



CIRCULAR

May 2000

Circular No. 11/2000

To: International Commissioners

Scouting in Russia – ARNSO vs NORS-R

Dear colleagues,

I refer to my circular No 24/1999 which informed you of the decision taken by the World Scout Committee in November 1999 on the subject of Scouting in Russia.

Meanwhile, some of you may have received directly from NORS-R a copy of a letter sent in April 2000 to the Members of the World Scout Committee.

You will find enclosed a copy of the World Scout Committee's answer to that letter, with enclosure.

We ask you to ensure that those of your Scout leaders who have contacts with NORS-R or ARNSO are informed of the contents of these documents as well as of my circular No 6/2000 and of its enclosure on "Questions and answers about Scouting in Russia", which can also be found on the WOSM website in "Scouting News".

Some of the troops that are still part of NORS-R practise quite good Scouting; their leaders are often not aware of the true constitutional situation of either NORS-R or ARNSO and there is no reason that they and their Scouts should suffer from a situation for which they are not responsible; they should all feel welcome within WOSM and be encouraged to join ARNSO through one of its Member Associations. Indeed, those of your Scout leaders who are in contact with these Scout brothers and sisters in Russia should not only be personally informed of the constitutional aspects of Scouting in Russia but should encourage their Russian Scout brothers and sisters to work towards the unity of Scouting in that country by joining ARNSO.

To facilitate the full understanding of the situation we are putting this circular and its enclosures on our web site at: www.scout.org/wso/snews/russia

For those who would like more detail there is a collection of supplementary documents (*25 pages - 356 K*) which can be downloaded, in English only, also from: www.scout.org/wso/snews/russia

Sincerely yours,

Jacques Moreillon



World Organization
of the Scout Movement
Organisation Mondiale
du Mouvement Scout

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Chairman
Council of Scoutmasters of NORS-R
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Moscow
Russia 107050

Geneva, 18 May 2000

Dear Mr. Karasev,
Dear Dr Drozdov,

The World Scout Committee has taken note of your open letter of April 2000 and you will find enclosed our comments to your text.

We regret that you are evidently misinformed about ARNSO. ARNSO's draft Constitution has been studied and discussed in detail with the World Scout Bureau and with the Chairman and Secretary of the Constitutions Committee and will shortly be submitted to the latter for comments and approval.

The real problem is in the NORS-R Constitution, which, as we have repeatedly and officially told you since our letter to M. A. Karasev of 23 November 1998, is both undemocratic and incompatible with WOSM's own Constitution. The fact that you may have arrived at such a result in what you call a "democratic process" is irrelevant: it is the result that matters. And it is that result, namely your own draft constitution, which you have never been willing to discuss with WOSM.


By the same standards, the idea of "opposing" the constitutions of ARNSO and of NORS-R in a similar "democratic" process is not a solution, as we have already pointed out to Mr. Karasev, on 30 July 1999, when he already put this same proposal to WOSM. Any draft Constitution of any National Scout Organization which is candidate to WOSM membership must first be consistent not only with its national legislation but equally with the Constitution of WOSM.

You will appreciate that World Scouting has its rules which all candidates for membership must fulfill. And since you have never accepted to discuss the NORS-R constitution with WOSM, you left the World Scout Committee with no other choice but to build the future of Scouting in Russia around a respectable and growing National scout entity: ARNSO, a National Scout Organization that fulfills the requirements both of World Scouting and of Russian legislation. As a consequence of this process, today there is no other alternative for those Russian boys and girls, youth and adults who want to belong to WOSM than to join ARNSO through one of its Member Associations.

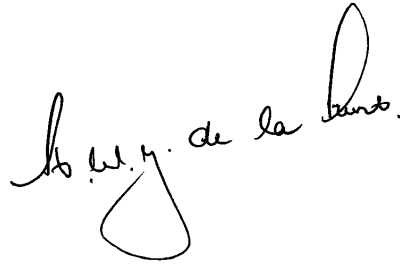
May we add that ARNSO is, as always, open to dialogue and you are again encouraged to approach them to that effect. At any rate, you yourselves and all your members are also individually welcome in ARNSO, through one of its member Associations.

