

Toward a New Union Treaty

THE QUESTION OF drafting and signing a new Union treaty arose in the course of preparations for a plenum of the CPSU Central Committee on the nationalities question, although the problem of the renewal of our federation, as I have said, had come up earlier. Indeed the time was ripe to begin work on establishing a legal basis for the reformation of the Union, that is, the drafting of a new Union treaty. For our part, having formulated this idea in September 1989, we had actually begun practical consultations on such a treaty much earlier.

The platform of the CPSU Central Committee, drafted for the Twenty-eighth Party Congress, entitled “Toward a Humane and Democratic Socialism,” which was approved by the February 1990 Central Committee plenum, stated: “The CPSU considers further development of the treaty principle in restructuring the Soviet Union to be necessary. . . . The Union republics, while voluntarily transferring strictly defined functions to the competence of the Union [in a Union treaty], will reinforce their status as *sovereign states*, assuring them constitutional guarantees.”

This general position had not yet been “fleshed out” with an appropriately detailed elaboration. Discussions continued on what the actual content of the Union treaty should be. The following is an excerpt from the transcript of the Politburo meeting of March 1, 1990:

GORBACHEV: We have to examine and truly understand the conception of a federation. We cannot limit ourselves to expressing condemnation and feeling offended. Some people even suggest expulsion from the USSR. Public opinion has shifted in attitude from emotional reactions to arguments like the following: Why do we need such a huge Union? Russia and Ukraine together already have 200 million people. Then add Kazakhstan, where half

the people are Russian. Well, maybe tack on Uzbekistan, too. But as for the rest of them, let them leave the Soviet Union.

That is why we must keep the initiative in our own hands. I repeat, we need a clear conception. And that conception is the renewal of the Union on the basis of a treaty. From discussions with representatives from the Baltic region, from Georgia, and from other republics, I see that they are all thinking about a new conception of the Union in their republics. Yet we keep insisting on the old formula. We need to draft a Union treaty and publish it, and it must be thoroughly discussed, without haste, in the press and in society—everywhere. Particularly so that everyone will see what the various nations would risk if they withdraw from the Union. Of course we cannot fall into the old [tsarist] slogan “One and Indivisible.” [The old slogan of tsarist Russia had been “Russia, One and Indivisible.”] But the question must be posed in such a way as to neutralize the desire to leave the Union. It is possible to have a federation with the different republics having different status; consequently different relations will result between the republics and the Center. After all, even in the Russian empire the status of different parts of the empire varied. There was the Grand Duchy of Finland, the Kingdom of Poland, the Khanate of Bukhara, and so on.

RYZHKOVA supports the idea of a discussion of a draft treaty with the aim of, and within the framework of, drafting a new constitution. LIGACHEV sharply asserts that internationalism is being forgotten.

GORBACHEV (continues): If we do not examine and come to understand the idea of a federation, turmoil will continue. All that we are doing will be affected. We can't just “keep them in check.” We must act very carefully to establish a procedure; otherwise we could end up defending ourselves against our own most ardent supporters, those who are in favor of a federation 1,000 percent.

How can we build a bridge? The starting point is the idea of the federation. Despite what the variations or various steps may be, going in one or another direction, still the pivotal point is the idea of a federation.

Two weeks later, at the Third Congress of People's Deputies, I was elected president of the USSR. In my first speech in this new position I immediately placed the accent on the problem of a Union treaty:

The fate of perestroika to a large degree will be determined by how successful we are in carrying out the transformation to a new federation. As

president, I reaffirm my commitment to maintaining our country's integrity. At the same time I proceed from the idea that it must be an object of special concern by the president's office to take measures to strengthen the sovereignty of the Union republics, their economic and political autonomy, and to raise the status of the autonomous republics and other national-territorial entities.

While I share the opinions stated here on these questions, I consider it vitally urgent that a new Union treaty be drafted, one that will correspond to the new realities and requirements in the development of our federation and of each Soviet nation. In this process we should provide for differentiation in the various forms of federative relationships, taking into account the unique conditions and potential of each republic.

