” entry from the new federal passport, 25.7% of respondents said they were positive, whereas 45.6% were negative and 18.3% were indifferent.¹⁴

It is from the ethnically defined federal subjects that the protests against the abolition of the “fifth point” were the strongest. During October and November 1997, most if not all of these federal subjects came out against the federal authorities on the issue. Recurrent themes in their reasoning were each citizen’s right to determine and state his nationality, and the threat of assimilation of “small peoples.” Most vocal among the critics were probably Tatarstan and Bashkortostan, two republics with a history of assertiveness in relation to Moscow.

At an October 1997 meeting of Tatarstan’s State Council (parliament), many deputies described the new document as a “provocation.” While even at that early time inserts in the passport was mentioned as an option, the deputies were not consoled. The session ended with a resolution being passed that instructed the local Interior Ministry not to issue the passport on the territory of the republic.¹⁵ One month later, the State Council passed an appeal stating its position on the passport issue. Here, it described an insert (rather than proper pages) as “a violation of human rights,” and requested federal authorities to make use of pages 4 and 5 for details in “state languages” listing surname, first name, patronymic of the holder, sex, date and place of birth, republican citizenship and finally “the possibility to state according to the wish of the citizen one’s national affiliation.” Moreover, the upper sections of these pages should depict the state emblems of the republic. The appeal was sent to a number of federal organs, including the President and government.¹⁶ Tatarstan’s president, Mintimer Shaymiev, on his part gave a less confrontational reaction to the decision, although the essence of his position was the same. In spite of all its nice words, he said, the federal center had introduced the new passport without agreement with the republics and national–territorial formations. However, this problem “could have been solved completely calmly.” Again, Shaymiev justified the existence of the “fifth point”:

Why, if I am Russian, Chuvash or Tatar and proud of my nationality, should I not be able to state my national affiliation? . . . [he] who does not want to write his nationality, simply does not do that.¹⁷

In Bashkortostan, the starting signal for a campaign against the new passport came in late October 1997, at a meeting of representatives of parties and organizations associated with the Bashkir national movement. The session passed a statement condemning the new passport, and stressed in particular the absence of the “nationality” entry. “This is reminiscent of unitarianism and chauvinism, it brings fear into the lives of Russians [*rossiyan*], especially minority ones,” the statement read. The meeting called for a campaign against the passport, and in the time that followed, a large number of articles were published on the issue in local newspapers.¹⁸ In late November, Bashkortostan’s parliament, the State Assembly, adopted a resolution on the new passport, sharply critical of the federal authorities. The resolution, addressed to the federal Constitutional Court, suggested that that the passport conflict could be resolved by adding extra pages to the passport that would provide information on passport holders in the languages of the respective Federation members and, if citizens so desire, indicate their nationality.¹⁹

Similar processes took place in a large number of regions. In January 1998, the legislative assembly in Omsk *oblast* stated that “the problem of including the ‘nationality’ entry in the new passport of the citizen of the Russian Federation is attracting an increasingly acute social-political significance.” In order to “prevent possible political speculations and interethnic conflicts, that may be provoked by the unconsidered decision of the exclusion of the ‘nationality’ entry,” the assembly agreed to convey its position on the issue to other federal subjects in order to have it discussed, and also to advance this decision to the Russian President, the Federation Council and the State Duma.²⁰ In June 1998, the government of Dagestan decided to introduce an insert to the local passport. The decision tapped right into Article 26 of the federal Constitution, arguing that the decision was made “in view of securing the citizen’s constitutional right to freely determine and state his nationality.”²¹ In February 1998, the upper chamber of the parliament of Kabardino-Balkariya passed a resolution on the issue of “introducing documentation of nationality in the new passport of the citizen of the Russian Federation.” Eight months later, the assembly confirmed this position, thus blocking the local Interior Ministry’s issuing of the new passport.²² And in Adygeya, a presidential decree in February 1999 established that the local passport’s insert should be modified to include the entry for “nationality.”²³

The passport issue remained unsolved for several years after that early controversy, and never quite disappeared from the agenda of center–region relations. For instance, Bashkortostan’s parliament in September 2000 turned to the federal Constitutional Court, inquiring whether the abolition of the “fifth point” was in accordance with Article 26 of the federal constitution. Parliamentary speaker Konstantin Tolkachev explained that the deputies considered that each citizen should have the opportunity to state his national affiliation not in inserts or some sort of certificate, but precisely in the basic document. In his opinion, removing the “fifth point” represented “an attempt to resolve, in a simplified manner, the national question,” and he warned that “the refusal of national identification of citizens may have destructive

consequences.”²⁴ Again, the September 2000 appeal pointed to Article 26, concluding that by that limiting the rights of the Russian citizen in stating his national affiliation, the government of Russia had overstepped its authority.²⁵