Finally we would ask you to address any further correspondence on this matter to the Secretary General of WOSM, for it is his and the World Scout Bureau's constitutional function "to promote the development of Scouting in countries where it does not exist, to assist non-member National Scout Organizations to obtain the standards necessary for membership in the World Organization and to enquire into applications for membership."

Sincerely yours,



Jacques Moreillon
Secretary General
World Organization
of the Scout Movement



Garnet de la Hunt
Chairman
World Scout Committee

- cc: - Members of the World Scout Committee
- Regional Chairmen
- National Scout Organizations/Associations
- ARNSO



May 2000

Comments on NORS-R's letter of April 2000

In April 2000, Mr Alexander Karasev, Chairman, Council of NORS-R and Mr. M.S. Drozdov, Chairman, Council of Scoutmasters of NORS-R, sent a letter to the members of the World Scout Committee, with copies to "Chairmen, Regional Committees of WOSM" and to "Leaders of the National Scouting Associations".

In this commented version of that letter, we have reproduced, for ease of reading, the text of the NORS-R letter respecting its numbering and spelling. *The comments of the World Scout Committee and World Scout Bureau are typed in italics.*

* * *

Beginning of NORS-R letter

To: World Scout Committee

Dear Brothers and Sisters in Scouting,

In connection with the Decision of the World Scouting Committee, adopted in Cairo on November, 14, 1999. regarding the issue of the acceptance of the All-Russian National Scout Organization (ARNSO) as a member of the World Organization of the Scouting Movement (WOSM), we find it necessary to bring the following to your attention.

1. In the decision of the World Scouting Committee, it is recommended to open the way to membership in WOSM for ARNSO. The acceptance of ARNSO into WOSM as the National Scouting Organization of Russia may be a serious mistake for the following reasons:

1 a. Accepting ARNSO into WOSM does not accord with the Constitution of WOSM, since ARNSO has not yet been legally registered in accordance with Russian Federation law.

Comments to 1a.

- *Because ARNSO is a Federation in the sense of the WOSM Constitution, one has to distinguish between three types of registration*
 - *the registration of ARNSO itself as a legal entity,*
 - *the individual registrations of its founding members,*
 - *the individual registrations of its Member Associations.*

*

- *With regard to ARNSO as such, as from April 1998 the ARNSO constitutional documents have been repeatedly revised, on technical points, in order to fully comply, on one hand, with the requirements of the Ministry of Justice of the Russian Federation (RF) and, on the other hand, with the recommendations of the World Scout Bureau. The Constitutions of its Member Associations have followed the same process.*

Early in April 2000 all documents necessary for the registration of ARNSO and of its Member Associations with the amendments introduced at the request the Chairman and the Secretary of the Constitutions Committee of WOSM, were submitted by the President of ARNSO, Mr. Gromov, to the Ministry of Justice of the Russian Federation.

Formal registration will be performed immediately upon receipt by ARNSO of final comments on the texts of the ARNSO Constitution and of the Constitutions of its Member Associations by the Constitutions Committee of the World Scout Committee, considering that the present drafts have already received the informal approval of the competent Russian authorities, which have been regularly consulted in the drafting process.

*

- *With regard to the founding members of ARNSO, they have all been duly registered. These registrations include the following entities:*

A. Scouts of Russia Association (Open Scouting)

- *An All-Russian Scout Organization called "National Organization of the Scout Movement of Russia" (the organization of "Open Scouting"), which has branches in more than 48 subjects of the Russian Federation and was registered by the Ministry of Justice of RF on December 6, 1993, Certificate No 2281.*
- *The "Moscow Scout Union" Inter-Regional Organization, which unites Scouts from 12 regions of Central Russia, and was registered on June 5, 1991. Certificate No 134.*
- *The "Union of Russian Scouts", an Inter-Regional Organization, which unites Scout troops from 5 regions of the Russian Federation, and was registered by the RF Ministry of Justice on December 23 1993. Certificate No 2057.*

B. Confessional Associations

- *An Inter-Regional (Confessional) Scout Organization called the "Federation of Orthodox (Pathfinders) Scouts", which is the only organization that has the right to organize its activities in all dioceses of the Russian Orthodox Church and which actively implements this right. The RF Ministry of Justice registered it on September 30, 1994. Certificate No 2406.*

