

# **Draft Treaty on the Delimitation of Subjects of Jurisdiction and Powers Between the Russian Federation Organs of State Power and the Chechen Republic Organs of State Power**

31 May 1996

We, the authorized representative of the Russian Federation organs of state power and the organs of state power of the Chechen Republic, proceeding from the need to delimit subjects of jurisdiction between the Russian Federation organs of state power and the organs of state power of the Chechen Republic, proceeding from the universally recognized right of peoples to self-determination and the principles of equal rights, free consent, and the freedom of peoples to express their will, and the safeguarding of their observance; with the aim of ensuring the territorial integrity of the Russian Federation and the unity of its economic space; and ensuring civil peace, interethnic concord, and the security of peoples; rejecting the use of force or the threat of force for the solution of any questions; ensuring the priority of basic human and civil rights and liberties irrespective of nationality, creed, place or residence, or other differences; promoting the preservation and development of history and national traditions, cultures, and languages; expressing the aspiration of people to consolidate mutual understanding and trust and to preserve and develop their friendly relations; taking account of the fact that the Chechen Republic as a state is united [*obyedinena*] to the Russian Federation by the Russian Federation Constitution and the present Treaty; and guided by the Russian Federation Constitution and the Agreement "On the Basic Principles of Relations Between the Russian Federation and the Chechen Republic", have concluded the present Treaty on the following points:

## Article 1

With the aim of enshrining and implementing the special status within the Russian Federation of the Chechen Republic as a sovereign, democratic, rule-of-law, social state the Sides have agreed on the delimitation of powers between the organs of state power of the Russian Federation and the organs of the state power of the Chechen Republic set out below.

## Article 2

The Chechen Republic has its own constitution and its own legislation and possesses supreme state (legislative, executive, judicial) power on its territory beyond the limits of the jurisdiction of the Russian Federation and the power of the Russian Federation organs of state power transferred by the Chechen Republic to the Russian Federation. The delimitation of subjects of jurisdiction and the mutual delegation of power between the Russian Federation organs of state power and the organs of state power of the Chechen Republic is carried out in accordance with the Russian Federation Constitution, the Chechen Republic Constitution, and the present treaty. The territory and status of the Chechen Republic cannot be altered without its consent.

## Article 3

The following come under the jurisdiction of the Chechen Republic

1. The safeguarding of human and civil rights and liberties and the rights of national minorities; the safeguarding of legality and law and order, and public safety on the territory of the Chechen Republic;

2. The adoption and amendment of the Chechen Republic Constitution and Chechen Republic laws;
3. The establishment of the system of organs of state power of the Chechen Republic, the procedure for their organisation and activity, and the formation of the organs of state power of the Chechen Republic;
4. The administrative and territorial structure of the Chechen Republic;
5. The Chechen Republic budget, republic extrabudgetary funds, the establishment of the Chechen Republic's general principles of taxation, republican taxes, and imposts;
6. Questions of the ownership, the use, and disposal of land, minerals, water, timber, and other natural resources, and also state enterprises, organisations, and other movable and real estate situated on the territory of the Chechen Republic that are the exclusive assets and property of the people of the Chechen Republic, with the exception of federal-owned facilities. The delimitation of state ownership is carried out by means of a separate agreement between the Russian Federation government and the government of the Chechen Republic.
7. The state property of the Chechen Republic and the management thereof;
8. Decisions concerning questions of the judicial system, the legal profession, and the system of notaries' offices in accordance with the legislation of the Chechen Republic and the Russian Federation;
9. The legal regulation of administrative, family, and housing relations and relations in the sphere of environmental protection and the use of natural resource;
10. The pardoning of persons convicted by Chechen Republic courts;
11. Resolving questions of republic citizenship;
12. The organization of alternative, civilian service on the territory of the Chechen Republic for persons having the right under federal law to perform such service in the place of military service; the establishment of a special procedure for the performance of military service in military training institutions and military construction detachment set up on the territory of the Chechen Republic, including for the purpose of rebuilding the economy and social sphere of the Republic;
13. The determination of the education system taking into account the national and historical traditions of the peoples living on the territory of the Chechen Republic;
14. The establishment and maintainance of economic, cultural, and other relations and the conclusion of treaties and agreement with other Russian Federation components;
15. Participation in international and foreign economic relations; participation in the activity of international organisation and funds; the conclusion of international treaties and agreements that do not contravene the Russian Federation Constitution, the Russian Federation's international obligations, or the present Treaty;

16. The creation of a National Bank under a separate Agreement between the Government and the Central Bank of the Russian Federation and the organs of state power of the Chechen Republic;
17. The state service of the Chechen Republic;
18. The solution according to procedures established by a separate Agreement between the Russian Federation organs of executive power and the organs of executive power of the Chechen Republic of questions relating to conversation at enterprises in the state ownership of the Chechen Republic;
19. Establishing state awards and honorary titles of the Chechen Republic;
20. Other subjects of jurisdiction not assigned to the jurisdiction of the Russian Federation or the joint jurisdiction of the Russian Federation and the Chechen Republic.