The above exemplifies a clear pattern in the regional protests against the new passport: the titular political and intellectual elites came out sharply against it, and they were able to shape the image of the reactions in their respective republics as a whole. In republics with two (or more) titular nationalities, this was also the case. For instance, in Kabardino-Balkariya, the Kabardins and the Balkars make up 48% and 9%, respectively, compared with the ethnic Russians’ 32%.²⁶ Relations between the two titular peoples have not always been relaxed; as late as 1996, leaders of the Balkar independence movement in Kabardino-Balkariya proclaimed sovereignty for Balkariya (that drive has since lost much of its energy). When in late 1997 news broke of the abolition of the “nationality” entry in the passport, politicians from both ethnic groups came out in unison against the change. An adviser to the republic’s President Valeriy Kokov, Professor Kh. Dumanov, said the decision was “a step towards liquidating the republics and turning Russia into governorships.” And the speaker of the republican parliament, Z. Nakhushev, described the removal of the “fifth point” as “ignoring the opinions of the federal subjects,” and said it signified a violation of Article 26 in the Constitution.²⁷

The Context: Nationalizing Regions

In most if not all ethnically defined subjects of the Russian Federation, policies of nationalization were implemented with increasing intensity during the 1990s.²⁸ That has become visible, *inter alia*, in the emphasis on education and publishing in titular language(s), in intensified efforts to recruit individuals of titular nationality to higher education, employment in state apparatus, *etc.* On a collective level, some groups appear more clearly than others as benefiting from given policies, such as the maintenance of the “fifth point”. The federal subjects’ assertiveness has not least manifested itself in local legislation. In 2000, Prosecutor General Viktor Ustinov cited Bashkortostan, Komi, Kabardino-Balkariya, Tatarstan, Tuva and Yakutiya as the most flagrant cases of contradictions with federal laws. Each of these had established that their republican constitutions take precedence over the Russian one. Adygeya, Buryatiya, Ingushetiya and Kalmykiya had given themselves the right to declare states of emergency and/or martial law, and Bashkortostan and Komi had laws assigning a leading role to the eponymous ethnic group.²⁹

For many of the ethnically defined subjects, statistics suggest that mechanisms, if not laws, operate that strongly favor the titular nationality. Venaliy Amelin, a professor and the chairman of the Committee of Inter-Ethnic Relations, Orenburg Oblast administration, in 2001 listed the following figures to illustrate the scope of overrepresentation of titular nationalities in the ethnically defined federal

subjects: In Adygeya—where only 22% of the population is of the titular nationality—of 52 top positions, from president of republic and ministers to the heads of high juridical bodies, only 18% were ethnic Russians. Among heads of higher education and science, not a single person was of Slavic origin. Of the 65 deans and chairs of departments in the Adygeya State University, only 17% were Russian. In Tuva, only 12% of the deputies in republican parliament were non-natives; in the local Supreme Soviet in 1993, the figure had been about 40%. In the state apparatus, the Russian-speakers filled some 15–18% of positions, while their share of the population was 38%. In Sakha (Yakutiya), Yakuts made up only 35–36% of the population, but had 69% of positions in government structures. In Tatarstan, out of 123 deputies recently elected to the local parliament, only 27 (22%) were ethnic Russian. Among the 10 cities that are *rayon* centers, only one head of administration was of Russian nationality.³⁰

When confronted with figures like those cited by Venaliy Amelin, illustrating the scale of overrepresentation of titular nationalities in the regions, titular elites will argue their case by presenting their people as vulnerable and exposed to a threat of assimilation into the ethnic Russian population—or deny the accuracy if the figures altogether. In Bashkortostan, the Bashkirs are only the third largest people, counting 21.9% of the population, compared to the ethnic Russians' 39.3% and the Tatars' 28.5%.³¹ Nevertheless, Bashkirs filled 67.5% of government minister posts, while the figures for ethnic Russians and Tatars were 19% and 13.5%, respectively. Among the city and *rayon* administration leaders, 58.5% were Bashkir, 15% Russian and 18.5% Tatar.³² Nevertheless, President Murtaza Rakhimov insists that all appointments are done exclusively on basis of personal competence. And in Ufa, the leader of the World Nation Bashkort Congress, Niaz A. Mazhitov, dismissed as a “great lie” any suggestion that the Bashkirs have greater opportunities than other nationalities in his republic. He explained the current situation by pointing to the hard times the Bashkirs had lived through in the past, and how they had been subject to Tatarization and neglect. Mazhitov was categorically against the abolition of the “fifth point.” And, by his own words, not only for the sake of his own people: “We fear that the removal of the nationality entry will over time lead to the complete assimilation of the non-Russian peoples.”³³

While the titular elites practically without exception have been in favor of maintaining the nationality entry, representatives of the non-titular nationalities would tend to take positions that reflect their demographic and (thus) political position. In Bashkortostan, the ethnic Russians make up the largest ethnic group, and their language and culture are not very close to the Bashkir. This, and the fact that they account for some 80% of Russia's total population,³⁴ contributed towards a position in favor of abolishing the “fifth point.” Strengthening this position further on the part of Bashkortostan's ethnic Russian elite, is the feeling of being underprivileged in comparison to the titular population. In Ufa, A. N. Dubovskiy, the leader of *Rus*, an organization addressing the interests of ethnic Russians in Bashkortostan, claimed: “Bashkirization is taking place along the entire, wide spectrum.” When

defending the abolition of the “fifth point,” Dubovskiy referred to universal principles: “Like in any normal civilized country, it is not necessary to state nationality.”³⁵ In early 2001, *Rus* approached the general procurator of the Russian Federation with an appeal over the passport issue. More than 200,000 people in the republic at that time had temporary documents instead of passports, with legal force only within Bashkortostan. As a result, for instance, students seeking higher education outside the republic faced great difficulties. The republic’s handling of the passport issue was “a violation of . . . civic rights of free movement, to receive education, *etc.*”, the appeal stated.³⁶