C. Republics

- *The "Association of Udmurdia Scouts" (Udmurdia is a national Republic, which is part of the Russian Federation). The Ministry of Justice of Udmurdia registered it on October 11 1992. Certificate No 45-OB.*
- *The "Komi Scout Association" (Komi is a republic, part of the Russian Federation). The Ministry of Justice of the Komi Republic registered it on February 18, 1994. Certificate No 104.*

- *The "Scout Association of the Republic of Chuvashia", the "Scout Association of the Republic of Tyva", those one of the Republics of Buriatia and Yakutia, and a considerable number of Scout Organizations with legal entity, such as: OST, "Krylia", "Volzhane", "Berendei" have also integrated ARNSO.*

*

- *As for NORS-R, it should be remembered that it was founded by physical persons who used to be members of what had remained of the "Federation of Scouts" (of Russia) and of part of the Inter-Regional organization called the Organization of Young Razvetchiks - OYR (ORuR). These entities may have been registered before the creation of NORS-R but the World Scout Bureau, has never received any indication about the registration, under Russian law, of NORS-R as such.*

* *

1b. Accepting ARNSO in WOSM would represent a minority part of the scouting movement in Russia, If ARNSO is accepted into WOSM, the majority of Russian scouts would be left outside WOSM.

Comments to 1b.

This is not correct. The admission of ARNSO to WOSM would represent the recognition of the majority of organised Scout movements and entities in Russia, since the majority of registered all Russian, inter-regional and regional Scout organizations have now already joined ARNSO.

* *

1c. ARNSO cannot represent Russian scouts adequately since, due to its organizational weakness, it practically has no contacts with state and public organizations on the federal level in Russia.

Comments to 1c.

- *ARNSO at present acts as a representative of the Scout Movement in Russia at all levels of legislative and executive power.*

Some of its founding Organizations, namely:

- Federation of Orthodox Scouts (FOS),*
- National Organization of the Scout Movement (NOSM),*
- Russian Union of Scouts (RUS),*
- Union of Moscow Scouts (UMS)*

are included in the Official Registry of Youth Organizations, which is an official government entity. Today, b, c and d have merged into the "Scouts of Russia" Association (Open Scouting).

*

- *Members of ARNSO leadership actively co-operate with State, scientific and public organizations and the church. For example, amongst many others:*

Mr. V. Gromov, the President of ARNSO, is a Member of the Council of the League of Russian Youth Organizations, the assistant of a Deputy of the State Duma (the

Parliament) of RF, the Advisor to the Moscow City Duma on Youth Programs, and a member of the Council of the "Rescue Corps of Russia".

Mr. O. Reshetnikov, an ARNSO Council member and the FOS Chairman, is Secretary General of "All-Church Orthodox Youth Movement", a member of the Public Council of the Moscow Government, a member of the Council of the Association of Researchers of Russian Youth Movement, a member of the Expert Council of the Ministry of Education of the Russian Federation (for outside-school education).

Dr. V. Druzhinin, a member of the ARNSO Council and the President of NOSM, is a member of the National Council of the Youth Organizations of Russia.

* * *

2. In the decision of the World Scouting Committee it is recommended that the members of the National Organization of Russian Scouts-Razvedchik (NORS-R) join the member organizations of ARNSO. This is impossible for the following reasons:

2a. NORS-R has several times the membership that ARNSO has.

Comments to 2a.

- *WOSM has never received any detailed or credible information from NORS-R on its membership.*
- *For its part, ARNSO has a proven (registered as paid) membership of more than 14.000. (See also comments to 3 a.)*

* *

2b. ARNSO is not active in most of the regions where NORS-R groups exist.

Comments to 2b.

ARNSO has organizations and branches in the majority (54 out of 89) of Russia's regions.

* *

2c. NORS-R has the necessary contacts at the federal level throughout the country and may lose them, since, as indicated above, ARNSO has no such contacts.

Comments to 2c.

ARNSO maintains contacts with the Government of the Russian Federation, the Russian Duma and the Council of the Federation (senate of Duma) and with the Ministries responsible for children and young people; as well as with administrative bodies at local and regional levels.

In doing so however, ARNSO and its Member Associations avoid putting Scouting in a relation of dependence from public authorities which – to our knowledge – is unfortunately not always the case with some NORS-R leaders.

