

## Russia through the looking-glass

Nicolai N Petro  
11 February 2006

*A true understanding of developments in Russia challenges the distorted perceptions of western governments, media, and human-rights organisations, says Nicolai N Petro.*

A troubling rift has developed between western and Russian perceptions of Russian reality. In the west, an increasingly common view is that President Vladimir Putin is intent on destroying democracy in Russia. It is my contention that:

- this view is inaccurate
- its inaccuracy is leading to misjudgments about political trends inside Russia
- a more accurate view could help the west (in particular the United States) to forge common ground on the issue of democratic governance.

When next you read a lambasting of Russia's record on democratic governance, consider these three reality-checks.

First, in a country where politicians get extremely low ratings, Vladimir Putin enjoys phenomenal popularity – two recent opinion polls find that more than 70% of Russian are happy with his performance. Why? Because under his rule since 2000, real wages have risen 75% after inflation, poverty has been halved, and federal-budget surpluses are running at 12%. In these conditions, it would be suspicious if Putin had anything *less* than a 70% approval rating.

Second, a March 2005 survey of attitudes toward democracy shows that three times as many Russians feel that the country is *more* democratic today than it was under either Mikhail Gorbachev or Boris Yeltsin. The same proportion of the population rates human-rights conditions better under Putin than under Yeltsin.

Third, constant media depiction of four negative stories of Russia – the corrosion of independent media, a corrupt legal system, assaults on civil society, and a worsening situation in Chechnya (in addition to Kremlin authoritarianism) reinforces a selective view of trends across the country as a whole. A more considered view of these four issues should aid understanding of why most Russians credit Putin with improving human rights and democracy in their country.

### [The media: diversity report](#)

The trend toward economic independence of the media has accelerated dramatically under Putin. Before he came to office, just 10% of local television stations were financially self-sufficient; that has risen to more than a third. This has occurred alongside annual growth rates in newspaper, journal and book production that exceed 10%. There is more privately-financed media in Russia under Putin than there has ever been in Russian

history, both in absolute numbers and as a percentage of the whole.

Over the past two years, media profits have grown by more than \$2 billion, and these have accomplished what no foreign-assistance programmes ever could – create a wide variety of commercial programming and diversify the ownership of the Russian media. Today, among the thirty-five largest media holding companies in Russia, the state directly or indirectly manages no more than a handful. In sum, this genie is long out of the bottle and the notion that the Kremlin could ever put it back is too far-fetched to be taken seriously.

#### The legal system: signs of change

Historically Russians have had little faith in their legal system, but this too is changing under Putin. Thanks to a new criminal code and code of criminal procedures passed in 2002, a judge must approve arrest warrants, and the accused charged with a crime within two weeks, or released. Nationwide jury trials, another Putin innovation, today acquit 20% of cases; in 2005 Russia had its highest acquittal rate ever.

The constitutional court under chief justice Valery Zorkin has set a more independent course, criticising the December 2003 electoral law, striking down restrictions on media coverage of elections, and strengthening the rights of defendants and the role of juries.

There are also clear signs that this liberalisation is continuing. In January 2006, the annual conference of chairs of regional courts proposed sweeping reforms that would virtually eliminate closed judicial proceedings. The state Duma (lower house of parliament) also passed, in a first reading, an important initiative in defence of privacy rights. This established a federal agency where a citizen can find out what information the government is gathering about him or her, and where this information is being kept.

No doubt the speed of these transformations is at least partly attributable to the fact that the European Court of Human Rights in Strasbourg has become the *de facto* final court of appeals for Russian civil cases. It is worth noting, however, that fully 86% of the cases filed in Strasbourg seek to obtain financial compensation in suits that have already been won by plaintiffs in Russian courts.

It should therefore come as no surprise to learn that the number of citizens turning to courts for redress of their grievances has shot up from one million under

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Yeltsin to six million under Putin, and that 71% of plaintiffs win the cases they bring against government authorities. In a word, the Russian legal system is fast becoming an important instrument in the defence of civil liberties.

#### NGOs: the wrong campaign

The amendments on non-governmental/non-commercial organisations (NGO/NCO) passed by the Duma in December 2005 have been widely described as extending government control. They were, in fact, designed to do just the opposite, by clarifying the state's obligation toward them.

For example, registration can no longer be denied on the whim of local officials; and without one of four specific reasons, registration has to be granted within thirty days. The proposal also limits review of NCO activities to once a year, and stipulates that any administrative actions have to be done under court supervision. The much-touted issue of the closing of foreign organisations is a red herring, since the proposed legislation specifically deprives bureaucrats of the ability to act on their own in this regard.