As mentioned, the authorities in Tatarstan were strongly in favor of maintaining the “fifth point.” Across the border into Bashkortostan, the Tatars (like the Russians) make up a larger part of the population than the titular population, the Bashkirs. As a result, the Tatar Public Center in Ufa defined a more particularistic policy: “We are in favor of keeping point five, only not here in Bashkortostan,” said its chairman, Airat S. Giniyatullin.³⁷ He argued, like Dubovskiy had done, that local authorities were pursuing a heavy-handed policy of Bashkirization in the republic, which meant that Tatars were under constant pressure to reidentify themselves as Bashkirs. Still, the reasoning underlying this Tatar position would be that the “natural” process that would take place without the interference of Bashkir politicians, would be towards a gradual Tatarization—rather than a Bashkirization—of Bashkortostan.

In most ethnically defined federal subjects, ethnic Russians make up the majority, or the largest single ethnic group. As a rule, the Russians are less involved in ethnic politics than representatives of the titular nationalities and many other groups; and on the issue of the “fifth point,” the ethnic Russian elites will most often be in favor of an abolition. One obvious explanation for this is the fact that the ethnic Russians do not face any serious threat of assimilation; because of their numerical strength locally, but also because of their belonging to what is the dominant culture in the state as a whole. On the other hand, there are many indications that they do disapprove of the nationalizing policies in the regions. The most obvious indication is migration. While other factors, such as crime and poverty, also are at play, significant migration of ethnic Russians (notably from the North Caucasus) suggest an increased dissatisfaction with local politics.

The overwhelming numerical dominance of ethnic Russians in the Federation as a whole does not necessarily lead to assimilation of minorities into the ethnic Russian population. Locally, nationalizing policies can promote assimilation into other groups, and perceptions of discrimination can speed up demographic changes by stimulating migration. It seems reasonable to conclude that everything else being equal, the existence of the “fifth point” has contributed to stimulating or upholding ethnic consciousness among Russia’s citizens. Having to present perhaps several times a day the documents that present the nationality one has chosen or been ascribed, has not given the citizen much chance to forget. The overall outcome of policies is not easily predicted, however. Rafail Khakimov is an adviser to Tatarstan’s President

Mintimer Shaymiev, and known as an ideologist of Tatarstani sovereignty. In contrast to Tatarstan's President and parliament, however, Khakimov has come out in favor of abolishing "nationality" as an official concept:

The nationals warn that if nationality is not stated in the passport, then it is doomed to disappear. In reality, national consciousness is not in any way linked to formalities. Nobody looks into his own passport in order to remember his nationality. In Soviet times, nationality was fixated, but national schools were closed. Today, the notorious "fifth point" is being withdrawn, but on the other hand schools and mosques are being opened, and books in native languages are being published.³⁸

Perhaps reflecting his academic background,³⁹ Khakimov's statement seemed to spring from a perspective that national identity is dynamic in character. The contrast in perspective is clear when we compare it with the earlier mentioned inquiry from Bashkortostan's parliament to the Constitutional Court. The phrasing here is interesting not least for the remarkably clear primordialist perspective that underlies the criticism against the abolition of the "fifth point": "National affiliation is one of the traits of the person that is inalienable, independent from the will of the individual, in particular such as appearance, age, sex, blood type." Nevertheless, the text continues, the new passport was missing the entry:

... that the citizen of Russia uses to state his national affiliation, that is to describe himself as a person, possessing a unique set of traits, according to which he may derive his identity and differ from others.⁴⁰

Behind each opinion on the abolition of the "fifth point" lies a complex of considerations. Many of these lead to different outcomes than they would have done in Soviet times. The assumption that an abolition would ease assimilation—be it into the ethnic Russian population, another majority population, or a titular population—seems to underlie much of the opposition. Indicatively, despite a past of discrimination, some Jewish activists have come out in defense of the "fifth point," arguing that without the nationality entry, Jewish culture in Russia would dissipate. "It is absolutely obvious that without registered ethnic identification, assimilation will be faster," said the Vice chairman of the Jewish Association of St. Petersburg, Aleksandr Frenkel.⁴¹ Indeed, research indicates that a large proportion of those with "evrei" in their passport are strongly Russified. In 1996, one sociologist cited figures from her own research—a survey among 1000 Jews in four Russian cities⁴²—to the effect that 65% of those with Jewish as "passport nationality" felt closer to Russian than to Jewish culture. As many as 19% of the respondents considered themselves to be "binationals;" 14% considered themselves religious—among those, 24% professed Judaism, while as many as 31% were Orthodox believers.⁴³ In Frenkel's opinion, the removal of the "nationality" entry would make it more difficult to identify instances of discrimination, deprive ethnic minorities of grounds to demand state support for their cultures, and "create all the necessary conditions for the unchecked pursuit of a policy of Russification." He criticized Professor Valeriy Tishkov, who had

pushed for the abolition—also by referring to the Jews who had suffered under discrimination. While Tishkov cited the need to strengthen civic allegiance in Russia, he was in effect “providing scholarly and ideological support” for an assault on “ethnic manifestations” in the country, Frenkel said.⁴⁴