In other words, a very definite course was publicly presented for consideration by our country's highest governing authority. In that same speech, taking into account the situation in the Caucasus (the continuing conflict between Armenia and Azerbaijan), as well that in the Baltic region, and the spread of separatism and anti-Soviet sentiments in other regions of various republics, I found it necessary to focus on certain specific problems. The drafting and signing of a new Union treaty would contribute to overcoming those difficulties.

And I continued my address:

Emergency measures are needed to resolve the especially painful problems arising from quarrels or feuding among nationalities, above all, the problem of refugees. In this regard, measures must be taken by the governments of the appropriate Union republics and, when necessary, by the Union government itself.

In general, we have the right today to propose the following: The Union republics, while strengthening their sovereignty and acquiring broad autonomy, must also take full responsibility for ensuring civil rights for people of all nationalities on their territory—in accordance with both Soviet and international norms. This is a political, legal, and material responsibility.

In recent times the danger of the spread of nationalist, chauvinist, and even racist slogans has arisen. We must fight relentlessly against this, using the full force of the constitution and the laws of the land.

On June 12, 1990, a session of the Council of the Federation was held. This was a new body established (along with the President's Council) at the

same time that the office of the president of the USSR was initiated. The leaders of all the Union republics belonged to this Council of the Federation. The June 12 session was devoted to problems concerning the structures of national governments and the Union treaty. The agreement was that we should establish a working group consisting of representatives of all the republics. *The Council of the Federation expressed itself in favor of establishing a Union of sovereign states*, with the possible combination of elements of a federation, a confederation, and a commonwealth.

Explaining the motivation for this decision to the delegates at the Twenty-eighth CPSU Congress, I said the following:

Everything we have lived through and become aware of in the recent past has led us to understand that the transformation of the Union cannot be limited simply to an expansion, however significant, of the rights of the republics and autonomous entities. *A genuine Union of sovereign states is necessary.* We are talking essentially about the establishment of a national-governmental structure for our country of a kind that would allow various knots of contradictions to be untied, for cooperation among Soviet nations and nationalities to be raised to a new level, and for the totality of our united political strength and economic and spiritual potential to be multiplied in the interests of all who have joined this great Union of states. By the same token, our country's security will be reliably ensured and its international prestige heightened.

At the same time there remains the requirement to give priority to human rights over any interests of national sovereignty or autonomy. This condition should be firmly embodied in the constitutional structure of the Union and of each republic. We cannot retreat a single step from this principle, by which we are also guided on the international level.

I have made these references to the Congress of People's Deputies of the USSR, to the Council of the Federation, and to the Twenty-eighth Party Congress especially to show that in the leadership of the CPSU there had developed an understanding not only of the necessity for reforming the Union but also a conception of how to carry out this task.

After that, the practical work began. On June 20 there took place the first meeting of working groups of representatives of the Union republics and the working group of the USSR Supreme Soviet and USSR Council of Ministers. This meeting was devoted to a discussion of approaches in drafting a

new Union treaty. Later, additional meetings of working groups of the republics and a working group of the USSR Supreme Soviet were held. There were twelve such meetings from August 3 to August 28, 1990, the first between the working groups of the Supreme Soviets of the USSR and those of the RFSFR.

There was a special reason for beginning conversations with Russia: Boris Yeltsin, who had been elected to the post of chairman of the RFSFR Supreme Soviet, in his very first speeches at the Congress of People's Deputies, had called for a declaration of Russia's sovereignty. His understanding of Russia's sovereignty was quite unique: "The most important primary sovereignty in Russia is man and the rights of man. Then comes the enterprise, the collective farm, the state farm, and any other organization—that is where the primary and most powerful sovereignty should be. And of course the sovereignty of the district Soviet, just as with any other Soviet."

At this same Congress of People's Deputies, while supporting the desire to strengthen the sovereignty of each republic within the framework of a renewed Union, I noted: "Boris Nikolaevich [Yeltsin] asserts that sovereignty belongs to the individual and to the enterprise and the district Soviet. But I must tell you: This thesis has not been worked out either theoretically or politically. It is a highly dubious thesis, and he is carrying the question of sovereignty to the point of absurdity." Even then I understood that all these actions of our new Russian government would encourage separatism within the Russian Federation itself and would cause the nationalities of that republic to clash.