A reading of the Duma debates on this law reveals that its authors – noted liberals Andrei Makarov and Sergei Popov – put these safeguards in place precisely to limit state intervention. They convinced their colleagues but not, alas, many in the western media. In the ensuing outcry, new amendments were introduced, including one that allows new foreign NCOs to be denied registration if they "threaten the sovereignty, political independence, territorial inviolability, national unity and sovereignty, cultural heritage or national interests of the Russian Federation."

The initial version of the bill contained no such provision. It was added at the last minute, in response to western criticisms of the law – a textbook example of how well-intentioned but ill-informed human-rights pressure can backfire.

#### Chechnya: the real story

In 2005, dramatic changes have taken place in Chechnya that renew hope for peace and stability there.

More than 7,000 rebels have laid down their arms, many joining the pro-Moscow government. As a result, terrorist attacks within Chechnya have fallen fourfold, and casualties among the Russian military have dwindled from 1,397 in 2000 to just twenty-eight in

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2005. Kidnappings have fallen at a similar rate, although tragically more than 1,800 cases remain unresolved. These are Chechen government statistics. The human-rights group "Memorial" gives somewhat higher numbers, but the trend they portray is exactly the same.

Chechnya has become a much safer environment, and this has encouraged more than 250,000 refugees to return and open more than 30,000 new businesses.

The region's dramatic turnaround has been noted by European observers once sharply critical of Russia. Both Alvaro Gil-Robles, human-rights commissioner for the Council of Europe, and Marc Franco, the head of the European Commission's delegation to Russia, went out of their way this fall to praise Chechnya's progress.

It is unfortunate that these efforts have received so little attention in the western media.

#### A common ground

I conclude from this review that, while clearly many problems of implementation still exist for Russian democracy, Russian politicians are struggling in good faith to address them. The political process works, and because it works outsiders should not approach it as if it were broken.

Western critics seem honestly not to know the degree to which Russians are using the right of appeal to their government and court system, and debating issues in a variety of public arenas (including the more than two dozen political debate programmes that air every week on national television). These critics attribute Putin's popularity to state manipulation, and therefore see any strengthening of the Russian state as a bad thing.

But every survey shows that this is not what Russians think. They saw the state under Yeltsin abandon the poor, the sick, and the elderly, and now demand that it assume more responsibility for public welfare.

Putin's critics lack faith in Russia's democratic institutions, they misjudge the driving force in Russian

politics today: Putin isn't forcing Russians into the arms of the state; rather, it is the people who are demanding that the state do more for them and be more accountable to them.

In this light, three things would help us to understand Russia better (see *Untimely Thoughts*).

First, the destruction of state institutions should not be equated with greater freedom. Much of the criticism of the west inside Russia could be defused by supporting the same model of civil society for Russia that is present throughout Europe – one that calls for partnership rather than confrontation with the state. This, however, would require acknowledging the good faith of the Russian government in this regard.

Second, Russian NGOs should be encouraged to wean themselves off foreign subsidies and orient themselves toward clearly defined domestic constituencies. A nationwide survey in November 2005 found that only 13% of Russians know what an NGO is, and just 3% have ever encountered examples of NGO activity. It is hard to develop much public support that way. Shifting from foreign to domestic financial support is clearly the way to go, and the recently passed NGO legislation is a positive step because it pushes civic organisations in this direction.

Finally, the tone of public discourse in the west about Russia must improve. Nothing but rancour is aroused when (for example) highly placed current or former United States government officials cavalierly refer to Russia as "a fascist state", and to Russian officials as "bad guys". It is the Russian people's own wisdom and judgment that should first be listened to on such matters.

I am convinced that Russian institutions have now developed far enough to make the gradual expansion of democracy a foregone conclusion. The question that remains is whether western political leaders will be wise enough to let it emerge on its own, or delay it by trying to shape its course.

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## Inside the looking glass: a reply to Nicolai N Petro

Mischa Gabowitsch

17 February 2006

*A roseate portrait of Russian political life is far from the reality that frames Russians' lives, says Mischa Gabowitsch.*

If the debate about Russia on [openDemocracy](#) continues in the same vein, the stock of Lewis Carroll terminology will soon be exhausted. Artemy Troitsky aptly described Putin's Russia as "Alice-in-wonderland", and now Nicolai N Petro, has gone "through the looking-glass" to challenge what he calls an inaccurate view of democracy in that wondrous country.

Upon closer inspection, the "reality-checks" he has brought back turn out to be so many Potemkin villages. Let us have a closer look at the four main topics Petro addresses: the media, the legal system, Chechnya, and NGOs and civil society.