#### Article 4

Republic laws and other statutory legal acts are adopted on questions under the jurisdiction of the Chechen Republic. The laws of the Chechen Republic are liable to state protection and are applied by the courts in accordance with their competence as established by the legislation of the Chechen Republic and the Russian Federation.

#### Article 5

The following come under Russian Federation jurisdiction:

1. The adoption and amendment of the Russian Federation Constitution and federal laws and the monitoring of their observance;
2. The federative system and territory of the Russian Federation;
3. The regulation and protection of human and civil rights and liberties; Russian Federation citizenship; the regulation and protection of the rights of ethnic minorities;
4. The establishment of a system of federal organs of legislative, executive, and judicial power, the procedure for their organization and activity; the formation of federal organs of state power;
5. Federal state property and its management;
6. The establishment of the principles of federal policy and federal programs in the sphere of state, economic, environmental, social, cultural, and national development in the Russian Federation;
7. The establishment of the legal principle of a single market; financial, currency, credit, and customs regulation, the issue of money, the principles of price policy; federal economic service, including federal banks;
8. The federal budget; federal taxes and imposts; federal regional development funds;
9. Federal energy systems, the nuclear power industry, fissile materials, federal transportation, roads and railroad [*puti soobshcheniya*], information and communications; activity in space;

10. Russian Federation foreign policy and international relations; Russian Federation international treaties, questions of war and peace;
11. Russian Federation foreign economic relations;
12. Defense and security; defense output; the determination of the procedure for the sale and purchase of weapons, ammunition, military hardware, and other military property; the production of fissile materials, toxic substances, and narcotics, and the procedure for their use;
13. The determination of the status of the Russian Federation state border, the territorial sea, the air space, the exclusive economic zone, and the continental shelf and their protection;
14. The legal system; the prosecutor's office; criminal, criminal procedure, and sentencing legislation; amnesty and pardon; civil, civil procedure, and arbitral procedure legislation; the legal regulation of intellectual property;
15. Federal law on conflict of laws;
16. The meteorological service, standards [*standarty, etalony*], the metric system, the calculation of time; geodesy and cartography, the naming of geographical objects, official statistic and accounting;
17. Russian Federation state awards and honorary titles;
18. The federal state service.

## Article 6

The following come under the joint jurisdiction of the Russian Federation and the Chechen Republic:

1. Ensuring that the Constitution, laws, and other normative legal acts of the Chechen Republic correspond to the Russian Federation Constitution and federal laws;
2. The protection of human and civil rights and liberties and the rights of ethnic minorities; the safeguarding of legality, law and order, and public safety; border zone arrangements;
3. Questions of the ownership [*vladeniye*], utilization, and control [*rasporyazheniye*] of land, mineral resources, and water and other natural resources;
4. The delimitation of state property;
5. The use of nature; environmental protection and the ensuring of environmental safety; specially protected natural territories; protection of historical and cultural monuments;
6. General questions of upbringing, education, science, culture, physical fitness and sport;
7. The coordination of health-care issues; the protection of the family, motherhood, fatherhood, and childhood; social protection, including social provision;
8. The implementation of measure to combat catastrophes, natural disasters, and epidemics, and the elimination of their consequences;
9. The establishment of the general principles of taxation and imposts in the Russian Federation;

10. Administrative, administrative-procedural, labor, family, housing, land, water, and forestry legislation, and legislation on natural resources and environmental protection;
11. The personnel of judicial and law-enforcement organs; the legal profession and notaries;
12. Protection of the age-old homelands and traditional way of life of numerically small ethnic communities;
13. The establishment of general principles for organizing the system of organs of state power and local self-government;
14. The coordination of the Chechen Republic's international and foreign economic relations in line with federal legislation and the agreement between the Chechen Republic and Russian Federation Government;
15. The implementation of the Russian Federation's international treaties;
16. The resolution of the question of the formation of free customs zones in the Chechen Republic.