But Yeltsin did not limit himself to what he said in Moscow. On a trip around the country he continued to "deepen" these ideas. In Tatarstan he said: "Whatever kind of autonomy Tataria chooses for itself—no matter what it is—we will welcome it." In Bashkiria he said: "Take whatever share of power you are able to swallow." Sure enough, later, when the Chechen republic demanded the sovereignty it had decided on and declared its independence, a war began.

But it was not just a matter of how sovereignty should be understood within Russia, although that was quite a dangerous question, as has now become quite clear. The problem was how Yeltsin understood the sovereignty of Russia within the Soviet Union. Immediately after his election as chairman of the RFSFR Supreme Soviet, he stated: "Based on the declaration of sovereignty that will be adopted and on the necessary laws, Russia

will be autonomous in all things and its decisions must be higher than those of the Union.” This statement was as irresponsible as it was illiterate. In practice it meant that Russia would pay no attention to the Union or to the Union government and was not about to carry out decisions made on the basis of the federation as a whole.

Russia’s actions resulted in an avalanche of sovereignty declarations by all the Union republics and by many autonomous republics—the so-called parade of sovereignties—and prevented a constructive dialogue with Lithuania. In fact those actions laid the basis for the dissolution of the Soviet Union.

Thus all the arguments claiming that the national conflicts in the Baltic region, the Caucasus, and Central Asia triggered the dissolution of the Soviet Union are nothing but attempts to justify, after the fact, Yeltsin’s irresponsible actions, and those of the organization Democratic Russia, in causing the disintegration of the USSR. Neither then nor now has anyone been able to make convincing arguments as to why Russia needed independence from the USSR. The question is a simple one: From whom was Russia supposed to become independent? From itself? This question completely disarms and stumps those who have tried both at the time and now to argue that the actions of the Russian government were necessary. I remember sitting with Yeltsin at one point after the law on Russia’s sovereignty had been adopted, and saying to him: “Boris Nikolaevich, our country, the USSR, consists of two hoops: the Union and the Russian Federation. If one of them falls apart, then everything will dissolve.”

Looking back now at everything that happened, it is evident to me that the main orientation of Yeltsin and his entourage was to pursue a course aimed at the dissolution of the Soviet Union, at taking control of Russia, so as to seize power for themselves. Of course at that time, and even afterward, right up until the coup attempt in 1991, he could not act openly. He would not have had support even from the majority of his own supporters at that time. But secretly that was what was going on.

There is one more point of no small importance. It is now quite obvious that the line taken by the Russian leadership, aimed at the disintegration of the Soviet Union, intersected with the struggle against the leadership of the USSR which was being conducted by the fundamentalist forces, the old school of the nomenklatura inside the CPSU. Their stronghold was the Communist Party of the RFSFR, which had been founded that same year, in 1990, and was headed by Ivan Polozkov and others, including Gennady

Zyuganov. Both camps, those around Yeltsin and the leaders of the Communist Party of the Russian Federation, despite their seemingly opposite ideological positions, were encouraging, provoking, and instigating each other toward removing Gorbachev and undermining and destroying the process of renewal and reform of the Union government. That process did not suit their purposes.

But let us return to the process then under way—the drafting of a Union treaty.

On August 30–31, 1990, after consultations with twelve Soviet republics (the three Baltic republics were not included, although meetings were also held with delegations from those republics), a joint session of the President's Council and the Council of the Federation took place. R. Nishanov, chairman of the Council of Nationalities of the USSR Supreme Soviet, acquainted the participants with the results of the consultations. He noted a complete coincidence of views on the need for a radical renewal of the Union but stressed at the same time that the most varied opinions had been expressed on the form the future unified state would take—ranging from a federation to a confederation. The decision was made to form a preparatory committee to draft a new Union treaty; it would consist of authorized delegations from the republics headed by those in the top government positions and with the participation of the president of the USSR, the chairman of the USSR Supreme Soviet, and the chairman of the USSR Council of Ministers. This committee was to begin work in mid-September 1990.