### The media: a diversity of censorship

Imagine an ecosystem where one omnivorous and many-headed monster has eaten all other predators and grown to occupy most of the feeding-grounds, leaving all sorts of little and tiny creatures to thrive and multiply as long as they're too small to arouse the monster's appetite, or if they enter a symbiosis with the monster, facilitating its digestive process. That gives you an idea of the diversity of the Russian media landscape.

The monster is state-owned or state-controlled television, the only nationwide medium: while only [www.openDemocracy.net](http://www.openDemocracy.net)

about half of Russian households have a telephone line at home, well over 90% have access to the First Channel and *Rossiya*. And for a vast majority of Russians, they are virtually the only source of information about political events. Given that typically well over half of their news broadcasts consist of sympathetic coverage of Vladimir Putin and members of the United Russia party, and oppositional figures are always presented in a negative or ironic light (if at all), it is unsurprising that the president is enjoying considerable popularity.

While not all major newspapers are directly controlled by the presidential administration, the government, or state-owned companies, the owners and/or chief editors of most of the others are exercising various forms of censorship, since overstepping a certain line may spell financial ruin, or worse, at the hands of the powers-that-be: witness the farcical sentence against Stanislav Dmitrievsky, editor of a small-circulation human-rights newspaper, for publishing an interview with Aslan Maskhadov.

But central newspapers have a very limited circulation outside Moscow and St Petersburg anyway, and most of the regional papers or TV stations are insipid and hopelessly unprofessional, if not directly controlled by regional governors. The privately-owned media that

are making any profits are exclusively entertainment channels, glossy magazines and the like; and none of their profits are invested into the kind of critical media that western foundations are likely to fund. The internet is the only nationwide space where free political debate is – still – tolerated, but even among under-35-year-olds, fewer than 5% use the internet as a source of information about politics. Thus the purported diversification of Russian media is a red herring as far as democracy is concerned.

#### The legal system: political justice

The problem with the Russian legal system is not that there are no liberal laws. The problem is that laws are bent or ignored whenever the interests of the political elite are involved. The constitutional court, which Nicolai N Petro calls "independent", has failed to overturn Putin's abolition of gubernatorial elections which blatantly conflicts with both the constitution and a previous ruling by that very same court. It has also turned down another case brought against unashamed violations of the electoral campaign law in the run-up to the December 2003 Duma elections.

One of the reasons why the judicial system has become more busy in recent years is that the courts have now replaced submachine guns as instruments in power struggles at all levels. To provide an example (described by Vladimir Volkov in a recent article in *Neprikosnovenny Zapas (NZ)*: the highly liberal bankruptcy law passed in 1998 has mainly been used for hostile takeovers of corporate property initiated by business groups that have "administrative resources" at their disposal. Of course the same method can be used in conflicts between rival bureaucratic groups. Thus the increase in judicial activity, though promising in itself, is another Potemkin village as long as the judiciary is not independent of the executive.

#### Chechnya: expanding violence

Far from having brought peace and stability to Chechnya, the Kremlin has erected a thin facade to mask the fact that the republic has effectively become a fief tenanted by ruthless local (former?) warlords. What little progress has been made in terms of curbing kidnappings or reintegrating refugees was due to pressure from human-rights groups, which in turn would hardly have been possible without western attention to human-rights issues in Chechnya.

Putin's main achievement, on the other hand, has been to spread violence and chaos even to those north-Caucasian republics that used to enjoy a fragile and imperfect stability (Dagestan and Ingushetia) or even relative calm (Kabardino-Balkaria), usually by ousting elected governors and replacing them with Kremlin puppets who are out of touch with the local population: both the tragedy of Beslan and the hostage crisis in Nalchik could have been avoided if the regional leaders had not alienated their people, Muslims and non-Muslims alike.

Independent reporting in and about Chechnya is still virtually impossible, and local correspondents of Moscow-based or western human-rights groups are continuing to face considerable pressure and hostility from Kremlin envoys, so the Chechen government's boastful claims that Petro quotes are impossible to verify.

#### NGOs and civil society: a Procrustean framework

The abolition of governors' elections and their attempts to tamper with elections in both Russia and the "near abroad" betray the Putin administration's total contempt for democratic procedure and indeed any kind of popular sovereignty.

Similarly, their treatment of NGOs shows an utter lack of understanding of the basics of civil society.