* *

2d. The structure of ARNSO does not suit most members of NORS-R, since it is contrived, artificial, and does not reflect reality.

Comments to 2. d

Quite the contrary. The structure of ARNSO is actually a most appropriate one, since it meets the requirements of effective organization of the Scout activities at all levels of the Russian Federation, reflects the reality of the contemporary state of affairs in Russian society and fulfills the requirements of the Constitution of WOSM. Furthermore, its authors have cleverly managed to conceive a solution which has "the best of both worlds", in the sense that it combines the advantages of a single organization and those of a federation: in fact, at first glance it looks like a federation, but in reality it is closer to a single organisation. Moreover, it answers the requirements of the Republics of Russia.

It "looks like a federation" because it has three groupings:

- a) Confessional Scout associations*
- b) Associations in the Republics*
- c) an Open Association (called "Scouts of Russia") which brings into a single entity all those who are neither (a) nor (b).*

But at the top legislative, executive and presidential levels, these entities constitute one single entity, with – legally – a sufficiently strong leadership and enough cohesion to guarantee the unity and quality of the ensemble.

It should also be added that the territorial jurisdiction of both the Confessional associations and the Open association cover the totality of the territory of the Russian Federation except the 21 Republics. Each of these 21 Republics will have its own association which will have jurisdiction over the territory of the Republic concerned, subject to the general provisions of the Constitutions of ARNSO itself and of the Russian Federation. This would ensure a clear territorial approach and should avoid complicated problems of "double membership" and uncertainty as to which component association an individual Scout would belong, while fully respecting the structure of the Russian Federation.

In short, the structure of ARNSO is not only in conformity with the WOSM Constitution; it is also tailor-made to the structure of the Russian Federation, both in law and in fact.

* * *

3. We would like to give some examples to support what we have said:

3a. Number of members: According to experts' estimates, ARNSO has no more than 5000 members, The following facts confirm this:

Comments to 3a.

Whose experts?! In ARNSO, membership figures only include those Scouts who have paid their individual membership fee. Contrary to NORS-R's figures, which were never given to WOSM, ARNSO figures have been public and communicated to WOSM. In April 1998 already, ARNSO had more than 14.000 individually registered members. A new census is being taken at present.

*

- NORS-R was created by a decision of the Congress of Leaders of Scout Troops in St. Petersburg (in May, 1998). Over 260 adult delegates from 46 regions of the Russian Federation (RF) participated in the Congress (at

present our groups are active in more than 50 regions of Russia). ARNSO was created in April, 1998 in Moscow by decision of a conference in which no more than 25 delegates participated. Since that time ARNSO has never had a gathering with more than 25 leaders present.

Comments to first bullet of 3a.

- *NORS-R should make up its mind on which figures to use. The Preamble of the NORS-R Congress decision reads as follows: "We, 179 delegates of the Congress of leaders of Russian Scout Troops ... from 51 regions of Russia" and not "260 adult delegates from 46 regions of Russia".*

Moreover, out of 179 delegates of the Congress, about 40 of the adult leaders present already represented ARNSO. In fact, an ARNSO Council member, O. Reshetnikov even addressed the Congress with a welcoming speech, calling upon the combining of efforts between NORS-R and ARNSO ... but to no avail.

- *As to ARNSO, its Constituent Congress held on 27 April 1998 in Moscow had 21 duly authorized representatives from 14 organizations present and participating.*

*

- *NORS-R disseminates information about its activity through two national scout newspapers ("Scout World" and "Pilgrim"), a quarterly magazine ("Skaut-Razvedchik") and two Internet servers, not counting various publications of regional organizations, several scout museums. Information/methodology centers, etc. NORS-R publishes the weekly "Klassny Journal" which has a circulation of 50,000. Neither ARNSO nor its member organizations have any national children's publications, nor any regular periodical magazines.*

Comments to second bullet of 3a.

- *WOSM welcomes this information since only some of these publications have, exceptionally, been sent to the World Scout Bureau.*
- *As to ARNSO, it issues "The Scout Messenger of ARNSO", which is an official publication. The following servers represent ARNSO in the Internet:*

www.scoutmaster.ru

fps.vinchi.ru

All the other periodicals and methodological materials are published separately by ARNSO Member Associations at all country levels.