At the end of September, the USSR Supreme Soviet joined in the discussion on the question of the Union treaty. Keeping in mind that during the course of these preceding discussions and consultations, it was sometimes expressed that the renewed federation would not be a single country but a weakly linked and not very viable conglomerate of republics, it was necessary that I affirm once again the majority position: “I am for a Union of sovereign states, a renewed Union, in which everyone would feel comfortable, all the nationalities, and each and every nation would realize its intellectual potential and everything else lodged within that nation. Each nation and nationality is great and unique in its own way. And I regard the Union of sovereign states as a *united multinational state*.”

After this session of the Supreme Soviet, work continued. In writing the new Union treaty, seven drafts were used. These had been prepared by Byelorussia, Kazakhstan, Uzbekistan, Azerbaijan, Kirgizia, Turkmenia, and Tadzhikistan. Also used were two drafts that originated at the Soviet Acad-

emy of Science's Institute of Government and Law, three drafts that had been awarded prizes by a jury of the Interregional Deputies' Group, and one draft presented by a group of political parties. Problems having to do with the renewal of the Soviet Union were discussed three times at the Council of the Federation and twice by the USSR Supreme Soviet. The interim result of all this activity was presented to the Fourth Congress of People's Deputies (held December 17-27, 1990). The discussion there was very intense and sometimes quite strained. Rather than attempt to paraphrase it, I will cite an excerpt from remarks by G. Tarazevich, representing Byelorussia, chairman of the commission of the Council of Nationalities on nationality policy and on relations among nationalities:

If we analyze the various political views on the principles for a renewal of our Union, two opposing patterns reveal themselves.

The first proposes to destroy the existing Union. (Sometimes this is stated openly, sometimes in a veiled fashion.) In other words, those supporting this proposal are talking about eliminating the government structures and governing bodies of the Soviet Union and making the Union constitution no longer operative. At the same time the republics (so it is suggested) would begin a process of making treaties with one another, and on this basis a new Union would be established.

The second plan is based not on destruction but on reform. This one proposes to stop the decomposition of existing internal links binding the Union together. By agreement with the republics, the administrative and government bodies of the Union would be radically reformed. The republics, jointly with the president and the leadership of the top Unionwide government bodies, would conduct a process to arrive at an agreement on a new Union.

A bitter struggle, a contest for power, has essentially broken out between proponents of these two plans. The first plan is actually not that difficult to implement, since a consistently negative attitude on the part of the public has been formed in relation to the former central government and the existing one. In many respects this attitude is justified. But the truth is that in criticizing the Center and heaping all the blame on it, we fail to recognize that many of our present troubles are connected with a rather unwise destruction of this much-reviled Center.

But let us return to the question of implementing the first plan. As we have said, public opinion is generally against the Center. It is sufficient now

for the leaders of several republics, especially if Russia is included, to have their parliaments make such ideas official in order to pull the rug out, so to speak, from under the Union's governing bodies. In my opinion, this process has already begun. Isn't that why we have not yet been able to consider a plan and a budget for the Union as a whole for the coming year? With events developing in this way, some political forces and their leaders will of course win out, but will our society and the people of our Union gain from this? I am convinced they will not. On the contrary, the destruction of the Union will bring new disasters to the people of that Union. . . .

Destruction of the Soviet Union in the present historical circumstances will inevitably lead to catastrophic consequences for our society. The politicians who are influencing processes in this direction in one way or another should understand their responsibility to the people and to history. *As far as the idea of a renewal of the Soviet Union is concerned, in my opinion the conception of the president [Gorbachev] should be supported because it provides not for the destruction but for the reformation of the central government.*

On December 24, 1990, the congress passed a resolution entitled "On the General Conception of a New Union Treaty and the Procedure for Concluding Such a Treaty." Having expressed itself in favor of a transformation of the existing Union into a "voluntary, equal Union of sovereign republics—a democratic and federated state," the congress noted:

A renewed Union based on the expressed will of the various peoples and based on principles set forth in the declarations by the republics and autonomous entities on state sovereignty—such a renewed Union is called upon to ensure the following: the equality of all citizens of the country regardless of nationality or place of residence; equality of all nationalities, no matter the size of the population, and their inalienable right to self-determination and free democratic development, as well as the right of the components of the federation to territorial integrity; guarantees of the rights of all national minorities; and a strengthening of the authority of the Union as a guarantee of peace and international security.