The “Fifth Point” and Ethnic Reidentification

During Soviet years and later, individuals have not been able to choose their nationality freely. As a consequence, demographic changes through ethnic reidentification could take place only very slowly, given that mixed marriages would always be a minority, and the choice of nationality would not always be the same. In the censuses, on the other hand, each individual has had the opportunity to state any nationality he wanted, regardless of his official nationality. Thus, the census figures provide an indication of the level of ethnic reidentification. Even there, however, it appears that most respondents would automatically repeat the nationality in their “fifth point.”

The 1997 opinion poll mentioned earlier showed that young and older people scored very similarly on questions regarding mixed marriages. In the category 16–26 years of age, 10.2% thought that a person should marry only a member of his or her own nationality; in the category 40–60 years, 9.8% agreed to this statement. 75.7% of younger and 74.6% of the older were in favor of mixed marriages.⁴⁵ According to the late Galina Starovoitova, a social anthropologist and a presidential adviser, 17% of the families in the Soviet Union were mixed ones. Moreover, “very often people were raised outside their own ethnic environment, thus, the languages they speak are languages that don’t coincide with their nationalities.” A liberal intellectual and an opponent of the “fifth point,” Starovoitova questioned the whole notion of pride in one’s nation: “What is there to be proud of? One must be proud of his actual merits, his personality, his accomplishments.”⁴⁶

A variety of considerations were at play when 16-year-olds from mixed marriages chose their nationality. In Kazan, a man with Russian and Tatar parents told this author that it was an Interior Ministry employee who decided to state “Tatar” in his passport. In some instances, traditional gender relations would ensure that the father’s nationality was chosen, whatever that might be. Every now and then, the weakness of the underlying assumption that each person has one, only one, and a clearly delineated ethnic identity was challenged by the choices siblings made: there are stories of children who grew up together, with their parents, and still ended up choosing different nationalities, perhaps for very trivial reasons. In any case, making the choice would not make the person forget the mixed origins: “My mother is Tatar, my father is Russian. Me? I’m a mestizo,” said a young woman in Kazan (whose passport said “Tatar”).⁴⁷ A lot of the time, the choice of nationality by youth of mixed ethnic origin was a pragmatic one, based on assumptions of what might prove most beneficial in the future. The extent and direction of ethnic reidentification varied dramatically

within the Soviet Union. In the Union Republics, a majority of 16-year-olds of mixed Russian and titular background would opt for the titular nationality. Generally, there was a strong preference for Russian nationality among those who did not have the titular one as an option. In the RSFSR, things looked very different from the union republics. In Tatarstan, a third would choose Tatar and two-thirds Russian when parents came from those two groups. In the most extreme case of reidentification, Cheboksary in the Chuvash ASSR, teenagers of Chuvash–Russian mixed background would choose Chuvash in only 2.2% of the cases.⁴⁸

It is reasonable to conclude that nationality in recent years has become more important in the ethnically defined federal subjects. Nationalizing policies have made the benefits of belonging to the titular nationality greater. Consequently, it is also reasonable to assume that relatively more youths will opt for titular nationality when they have the choice. When detailed results from the October 2002 census are published, we may see as an overall trend an increase in the relative size of titular nationalities.⁴⁹ Moreover, the results from the census—where respondents may state a nationality other than their “passport nationality”—may fuel new controversies in several regions, as different ethnic elites wish for their groups to come out strong. In Bashkortostan, ethnic Russian activist Dubovskiy believed that the Rakhimov regime has a hidden plan behind its position on the passport and its “Bashkirization” policies: to make enough Tatars define themselves as Bashkirs in order to make the latter population larger than the former. When the Bashkirs are second in numbers only to the Russians, “they will have the moral right to say, ‘Look, it’s quite natural that Bashkir is state language,’ and so on.”⁵⁰ In any case, the census will most certainly document major demographic changes across the Russian Federation. Some three million of the 25 million ethnic Russians who found themselves outside Russia’s borders by the end of 1991, have returned. Large numbers of immigrants have come to Russia from Central Asia and the South Caucasus. And not least, ethnic Russians have left what they have found to be an increasingly difficult and hostile climate in various subjects within the Federation, notably in the North Caucasus.