*

- *NORS-R trains its scout leaders through a developed system of courses and through publications on methodology.*

Comments to third bullet of 3a.

- *If true, this is good news ... though first news for the World Scout Bureau and Committee, since no information to that effect was ever shared with us.*
- *As for ARNSO, there are training and methodological Centers of ARNSO Member Associations in the cities of Dubna, Syktyvkar, Nizhny Novgorod and*

Moscow. However, at this stage most of the training, like publications, is done within and by the Member Associations themselves.

*

- During the period since its creation, NORS-R has already conducted several national level events. For example, a Jubilee Jamboree was held in Moscow, in May 1999, to commemorate the 90th anniversary of the scout movement in Russia. There were approximately 400 participants from various regions of the RF. The jubilee camp in August 1999 in St. Petersburg had more than 700 participants and guests from more than 20 regions of the RF. ARNSO did not have events on a similar level in connection with the 90th anniversary of the scout movement in Russia.

Comments to fourth bullet of 3a.

- *The "Jubilee Jamboree" of NORS-R at Krutitskoye Podvorie in Moscow was held within the traditional Parade of "Federation of Orthodox Scouts" (an ARNSO member). The person responsible for that event was O. Reshetnikov, who, today, is the Chairman of the Federation of Orthodox Scouts, which is a member of ARNSO.*
- *As for ARNSO, over the last two years it has held a number of programs and projects at national and regional levels: Eurasia Regional training seminar "Excelscout 99". A number of national and international camps, such as "The Sails of Friends", "Fanagoria-99", "Caucasus-98" etc. were held. This information concerns only the year 1999.*

It should be stressed that, unlike NORS-R components, ARNSO members have systematically followed the rules of WOSM for participation in world events and have endeavoured to always take part in them

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3b. Regional representation: In order to be listed in the State Register of Youth Groups, by 1997 the organizations which later joined to create NORS-R had submitted lists of troops by region, which were confirmed by the government authorities of the region.

Comments to 3b.

The above mentioned lists submitted to the State Youth Committee of Russian Federation government in 1997 reflected the state of Scouting in 1997, and were strictly within the framework of the Orthodox "Federation of Scouts-Pathfinders", and covering 36 regions. The persons then responsible for this project (which dates to earlier than the creation of both NORS-R and ARNSO) were V.V. Vasiliev and V.V. Gromov.

Other Scout organizations (NOSM, FOS, SUS, OCT, etc.) submitted their lists independently.

Only NOSM was registered as an All-Russian organization. The others were registered as interregional, or regional, or local Associations

* *

3 c. Contacts with government bodies, NORS-R has regular contacts with the State Committee on Youth Policy of the RF, the Ministry of Education of

the RF, and other federal, regional and local government bodies. NORS-R is an active participant of the National Youth Council of Russia.

Comments to 3c.

If confirmed, this is a recent development for, to our knowledge, NORS-R as such has not been a member of the National Council of Russian Youth Organizations up to now, though the present executive for international relationships of that Council is a member of NORS-R and Mr Karasev represents the youth NGOs of St Petersburg to the Council.

* *

3d. Structure: The structure of ARNSO is unacceptable to NORS-R for the following reasons:

- The structure of ARNSO contradicts the principles of federalism, which form the basis of the state structure of the RF according to the Constitution of the RF. The structure of ARNSO provides for independent scout organizations of the autonomous republics within the RF, which contradicts the principle, of equality of the subjects of the Russian Federation (Article 5 of the Constitution of the RF).
- The structure of ARNSO does not adequately reflect the interests of minority groups in the scout movement of Russia. Specifically, membership in ARNSO is unacceptable for the Catholic scouts of Russia, since it requires that they be separate from the Orthodox majority of Russia. Representatives of the Catholic scouts of Russia have often pointed this out.
- ARNSO has a loose structure. It does not have a structural center and does not provide unity of the organization.

NORS-R is prepared to present documents which confirm the above as soon as such a request is made.

Comments to 3d.