It was prescribed that further work on the draft treaty and the development of procedures for the signing of this treaty should be organized and carried out by a preparatory committee consisting of the top officials of the federation's components—the republics and autonomous entities, the pres-

ident of the USSR, the chairman of the USSR Supreme Soviet, and the chairman of the USSR Council of Nationalities of the Supreme Soviet. In preparing a draft of a Union treaty the committee was to base its work “on the general conception presented to the congress as well as the conceptions held by the component bodies of the federation, while taking into account the proposals and comments expressed by the People’s Deputies of the USSR and by public opinion.”

A special point in the congress’s resolution stated the following:

The congress emphasizes that the chief condition for arriving at an agreement is for all government bodies, up until the signing of a new Union treaty, to abide by the existing constitution of the USSR and Unionwide laws and not to permit the adoption of resolutions that would restrict the sovereign rights and legal interests of the component entities of the federation.

This clause was absolutely necessary because, by the beginning of 1991, cases of violations against the constitution of the USSR were multiplying rapidly. It was not just a question of the Baltic region but involved a number of other republics as well. In this respect, Russia also set a bad example more than once.

At the very beginning of 1991, work on the draft of the new Union treaty began to pick up speed. But it was proceeding in extremely complicated circumstances: Both the radical democrats and the conservative opponents of renewal of the federation intensified their activities, seeking to prevent the implementation of plans that had been outlined and approved by the Congress of People’s Deputies.

The radical democrats proved to be the most energetic. They tried to take advantage of the events in Vilnius and Riga, portraying them as a “conspiracy by the conservatives in the Kremlin.” They interpreted any action by the central government authorities in that spirit.

At that point Yeltsin made a trip to Latvia and Estonia. Speaking at a press conference after the trip, he declared: “It apparently would not be possible” to defend Russia’s sovereignty without a Russian army. Thus a Russian army was supposed to defend the sovereignty of Russia against a Union army, which was 80 percent Russian. How absurd! What is more, this was a gross violation of the constitution of the USSR. I had occasion to say this directly from the speaker’s platform at the USSR Supreme Soviet.

Yeltsin's statements at this same press conference, which I quote from the news report in *Izvestia*, were as follows:

Yeltsin spoke of the fact that the leaders of the four largest republics—Russia, Ukraine, Byelorussia, and Kazakhstan—had decided, without waiting for a Union treaty, to conclude a four-sided agreement among themselves on all questions and, for this purpose, to meet in the near future in the city of Minsk. No exact date had been set.

Yeltsin stated, "It seems to us that such an action will be a good stabilizing factor for all of society. Our agreement can be adhered to later, if they wish, by the other republics and the central government."

This idea was not carried out at that time. What was actually involved, however, was an open attempt not only to undermine the Union treaty but to call the existing government into question.

By no means was it accidental that during that period, in early 1991, Yeltsin began an intense campaign against me as president of the USSR. On February 19, in an interview for central television, he stated that he was differentiating himself from the policies of the president of the USSR and was demanding that the president resign. The USSR Supreme Soviet interpreted this statement by Yeltsin as contradicting the constitution and creating an extraordinary situation.

At the end of February I traveled to Byelorussia. In my speeches there I gave the following assessment of everything that was happening, without of course falling into the kind of tone and accents used by my opponents. I feel obliged to quote extensively from my speech at that meeting on February 26 with the scientific and creative intelligentsia of Byelorussia:

Today the peoples' right to self-determination and self-government is recognized by law. We have entered the phase of transforming the Soviet Union into a federation of sovereign republics. . . .