Solving the Conflict

Shortly after President Yeltsin handed out the first new passports in early October 1997, press reports began to appear suggesting that solutions to the controversy were just around the corner. But a series of initiatives over the next three years turned out to be false starts. In the meantime, the passport was boycotted or criticized by a large number of federal subjects. Temporary solutions were found in the regions, leaving the problem unsolved for their own inhabitants: in Tatarstan, authorities continued to issue passports from the old surplus stock of Soviet passports.⁵¹ In December 2000, one local newspaper wrote that there was a small reserve of Soviet passports left only in one *rayon*, and that citizens could only get them through connections. Those

without such opportunities had already for several months been given temporary IDs—as had already been the situation for more than a year in neighboring Bashkortostan.⁵² By early 2001, the figure for those Bashkortostanis in possession of temporary documents was 200,000. Given that these documents were considered fully valid only within the republic's borders, the standoff with Moscow was becoming increasingly uncomfortable here, too.

During Vladimir Putin's presidential campaign in early 2000, efforts to come to a solution to the passport impasse seemed to intensify again. Traveling to the Volga region, where Presidents Rakhimov and Shaymiev were now supporting Putin as fiercely as they had Primakov only a few weeks earlier—Putin would later receive some 60% of the vote in these republics—Putin met with Rakhimov and discussed the passport issue. After their meeting, Rakhimov said he had been able to convince Putin to “give back to the Bashkirs their nationality.” Putin would also rectify the absence of the state language in the passport, Rakhimov said. He left no doubt about his own view:

If someone doesn't want to, then he simply doesn't write his nationality. But we should write that we are indeed Bashkirs. . . Tatars, Udmurts, Mari.⁵³

During 2000, the relations with the regions became a focal point for the Putin regime. He ordered the regions to bring their laws in line with federal laws, and threatened to dismiss elected leaders who did not comply with this order. He had legislation passed by which the composition of the National Assembly's upper chamber, the Federation Council, would be changed, so that regional leaders and leaders of regional legislatures would no longer automatically get seats there. A new, strictly consultative body—the State Council—was set up, with regional leaders as members. And, finally, he introduced a new administrative system of seven large districts, covering all federal subjects. These districts, matching approximately the borders of Russia's military districts, are led by seven plenipotentiary representatives. In the State Duma, Putin had comfortable support for his proposals, following the December 1999 success of the electoral alliance Unity (*Yedinstvo*), whose creation was initiated by the Kremlin. Each of the Kremlin's initiatives affected the dynamics of center–region relations, and in this tug of war, no party would give in easily.

Despite the signals earlier in the year, it was only in December 2000 that a solution appeared to have been found to the stalemate between the federal center and Tatarstan and Bashkortostan; a solution that looked set to be introduced also in other republics. And, notably, this solution did not meet all the demands voiced by Tatarstan's State Council and many other regional political institutions. After meeting with Presidents Shaymiev and Rakhimov in Ufa, Russian President Putin's plenipotentiary representative in the Volga region, Sergey Kirienko, declared the “passport issue” as closed. The agreement meant that passports issued in these republics would have inserts duplicating the information in the national language, and featuring the national emblem of the federal subject. As for the issue of ethnicity, this would stay out of the passport, but would instead be noted in the citizen's birth certificate—not at the

date of birth, but by the time he reaches the age of 16. If he did not wish to do so, he would be free not to. In the regions that are not ethnically defined, this would not be provided for.⁵⁴ In February 2001, this writer spoke with Vladimir Zorin, the Deputy Representative of the President of the Russian Federation on Ethnic Problems in the Volga Federal District (in December 2001 appointed Russia's Minister of Nationalities Policy.) He confirmed that this was how the system would be. Citing "world practice" and also Russia's obligations as a member of the Council of Europe, Zorin personally argued sharply against the "fifth point." "It is the business of the individual, the business of the citizen," he said.⁵⁵

At a ceremony that marked Moscow's breakthrough, Sergey Kirienko in June 2001 handed out the first 50 copies of the passport with the new design in Tatarstan's capital Kazan. Together with the passport, residents in the republic would now receive a four-page insert listing first name, patronymic, last name, and date and place of birth—but not nationality—in Tatar language. The insert would also feature Tatarstan's emblem and the inscription "Republic of Tatarstan."⁵⁶

The Outcome in the Opinion of the Council of Europe

Earlier in this article, we noted the similarity between Article 26.1 of the Russian Constitution and Article 3.1 of the Council of Europe's Framework Convention on Minority Rights. Given that Russia's federal center and regions came to an agreement over the passport issue—within, as they would see it, the boundaries of the Constitution—how has this outcome later been assessed by the Council of Europe? The Council has for several years made public so-called "Opinions" (expert assessments) on the human rights situation in a number of European states. The Opinion on Russia's implementation of the Framework Convention was adopted by the Committee of Ministers in July 2003, in the presence of Russia's Minister of Nationalities Policy Vladimir Zorin. The Opinion speaks directly to the discourse over the "nationality" entry and the new internal passport, in view of Article 3 in the Framework Convention.