- *The structure of ARNSO fully reflects the asymmetrical reality of the Russian Federation. As mentioned in the comments to point 2 d. above, the structure of ARNSO is fully adapted to implement the interests of all and diverse (ethnic, territorial, cultural and confessional) groupings in the Russian Scout Movement. (See also the enclosed legal analysis of Dr A. Paramonov).*
- *Catholic Scouts may form a Catholic Scout Association within ARNSO as a separate Confessional Scout Association; or they may choose to belong to the non-confessional Association of "open scouting" either as individuals or as a Catholic Scout group. It is a matter of individual choice, a choice that does not exist in a similar fashion in NORS-R.*

In accordance with its Constitution, ARNSO has a function of co-ordination with all its Member Associations and a clear structure which provides for unity of the organization and a high level of organizational coherence.

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4. Unification of scouts in Russia: However, taking all of the above into consideration, for the sake of unity of the scout movement in Russia, NORS-R considers it possible to negotiate with ARNSO, but exclusively on a democratic

basis. NORS-R considers that the future of the scout movement of Russia should be decided only in a democratic way at a Joint Congress of adult NORS-S and ARNSO scout leaders which would adopt an organizational structure for the National Scout Association of Russia. If the majority of such a Congress chooses the ARNSO structure, NORS-R will obviously submit to this majority decision.

NORS-R is convinced that accepting ARNSO as a member of WOSM will not help unite the scouts of Russia, since it does not resolve the above-mentioned internal problems of ARNSO. Accepting ARNSO into WOSM will only complicate the process of unification, since most of the scouts of Russia will be outside WOSM. Accepting ARNSO into WOSM will greatly complicate the situation in the Russian Scouting Movement and its relationship to international scouting organizations.

Comments to 4

To the above ARNSO has the following to say, of which the World Scout Bureau has been a constant witness :

"Although NORS-R deems it possible to negotiate with ARNSO for the sake of unity of Scouts in Russia, all proposals on the part of ARNSO to hold such negotiations, made before and since the creation of both ARNSO and NORS-R more than two years ago, have remained unanswered.

From the time of the Constituent Congress of ARNSO in April 1998 till December 1999 one letter with greetings to the participants and eight letters inviting to negotiate were sent by ARNSO to the addresses of the "NORS-R Congress of Scout Leaders" and to the leaders of NORS-R.

In fact, for the sake of unity of the Scout Movement in Russia, ARNSO never ceased attempting to invite NORS-R to the negotiating table. The ARNSO Council in June 1998 established a permanent delegation (composed of S. Sirotkin, V. Chernykh, O. Reshetnikov) to negotiate with NORS-R and other Scout organizations the issue of integration into a single National Scout Association.

Two responses in the form of a refusal were received (Statements: "NORS-R will only negotiate with an officially registered organization", ... NORS-R itself being an unregistered one!). Twenty-seven copies of these letters were sent to the private fax of Mr. Gromov. The difference in the date of the letter being, to our knowledge, written and the date it was received by V. Gromov was several months.

Two representatives on the part of NORS-R came to take part in only one round of negotiations but they failed to prove their powers.

* * *

5. NORS-R asks the distinguished members of the World Scouting Committee to consider the above, and requests the following,

- To postpone the decision to accept the National Scout Association of Russia into WOSM until the World Conference in Salonika at least;
- To create a working group of three members of the World Scouting Committee to objectively examine the issue of the membership of Russian scouts in WOSM. The working group could examine all the documents and positions of all parties, and could visit Russia and familiarize itself with the

situation on the ground. In order for the work of the group to be objective, it need not include members of the World Scouting Bureau.

The National Organization of Russian Scouts-Razvedchik hopes that the World Scouting Committee will look into the situation of the scouting movement in Russia. Thorough preparatory work should be carried out before a decision is made to accept a National Scout Association of Russia into WOSM. This decision should reflect the opinion of the majority of Russian scouts and should not be a cause for a very serious and prolonged conflict.

Sincerely yours in Scouting,

Chairman, Council of NOR-S-R A.K. Karasev

Chairman, Council of
Scoutmasters of NOR-S-R M.S. Drozdov

cc: Chairmen, Regional Committees of WOSM
Leaders of the National Scouting Associations

End of text of NOR-S-R

Comments to 5

The letter to NOR-S-R, dated 18 May 2000 by WSC Chairman Garnet de la Hunt and Secretary General Jacques Moreillon, deals with para. 5.