It is simply untrue that the intentionally vague words about foreign threats to Russian sovereignty that were included into the recent NGO bill were a response to the western outcry. Stalinist rhetoric denouncing NGOs, especially those involved in Chechnya or demanding a fair trial for the likes of Mikhail Khodorkovsky, as "enemies of the people" and a "fifth column" of the hostile west has been part of the Kremlin's arsenal for quite some time now. The ludicrous recent "British spy scandal" is just another example of an orchestrated hysteria aimed at preparing public opinion for an imminent clampdown on NGOs.

After many of the large western foundations left Russia in the early Putin years, some Russian organisations did step in, although funds provided to NGOs are subject to burdensome taxation – but the most generous and efficient of them, Open Russia, was funded by Khodorkovsky, and has consequently been all but shut down by the Kremlin.

The presidential administration is busy creating sham political movements (such as *Nashi* [Our People]) and

*Few Russians want to abolish the state; what people want is for the state to serve them, not those in power.*

eyewash civil-society bodies (such as the appointed Public Chamber) to create a semblance of pro-Kremlin civic activity. This is a kind of "partnership" that comes at the cost of silencing alternative voices and restricting debate to officially-sanctioned topics.

#### A problem of implementation?

The media barons who controlled many of the "independent channels" in the 1990s were not disinterested defenders of free speech. The legal system under Boris Yeltsin was not just inefficient, it was also dreadfully corrupt; the Chechen terrorists who take hostages and blow up buildings across Russia are monsters; and NGO activists are sometimes naive, sometimes mistaken, and sometimes out of touch with "ordinary people".

All of this is obvious, just as there is no doubt that most Russians look back upon the 1990s as a time of chaos and insecurity: to many, "democracy" has been discredited by the way it was handled by the "democrats". That is indeed one of the reasons – though not the only one – why many are still prepared to support Putin. Westerners' (and some Russians') view of Yeltsin as a champion of democracy for its own sake is almost as misguided as some Russians' (and certain westerners') view of Putin as a wise and perhaps even "democratic" leader.

However, referring to the predicament that democratic institutions in Russia are facing "many problems of implementation" (as Petro does) is like blaming the dire state of the British railway system on a few sloppy train-drivers. The railroad infrastructure may have been imperfect or, worse, unsustainable, before it was privatised, and abolishing railroad travel altogether

certainly won't do. But jailing a few hundred railroad workers and outlawing timetables won't make trains run on schedule. Few Russians want to abolish the state; what people want is for the state to serve them, not those in power.

Vladimir Putin is not a fascist, and it would be disastrously wrong to blame all of Russia's problems on him and his administration. They probably earnestly believe they are working for the good of the country – mainly because they are unable to distinguish between themselves and Russia. And many people remain convinced that Putin is steering the right course, although few would refer to it as "democratic". However, more and more groups – soldiers' mothers, pensioners, students, and others – are seeing their rights being trampled upon, and are consequently becoming alienated from the state. The oil bubble is still growing, but once it bursts or even begins to deflate, people will start asking difficult questions.

While it is important that western governments and foundations support human-rights groups and other civil-society initiatives even more than they have done in the past, they must realise that no amount of direct foreign involvement is likely to produce large-scale grassroots support for democratic change – that is something that must evolve from within.

Meanwhile, the west can do two things: first, refuse to slam the door in the face of Russian civil society by taking everything the Kremlin's spin-doctors are saying at face value; second, set an example. What Russian democracy needs is higher ground, not the common ground of Grozny and Guantánamo.

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## Russian democracy: a reply to Mischa Gabowitsch

Nicolai N Petro  
24 February 2006

*Mischa Gabowitsch's view of Russia illustrates how common misrepresentations damage understanding of the country, says Nicolai N Petro.*

Mischa Gabowitsch's [openDemocracy](#) article "Inside the looking-glass", a response to my own article "Russia through the looking-glass, is a welcome opportunity further to dispel frequently-aired but misleading views about Russia.

As in my initial article and Gabowitsch's reply, I will address my remarks to four areas: the media, the legal system, Chechnya, and institutional reform.

### The media

If most Russians watch state-owned television, it does not follow that they have no other choice. In my hometown of Novgorod the Great, a provincial capital of just over 200,000 inhabitants, I can receive six channels with rabbit-ear antennas. Since 2004, moreover, cable has come to our section of town. The basic level of service includes nineteen channels, including "Euronews," two Ukrainian channels, one Belarussian channel, and one Romanian movie channel. High-speed cable internet service is available for a modest extra fee.

I have described elsewhere the variety of political programming available on Russian television. But Russians have many other sources of information than the national television channels.

First, each region has several local television and radio stations. Second, there is easy access to print media (subscribing to the blatantly anti-Putin *Nezavisimaya Gazeta* is no more difficult than signing up for a subscription at your local post office). Third, there is widespread internet usage in Russia.