In the Opinion, the Committee described the obligatory ethnicity entry in internal passports, in particular when coupled with limitations on persons' right to choose which ethnicity to enter, as "not compatible" with the principles contained in Article 3 of the Framework Convention, "notably as concerns the right not to be treated as a person belonging to a national minority." That being so, the Committee considered that a reform of the Soviet-era system was warranted. However, it also addressed the arguments against abolition of the nationality registration founded on the right to manifest one's identity. Emphasizing that the full implementation of the Framework Convention "by no means" necessitates such ethnic entries, the Committee:

... understands that access to specific programs designed to protect national minorities may require persons concerned to indicate their ethnicity and therefore it may be necessary to create new procedures for this purpose.

As for the 2001 agreement to introduce an insert in the language of the titular population and with an ethnicity entry in the birth certificates, the Committee stated that such an entry

... must be completely optional and ... both regulations and practice must be designed in a manner that contain no elements of pressure towards stating one's ethnicity.

Moreover, given that a person may not choose his own ethnicity under such circumstances, the system—in order to be compatible with Article 3 of the Framework Convention—would have to provide the possibility for persons to amend or eliminate the ethnicity entry in the birth certificate. The Committee also called on the authorities to review the system in view of these principles, and introduce changes if necessary.⁵⁷

As the new passports replace the Soviet ones, the question of whether to enter “nationality,” and in which case which one, will for the individual relate only to the birth certificate (and even this arrangement will only apply to residents in ethnically defined federal subjects). That being so, the new passport should contribute to making ascribed ethnicity a less prominent feature in the life of each citizen. For Russian society, a multitude of power plays can be expected to keep ethnicity politicized for a long time still.

Conclusions

From a position of weakness, pressed by liberal politicians and intelligentsia and by obligations taken on, President Boris Yeltsin moved forward with the new passport in October 1997. Hopes his administration may have had, that the absence of the “nationality” entry (as well as republican languages and emblems) would not cause a stir, died fast. Within a few months, a large number of federal subjects took steps to prevent the issuing of the document. President Putin, from a position of strength, opted for a more pragmatic approach to the issue than his predecessor did. In a forceful campaign to reverse the effects of Yeltsin's early “take all the sovereignty you can swallow” regional policy, Putin proved able to end the conflict over the passport and the “fifth point”—albeit with some modification of the 1997 policy.

Both those in favor of and those against the abolition of the “fifth point” have cited “universal” values as support for their position, be it the individual's civil liberties, or vulnerable groups' right to cultural security. And both sides have claimed support from Article 26 in Russia's Constitution. Establishing what has been the most reasonable position in juridical terms has been outside the scope of this article. Similarly, the article has not attempted to determine who are the “true believers” and who are the office seekers or instrumentalists; whether, for instance, opposition towards the new passport has been motivated by a drive for self enrichment, or a true feeling of vulnerability and sense of oppression. These are among the questions that could be fruitfully explored in future research. Moreover, the issues examined in this article also provide

a number of entry points for comparative studies and theory-building. One such entry point could be the range of legitimate options available to generate a sense of cultural security among minorities;⁵⁸ a contrasting entry point could be found in the small but useful literature on “ethnic democracy.”⁵⁹

NOTES

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1. For a study of the passport regime in Tsarist and Soviet Russia, with an emphasis on the restrictions of movement and residence, see Mervyn Matthews, *The Passport Society. Controlling Movement in Russia and the USSR* (Boulder, Colorado: Westview Press, 1993).
 2. For an analysis of the early reactions to the 1997 passport, see Sven Gunnar Simonsen, “Inheriting the Soviet Policy Toolbox. Russia’s Dilemma Over Ascriptive Nationality,” *Europe–Asia Studies*, Vol. 51, No. 6, 1999, pp. 1069–1087.
 3. *Konstitutsiya rossiyskoy federatsii*, Izdatelstvo “OS-89”, 1997, p. 10.
 4. *Konstitutsiya Rossiyskoy Federatsii. Nauchno-prakticheskiy kommentariy*, 1997. Pod redaktsiyei i so vstupitelnoy statey akademika B. N. Topornina. Yurist, Moskva, 1997, pp. 221–222. The authors continue by stating that the determination of national affiliation “takes place on the basis of self identification, *i.e.* considering a subjective factor, decided by the individual himself.” However, the subjective perspective was still not operational in relation to the registration of nationality outside the context of the census.
 5. Author’s interview with Vyacheslav Igrunov. Moscow, February 2001.
 6. Author’s interview with Valeriy Tishkov. Moscow, November 2000. See also V. A. Tishkov, *Etnologiya i politika* (Moskva: Nauka, 2001), pp. 93–97.
 7. It is difficult to get a detailed overview of this decision-making process from outside. One could speculate that some of those who crafted the policy expected it to open up for assimilation processes—and saw that as desirable. It is a fact that in Moscow politics at the time, advocates of liberal democracy and illiberal assimilation found themselves in untypical agreement when approving of the abolition of the nationality entry. See Sven Gunnar Simonsen, “Inheriting the Soviet Policy Toolbox,” pp. 1079–1080.
 8. *RFE/RL Newswire*, 11 October 1997.
 9. *Rossiyskie vesti*, 19 November 1997.
 10. <http://conventions.coe.int/Treaty/EN/Treaties/Html/157.htm>.
 11. Ramazan Abdulatipov, “Direct Speech. Multilingual Russia Is Already Structured That Way,” *Rossiyskaya Gazeta*, 26 January 1999. In FBIS-SOV-99-031.
 12. “The myth about a moral crisis among young people has no real foundation,” *Nezavisimaya gazeta*, 11 February 1998; *Current Digest of the Post-Soviet Press*, Vol. 50, No. 7, p. 10. The nation-wide poll was conducted in 1997 by the Russian Independent Institute for Social and Nationality-Related Problems, and commissioned by the Friedrich Ebert Foundation.