* * *

Legal Analysis

By Dr. Andrei Paramonov, Legal Expert at the Duma (Parliament)
of the Russian Federation

1. The NORS-R Memorandum says, in its para. 3d, that "*The structure of ARNSO contradicts the principles of federalism which form the basis of the state structure of the RF according to the Constitution of the RF.*" and that "*The structure of ARNSO provides for independent scout organizations of the autonomous republics within the RF, which contradicts the principle of equality of the subjects of the Russian Federation.*".

Such statement, as we shall demonstrate below, is legally incorrect.

However, before we do so we wish to make one technical remark: the NORS-R Memorandum (and even some WOSM documents) speaks of "*autonomous republics*". There are "Republics" but no "autonomous republics" in the Russian Federation. (They existed at the times of the USSR).

Today, the Russian Federation consists of 89 "subjects", namely:

- 21 Republics,
- 2 large cities (Moscow and St Petersburg),
- Provinces (OBLAST or KRAY),
- autonomous districts (OKRUG).

2. The NORS-R Memorandum bases its argument on only one provision of the RF Constitution (Chapter 1, Article 5). But a valid analysis requires to look at the totality of the norms which regulate the specific characteristics of Russian Federalism.

The following overall approach must be taken into account: any analyses of the Russian legal system must consider the principle of "*priority of a special norm*". This principle applies to all domains of the Russian legal system and to each and every one of these domains. In the case of Russian Constitutional Law it means that, while the Constitution of the Russian Federation contains general provisions related to a certain frame of relationship, that Constitution provides, at the same time, a room for special norms, in which cases these special norms have priority over the general rule.

One can give a number of examples of the above. For instance the Russian Constitution lays down that there may be private land ownership rights (Chapter 2, Article 9). The Law, however, (the Land Code) imposes limitations on the land ownership rights. Similarly, the Constitution of the Russian Federation provides for the rights of citizens to elect and be elected to state governing bodies (Chapter 3, Article 32). The special norms of the Constitution, however, specify what these electoral rights are by introducing some limitations (for example, as to the age), and it is these norms that are in force in the territory of the Russian Federation.

3. The same approach applies also to Article 5 of the RF Constitution (quoted in the NORS-R Memorandum), which per se is a general provision, as well as with other special norms of the Constitution of the Russian Federation (For instance Chapter 3, Article 11; Chapters 3 and 4, Article 66; Chapter 2, Article 68). The common element of all these articles is that the equality of rights of Russian Federation's subjects does not exclude differences among them. Apart from objective differences among the subjects of the Russian Federation (related to the difference in population, the size of the territory, the wealth of natural resources, the socio-economic development) other

differences are also possible. At present they are based primarily on contractual grounds between the "subjects" of the Russian Federation (Republics, two large cities, OBLAST, KRAY, OKRUG) and the Russian Federation itself. Thus, in accordance with Chapter 3, Article 11 of the Constitution of the Russian Federation, over 50 contracts and agreements have been concluded on different objects between State governing bodies of the RF itself and "subjects" of the Russian Federation which de jure result in objective differences or inequalities between RF subjects.

4. Thus the provision of Paragraph 2.3. of the ARNSO Constitution, which determines the structure of ARNSO, is consistent with the Constitution of the Russian Federation, since the subjects regulated by Article 5 of the Russian Constitution *and* by that Paragraph 2.3 of the ARNSO Constitution differ.

In fact and in law article 5 of the Russian Constitution is aimed essentially at securing the form of *State* structures and does not imply, per se, a blind imitation of requirements in such fields as youth non-governmental organizations. Quite to the contrary, it is both normal and expected that "subjects" of the Russian Federation should establish their own regulations in such matters. Proof of it is that the Russian Public Associations Federal Law stipulates, in its article 15, that a public (non-governmental) association, such as ARNSO, is "*free to choose its inner structure, purposes, forms and methods of its activities*".

4. In conclusion, the legal analysis presented by NORS-R is not only incorrect but shows a complete absence of understanding of the constitutional system of the Russian Federation. Indeed, it is absurd and makes neither legal nor common sense to presume that, since Russia – as a State – has a President and a Parliament (Duma) it should mean that youth organizations should copy that particular form of State governing bodies!

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Note

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