Decisions on the formation of a special economic zone, as well as free customs zones and their border and customs arrangements, are made by the Russian Federation Government following a proposal from the Chechen Republic Government;

17. The protection of the Russian Federation's sovereignty and territorial integrity;
18. General citizenship issues and those covered by a conflict of laws;
19. The determination of the Chechen Republic's administrative borders;
20. The coordination of budgetary, financial, fiscal, monetary, credit, and prices policy; the conclusion of intergovernmental budgetary agreements; the formation of regional development funds;
21. The creation of common funds to finance joint programs;
22. The ensuring of the mobilization preparation of the national economy; the functioning of defense complex enterprises located in the Chechen Republic, as well as participation in selling their products, with the exception of issues relating to the production of armaments and military hardware or the conversion of these enterprises;
23. Questions of the coordination and functioning of federal and republic power generation, transportation (including pipeline transport), and communications systems, including questions of the utilization of arrangements for the unimpeded and duty-free movement of transport, freight, and produce by air, sea, river, rail and highway, as well as by pipeline in line with the separate agreement between the Russian Federation Government and the Chechen Republic Government;
24. The assessment in line with state and international standards of the quality of the environment; the protection of the environment and the implementation of measures to restore it; the safeguarding of environmental safety;
25. The implementation of a unified policy in the social sphere: employment, pay, migration processes, and social protection, including social security;

26. Ensuring legality, law and order, and public safety; cooperation between judicial and law-enforcement organs; the elaboration and implementation of targeted crime-fighting programs;
27. The resolution of issues relating to the deployment and siting on Chechen Republic territory of corresponding military subunits;
28. The implementation of the measures stemming from the provisions of the RSFSR [Russian Soviet Federated Socialist Republic] law “On the Rehabilitation of Repressed People” as regards the Chechen Republic population;
29. The implementation of an agreed personal policy in exercising the jurisdiction and power defined by this treaty.

#### Article 7

With a view to restoring historic justice, eradicating the consequences of the illegal deportation and the violations of the Chechen people’s rights that were committed, and implementing the RSFSR law “On the Rehabilitation of Repressed Peoples”, the Russian Federation Government in conjunction with the Chechen Republic Government implements a range of measure to provide state support for the political, social, and spiritual revival of the Chechen people, and to restore the rights of citizens who were illegally repressed and subjected to political reprisals for ethnic or other reasons.

#### Article 8

With a view to delimiting power between Russian Federation executive power organs and Chechen Republic executive power organs in respect of subjects of joint jurisdiction laid down by Article 72 of the Russian Federation Constitution and Article 6 of this treaty, the Chechen Republic Government concludes corresponding agreements with the Russian Federation Government. The agreements on the delimitation of powers in respect of subjects of joint jurisdiction are an inalienable part of this treaty. The agreements on the delimitation of power in respect of subjects of joint jurisdiction between Russian Federation and concluded at any time once this treaty has come into force.

#### Article 9

With a view to implementing this treaty Russian Federation organs of state power:

1. Elaborate, with the participation of Chechen Republic organs of state power, and adopt federal laws and other normative legal acts on matters defined by this treaty;
2. Ensure that federal organs of executive power’ normative acts are brought into line with this treaty;
3. Elaborate, with the participation of Chechen Republic organs of state power, ratify, and implement federal target programs for the socioeconomic development of the Chechen Republic, including programs to compensate the republic’s population for damage suffered, and to restore housing, the economy, and social facilities, and measure to ensure the accelerated development of the Chechen Republic’s mountain regions and to create the necessary jobs to provide employment for the able-bodied population;

4. Resolve, by agreement with Chechen Republic organs of state power, the question of the formation of a special economy zone and free customs zone, and the establishment of customs, tax, and other concessions to promote the restoration of the Chechen Republic's economy and social sphere;
5. Implement powers in respect of subject of joint jurisdiction, including via the territorial subdivisions of federal organs of executive power;
6. Coordinate with Chechen Republic organs of state power the candidates to lead federal enterprises, institutions, and organizations located on Chechen Republic territory, unless otherwise stipulated by federal law.

#### Article 10

With a view to implementing this treaty Chechen Republic organs of state power:

1. Implement legal regulation in respect of subjects of joint jurisdiction as defined by this treaty in accordance with federal legislation;
2. Ensure that the normative legal acts of the republican organs of executive power are brought into line with this treaty;
3. Take part in the development and implementation of federal targeted programs on Chechen Republic territory;
4. Take part in the resolution of personnel issues during the appointment of the leaders of federal enterprises, institutions, and organisations located on Chechen Republic territory.