13. A. Dzadziev, "Severnaya Ossetiya," *Byulleten*, N5, No. 16, 1996. Set etnologicheskogo monitoringa i rannego preduprezhdeniya konfliktov, p. 16.
14. Poll conducted in January 1999, among 507 respondents in different regions of Kabardino-Balkariya. Unpublished poll transcript provided by Professor Svetlana Akkieva, Nalchik.
15. Galina Grigorenko, "Gde prizemlitsya dvuglavyy orel?" *Vremya i dengi*, No. 121, 18 October 1997.
16. "Postanovlenie Gosudarstvennogo Soveta Respubliki Tatarstana. O pasporte grazhdanina Rossiyskoy Federatsii," Kazan 13 November 1997. *Respublika Tatarstan*, 15 November 1997.
17. M.Sh. Shaymiev, "Situatsiya s vvedeniem novykh rossiyskikh pasportov ochen khochetsya nazvat nedorazumennem", *Respublika Tatarstan*, 25 October 1997.
18. Enver Kisriev and Ildar Gabdrarifkov, "Natsionalnyy pasport ili natsionalnost v pasporte," *Nezavisimaya gazeta*, 16 December 1997.
19. Aleksandra Poryvayeva, "Bashkiria insists on its right to its own language," *Kommersant-Daily*, 2 December 1997. *Current Digest of the Post-Soviet Press*, Vol. XLIX, No. 48, 1997, p. 17, p. 31.
20. "Zakonodatelnoe Sobranie Omskoy Oblasti. *Postanovlenie*, ot 15 yanvarya 1998 g., no. 20. O vkluchenii grafy "natsionalnost" v novyy pasport grazhdanina Rossiyskoy Federatsii". It would have been interesting to conduct a more detailed survey of the different regions' reactions, not least to determine how the issue played out in the non-ethnically defined federal subjects (such as Omsk oblast) in comparison to the ethnically defined ones. Unfortunately, the material available does not allow for such an extension of this study.
21. "Pravitelstvo Respubliki Dagestan," *Postanovlenie*, 3 iyunya 1998, No. 111. Ob utverzhenii polozheniya o vkladyshe k pasportu grazhdanina Rossiyskoy Federatsii.
22. Sovet Respubliki Parlamenta Kabardino-Balkarskoy Respubliki. *Postanovlenie* ot 21 oktablya 1998 g. N132-P-SR. Ob obrashchenie ministra vnutrennykh del Kabardino-Balkarskoy Respubliki Shogenova Kh. A. k predsedatelyu soveta respubliki parlamenta Kabardino-Balkarskoy respubliki Nakhushevu Z. A.
23. *Ukaz* Prezidenta Respubliki Adygeya. O vnesenii izmeneniy i dopolneniy v ukaz prezidenta Respubliki Adygeya ot 6 iyulya 1998 goda N 81 "O vkladyshe v pasport grazhdanina Rossiyskoy Federatsii."
24. Gulchachak Khannanova, "Bashkiram ne kvataet pyatogo punkta," *Kommersant*, 9 September 2000. Specifically, the bone of contention was the Russian government's resolution No. 828 signed on 8 July 1997, "On approving the order about the Russian Federation citizen's passport, its form and description, corresponded to the Russian Constitution."
25. "Zapros O sootvetstvii Konstitutsii Rossiyskoy Federatsii postanovleniya Pravitelstvo Rossiyskoy Federatsii ot 8 yulya 1997 goda No. 828 "Ob utverzhenii Polozheniya o pasporte grazhdanina Rossiyskoy Federatsii, obraztsa blanka i opisaniya pasporta grazhdanina Rossiyskoy Federatsii."
26. Figures from the 1989 census.
27. Svetlana Akkieva, "Kabardino-Balkariya," *Byulleten*, N5, 16, dekabr 1996. Set etnologicheskogo monitoringa i rannego preduprezhdeniya konfliktov, pp. 19–20.
28. Rogers Brubaker pioneered the concept of "nationalizing states," describing states that are "ethnically heterogeneous yet conceived as nation-states," with dominant elites promoting the language, culture, demographic position, economic flourishing, or political hegemony of the nominally state-bearing nation. Rogers Brubaker, *Nationalism Reframed. Nationhood and the national question in the New Europe* (Cambridge University Press, 1997), p. 57.