It is necessary to state, however, that, given our democracy's current fragile and unconsolidated condition, certain political groups have been attempting to carry out their plans not within the constitutional framework nor through existing laws but in direct opposition to them. All the drama of the present situation and the root source of the difficulties we are experiencing essentially stems from this. . . .

The "war of laws" [in which the Russian Federation was adopting laws that contradicted Unionwide laws], which has been waged in accordance

with a certain ideology, has in many respects paralyzed the government, torn the market apart, and disorganized vital ties that had taken shape over decades. Attacks have intensified against the Congress of People's Deputies, the USSR Supreme Soviet, and the president. A paradoxical situation has arisen in which people are accusing the central government of supposedly putting an end to reform and preparing a dictatorship when they themselves are departing quite far from the line of perestroika and are seeking in fact to change its goals and orientation. In reality a struggle for power is under way, and it is destabilizing society and threatening to divert us from the path of reform to that of confrontation. Until we can eliminate this situation, which is intolerable from the point of view of our society's and our government's viability, the crisis will deepen, threatening to develop into a civil war and seriously weaken the country, if not set it back for decades. . . .

The general conclusion of authoritative scholars and scientists from many countries comes down to this: It is impossible to carry out a successful transition to the market under conditions of chaos and disorganization. We want to reach these new forms of life and ensure a different dynamic for the development of our country precisely by reforming property relations, moving toward a market economy, and transforming the Union. Without cohesiveness, without a united majority of the people, we will not be able to shoulder these tasks. That is the essence of this entire complicated and dramatic situation. . . .

The political groups that are demonstrating under the flag of democracy are a mixed bunch, but the positions of their leaders have been made fairly clear. Where do they want to lead us, to what end do they offer their services, these newfangled "friends of the people"? The first point in their program is defederalization, by which they mean the disintegration of our great multinational state. One of the ideologists among the democrats, the chairman of the Moscow Soviet, Gavriil Popov, speaks candidly, without emotion, about the possibility of separating the Soviet Union into forty or fifty new states, resettling entire populations, and carving new borders among various republics. This plan that is both anti-Union and anti-people is put forward as the central core of democracy, and political actions follow in the wake of these programmatic orientations. I have in mind the frenzied attacks on the central government, that is, the attempt to cast suspicion on our Union and on the referendum regarding the future of our multinational state. . . .

And not only to cast suspicion but to try to distort our goals. Look at what attacks the referendum has been subjected to at certain forums. It is no

surprise that the so-called democrats entered into a political alliance with separatist nationalist groups. They have a common purpose: to weaken and, if possible, destroy the Union. And for the democrats it is not a problem that the reputation of the extremists from Sajudis or [the Ukrainian nationalist movement] Rukh is not above reproach. They are able to forgive these allies for such “sins” as the organization of moral terror, and, in some cases, armed terror, against people who think differently or who speak a different language, the destruction of monuments to Soviet soldiers, and the promotion of profascist views. . . .

The opposition does not find it to their advantage when the reforms are carried out by someone other than themselves. That is why they try not only to discredit the policies of the central government but, insofar as they are able, to torpedo measures taken by the central government. All this is having a major effect on the economy in spite of the feverish efforts we all have taken. The activity of many republic-level government bodies has been affected, as has the search for proper and good relations between the central government and the republics. We can see where the processes of disintegration are leading. And if we do not stop them and if we do not maintain the economic ties that to a considerable extent have already been disrupted, we will face a decline in production with all the consequences, above all, social consequences, that will flow from that. And from the social consequences, political consequences will follow, because the people will not tolerate this situation any longer. . . .

So then, questions must be resolved within the framework of continuing perestroika—otherwise the disintegration and decomposition of economic ties and the disruption of production will end up requiring that harsh measures be taken. We do not want to permit this: chaos can only give rise to dictatorial methods and forms of rule.

I considered it necessary at that time to call things by their real names, to point to the danger of the challenges being posed by the radical democrats, to the importunity they displayed. But attacks were also coming from the forces opposing reform, those who attempted at the Congress of People’s Deputies of the USSR in December 1990 to remove the president from his post. And although the supporters of these two different radical extremist currents hated each other, their interests objectively converged around the common aim of undermining a reformist central government.