#### Article 11

In the absence of any federal laws or other federal normative legal acts in respect of individual subjects of joint jurisdiction, the Chechen Republic implements its own legal regulation. Following the adoption of a corresponding federal law or another federal normative legal act, Chechen Republic laws and other normative legal acts which are not brought into line with the federal legislation will not be liable to application.

#### Article 12

In the event of the federal organs of executive power unilaterally adopting subordinate federal normative legal acts that run counter to this treaty, the norms of this treaty shall apply. In the even of there being any contradiction between Chechen Republic laws or normative legal acts and this treaty, the norms of this treaty shall apply.

#### Article 13

The transfer by federal organs of executive power of some of their powers to Chechen Republic organs of executive power in line with Article 78 of the Russian Federation Constitution can take place by agreement in all instances, provided the Russian Federation Constitution of federal law does not directly prohibit the transfer of the exercise of the powers in question. In the transfer of the exercise of specific power the corresponding agreement makes provision for the necessary conditions for the transfer and exercise of these powers.

#### Article 14

Legal documents issued in line with federal legislation by Chechen Republic organs of power, institutions, and official within the purview of those organs, institutions, and officials as laid down by this treaty are recognized throughout Russian Federation territory.

#### Article 15

Chechen Republic organs of state power are entitled to contest in the relevant court and to submit to the Russian Federation president or Government proposals on the repeal or suspension on the republic's territory in part of in whole of Russian Federation ministerial or department legal acts which:

regulate issues under the jurisdiction of the Chechen Republic;

do not correspond to the power of federal organs of executive power in the sphere of joint jurisdiction by the Russian federation and the Chechen Republic;

unilaterally redistribute the Chechen Republic's subjects of jurisdiction and power laid down by the Russian federation Constitution and this treaty.

In the event of the Russian Federation Government, within one month of proposals being submitted by Chechen Republic organs of state power, failing to repeal or suspend the Russian Federation ministerial or department legal acts referred to in the first part of this article, such legal acts shall not be enforced by Chechen Republic organs of state power until such time as a ruling has been handed down by the relevant court.

#### Article 16

Chechen Republic organs of executive power can be invested with the powers of territorial subdivisions of federal organs of executive power under agreement concluded by the Chechen Republic Government with the Russian Federation Government or authorize federal organs of executive power.

#### Article 17

Questions of the ownership, utilization, and control of facilities that are Chechen Republic state property are regulated by republic normative legal acts in line with federal laws. The Chechen Republic independently determines the system of republic organs of state power in administering Chechen Republic state-owned facilities. The delimitation of natural resources on Chechen Republic territory into natural resources of federal and republic status is covered by a separate agreement.

#### Article 18

The Chechen Republic independently establishes and introduces republic taxes and imports in line with federal and republic legislation. The composition and size of the income received by the republic budget in the form of funds from federal taxes are determined by an agreement between the Russian Federation Government and the Chechen Republic Government, if they are not directly fixed by federal law.

#### Article 19

The Chechen Republic is an independent participant in international and foreign economic relations, if this does not contravene the Russian Federation Constitution of the Russian Federation's international agreements, and it concludes corresponding treaties (agreements) with the

components [*subyekty*] of foreign states, the administrative- territorial formations of foreign states, and the ministries and departments of foreign states. Russian Federation organs of state power coordinate the Chechen Republic's international and foreign economic relations in line with this treaty.

#### Article 20

With a view to effectively implementing this treaty Russian Federation organs of state power and Chechen Republic organs of state power can set up joint commissions and other working organs on a parity basis.

#### Article 21

Disputes and differences arising in the course of the implementation of this treaty, as well as disputes about power between Russian Federation organs of state power and Chechen Republic organs of state power in respect of subjects of joint jurisdiction, are settled through conciliation procedures or under the procedure laid down by the Russian Federation Constitution.

#### Article 22

Russian Federation organs of state power and Chechen Republic organs of state power can have their own missions in Grozny and Moscow respectively.

#### Article 23

This treaty or its individual provisions cannot be unilaterally repealed, amended, or added to. Additions and amendments are made to this treaty by joint agreement between the parties by means of additions to this treaty or the conclusion of a new treaty.

#### Article 24

This treaty shall be published in official publications and come into force from the time it is published.

#### Article 25

From the time this treaty comes into force federal and republic legislative and other normative legal acts operate insofar as they do not contravene this treaty.

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