29. Pyotr Akopov, "Ustinov's ultimatum," *Izvestia*, 2 June 2000. *Current Digest of the Post-Soviet Press*. Vol. 52, No. 22, p. 11.
30. Figure cited in paper presented by Venaliy Amelin at the conference "Federalism on the eve of the XXI century: Russian and international dimensions," Kazan, 9–10 February 2001, and in Venaliy Amelin, "Problemy ravnogo dostupa k vlasti natsionalnykh grupp v polietnicheskikh regionakh Rossii," *EtnoPanorama*, No. 2, 2000, pp. 14–16.
31. Figures according to the 1989 census. For interesting works on inter-ethnic relations in Bashkortostan in the 1990s, see Rushan R. Gallyamov, *Mnogonatsionalnyy gorod: Etnotsiologicheskie ocherki* (Ufa: 1996); Azat M. Gafurov, *Formirovanie etnicheskoj, konfessionalnoj i grazhdanskoj identichnosti natsionalnosti Bashkortostana v 90-e gody XX veka* (Moskva: Institut etnologii i antropologii RAN, 2000).
32. Figures from M. N. Guboglo, R. G. Kuzeev, G. Kh. Zhakhnazarov, eds, *Resursy mobilizovannoj etnichnosti* (Moskva-Ufa: TSIMO, 1997), p. 152.
33. Author's interview with Niaz A. Mazhitov. Ufa, February 2001.
34. The 1989 census put the proportion of ethnic Russians at 81.5% of the population. In the 2002 census, the proportion had fallen to 79.8%.
35. Author's interview with A. N. Dubovskiy. Ufa, February 2001.
36. *Zayavlenie*. Generalnomu Prokuroru Ustinovu, Iu. V. Undated document, signed by A. N. Dubovskiy.
37. Author's interview with Airat S. Giniyatullin. Ufa, February 2001.
38. Lev Ovrutskiy: *Razgovory s Khakimovym*, Panorama-Forum, 2000, No. 23, spetsialnyy vypusk, Kazan, 2001, p. 163.
39. Khakimov is the director of the Institute of History at Tatarstan's Academy of Sciences.
40. "Zapros O sootvetstvii Konstitutsii Rossiyskoj Federatsii postanovleniya Pravitelstvo Rossiyskoj Federatsii," ot 8 julya 1997 goda No. 828 "Ob utverzhenii Polozheniya o pasporte grazhdanina Rossiyskoj Federatsii, obraztsa blanka i opisaniya pasporta grazhdanina Rossiyskoj Federatsii."
41. Blake Eskin, "Russian Jews, in Sign of the Times, Call for Return of 'Fifth Point'," *The Ethnic NewsWatch*, 29 May 1998.
42. The respondents did not all have Jewish as their passport nationality. Rather, they were people who by the researchers were deemed Jews on the basis of their last names, passport entries and self-identification.
43. Rozalina Ryvkina, "Experts: The 'Jewish question' in post-Soviet Russia," *Segodnya*, 8 May 1996. *Current Digest of the Post-Soviet Press*, Vol. XLVIII, No. 20, 1996, p. 12.
44. Aleksandr Frenkel, "In defense of 'line five'," *Nezavisimaya gazeta*, 10 November 1997. *Current Digest of the Post-Soviet Press*, Vol. XLIX, No. 45, p. 14.
45. "The myth about a moral crisis," op. cit., *Nezavisimaya gazeta*, 11 February 1998.
46. Galina Starovoitova: "One must be proud of one's personality," *Argumenty i Fakty*, No. 45, 1997. Translation from "What the Papers Say," November 10 1997.
47. Conversation with the author. Kazan, February 2001.
48. Figures from L. N. Terentova, reprinted in Rasma Karklins, *Ethnic Relations in the USSR. The Perspective From Below* (London: Allen & Unwin, 1986), p. 38.
49. Figures for the ethnic composition of each of the federal subjects are due to be published in November 2004. Cumulative findings from the census are available at www.perepis2002.ru.
50. Author's interview with A. N. Dubovskiy. Ufa, February 2001.
51. "Chto dostanem iz 'shirokikh shtani'?" *Vremya i dengi*, 25 October 2000.
52. Rustem Falyakhov, "Uzhivutsya li bars s orlom pod odnoy oblozhkoy," *Vechernyaya Kazan*, 19 December 2000.

53. Svetlana Ofitova, "Vladimir Putin reshil natsionalny vopros," *Segodnya*, 17 February 2000.
54. "Pasportizatsiya respublik," *Izvestiya*, 16 December 2000.
55. Author's interview with Vladimir Zorin. Kazan, February 2001.
56. RIA Novosti, as reported by Pravda.ru, 9 June 2001; *Jamestown Monitor*, 12 June 2001.
57. *Advisory Committee on the Framework Convention for the Protection of National Minorities. Opinion on the Russian Federation*. ACFC/INF/OP/I(2003)005.
58. See Dominique Arel, "Political Stability in Multinational Democracies: Comparing Language Dynamics in Brussels, Montreal and Barcelona," in A. G. Gagnon and J. Tully, eds, *Multinational Democracies* (Cambridge: Cambridge University Press, 2001), pp. 65–89.
59. See Sammy Smooha, "Types of Democracy and Modes of Conflict Management in Ethnically Divided Societies," *Nations and Nationalism*, Vol. 8, No. 4, 2002, pp. 423–431.