Gabowitsch's suggestion that Russians lack access to technology because "only half of Russian households have a telephone line" overlooks the far more interesting fact that two-thirds of Russians now have mobile phones.

Moreover, Russian law expressly forbids press censorship – which is why, when there is any suggestion of it, the aggrieved party can be relied on to take the matter to court. I do not dispute that self-censorship exists in Russia, just as it does throughout the world (witness the reluctance of any major American or British newspaper to reprint the Danish cartoons). It is worth underscoring, however, that no documented evidence of political censorship involving the Vladimir Putin administration has ever arisen. Until it does, I think it best to avoid baseless accusations.

In the final analysis, the media part of Gabowitsch's argument rests on his belief that the newspapers and

programmes that he enjoys should get a wider circulation. Perhaps, but this is because they lack commercial viability, and everything to do with their lack of commercial viability.

### The legal system

Here too, Gabowitsch's argument – including the statement that "(the) problem with the Russian legal system is ... that laws are bent or ignored whenever the interests of the political elite are involved" – boils down to the fact that he does not like the constitutional court's rulings. He presents no evidence that the court was unduly influenced in its decisions, or that its legal reasoning was flawed. I believe the opposite is true.

In its 25 December 2005 ruling, the constitutional court rejected the argument that the president's proposals violated the principles of federalism and separation of powers, pointing out that the final decision on appointment still rested with local legislatures. The court, however, set aside for future consideration the issue of whether the president has the constitutional authority to fire governors and disband regional parliaments. I consider this "split decision" one reason that the presidential administration strengthened its procedures for consultation with regional parliaments, and the Duma later passed legislation giving the majority parties in regional elections the right to submit their candidates for governor directly to local legislatures.

It is true that with this ruling the court revised its 18 January 1996 decision regarding the appointment of the governor of Altai region by the local parliament, but its reasoning for doing so was clear: the statute governing the formation of the council of the federation made this a violation of the principle of separation of powers. That statute has since changed.

While more can and should be done to encourage judicial independence, only a foolhardy judiciary passes judgments without regard to the government's willingness to implement them, as Gabowitsch seems to suggest it should. *Fiat iustitia et pereat mundus* ("let there be justice, even should the world perish") is nothing but a recipe for civil war.

### Chechnya, NGOs, and the civic chamber

The argument that progress in Chechnya is attributable to western rights groups is not tenable because these groups had withdrawn from Russia by 1999, in response to the hostage and kidnapping

industry there. They returned along with the Russian military, which has made it possible for humanitarian organisations to operate there again. The overwhelming majority of the money and support, both for reconstruction and the resettlement of refugees, has come from the Russian government, though sadly this has often been accompanied by corruption scandals involving local military and government officials.

More independent reporting on Chechnya and the Caucasus would indeed be welcome. Now that the situation has begun to stabilise, I hope that the courageous local correspondents who report daily from the region for Russian news agencies are soon joined by their western colleagues.

My assessment of the original NGO amendments in the regulatory bill signed into law in January 2006 is very different from Gabowitsch's. In it I draw particular attention to the first parliamentary reading of the bill, since it clearly illustrates the liberal intent of the legislation.

It is also an unfortunate fact that the awful "cultural heritage or national interest" clause was not present in the first draft of the legislation. I

assume that its appearance in the final version of the bill was a result of a *quid pro quo* with conservatives in parliament, who insisted on its inclusion after the removal of registration requirements that had been the focus of western media attention. In this instance the uncompromising rhetoric of western human-rights organisations so raised the hackles of Russian elected officials that it resulted in a set back for civil society.

The civic chamber created by President Putin in autumn 2005 is too new to allow a firm assessment. But as a participant in the social chamber for the Novgorod region, I believe I can explain the logic behind having such a body.

At their best they provide a venue for corporate civic representation and act as public sounding-boards for new ideas. One advantage that such chambers have over legislatures is that they give an undiluted voice to civic groups (veterans' groups, housing associations, religious communities), rather than forcing them into artificial party structures. The result is a permanent civic forum – a school for responsible civic activism and a training-ground for future politicians. In principle, the social chamber will set the agenda; the Duma act on it.

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While we disagree on many things, Mischa Gabowitsch and I do not disagree that Russians want a state that better serves their interests. Determining what this interest is, is what political debate should be about. I am also glad to see that Gabowitsch acknowledges that

those who work in the government believe they are working for the good of the country. Acknowledging the good faith of one's opponents is essential for political democracy.

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