

**Testimony before the U.S. Commission on
Security and Cooperation in Europe*****“THE MEDVEDEV THAW: IS IT REAL?
WILL IT LAST?”***

A Statement by

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Chairman Cardin and Members of the Commission:

Thank you for inviting me to participate in this hearing on current developments in Russia, just two weeks before the Obama-Medvedev summit in Moscow. My name is Sarah Mendelson. I direct the Human Rights and Security Initiative at the Center for Strategic and International Studies, where I am also a senior fellow in the Russia and Eurasia Program. It is an honor to be here.

My comments today address the important question of whether we are seeing something of a thaw in Russia today, and if so, whether it is likely to last. Below, I suggest some metrics for assessing change in Russia and argue that no matter what, we need a new U.S. approach to engaging Russian civil society. I will explain why I think a new approach is timely and needed, and how it might relate to the upcoming summit.¹

I. Is there change?

Russia has experienced a rather stark democracy and rule of law deficit in recent years.² American and European political strategy dating back to the early 1990s of integrating Russia into the Euro-Atlantic community and thus encouraging democratic development has largely failed. In Russia, by 2009, Vladimir Putin's policies have systematically closed off nearly all legitimate structures for voicing opposition. Many nongovernmental organizations are under daily pressure from the authorities.³ The parliament is dominated by a government-run party, United Russia, and outcomes of local and national elections are controlled. The government also controls aspects of national television. The few critically minded journalists that exist routinely are threatened or are under constant surveillance, and twenty murders of journalists since 2000 have gone unsolved.⁴ One small newspaper, *Novaya gazeta*, known for its criticism of Kremlin policies has seen four of its journalists killed in recent years. At a minimum, the authorities have

¹ This testimony draws on Sarah E. Mendelson, "U.S.-Russian Relations and the Democracy-Rule of Law Deficit," The Century Foundation, June 2009; and Sarah E. Mendelson, "From Assistance to Engagement: A New Era in U.S.-Russian Civil Society Relations?" presented May 18, 2009 to the Ed. A. Hewett Forum on Former Soviet Affairs, Brookings Institution.

² Results from nearly a dozen large, random sample surveys in Russia since 2001 that examine the views and experiences of literally thousands of Russians, combined with other research and newspaper reporting, all point to this deficit. The surveys were conducted by the author together with the Levada Analytic Center and Professor Theodore P. Gerber (University of Wisconsin-Madison). The research was supported by grants from numerous sources including the Ford Foundation and the Charles Stewart Mott Foundation.

³ Nikolaus von Twickel, "Tough Times Are Getting Worse for NGOs," *Moscow Times*, January 13, 2009, available online at <http://www.themoscowtimes.com/article/600/42/373483.htm>.

⁴ Author's discussions with prominent Russian journalists, December 2008, Washington, D.C. See also David Remnick, "Echo in the Dark," *New Yorker*, September 22, 2008, pp. 36–43.

presided over an era of impunity, and at worst, some fear government authorities may have been involved in these deaths.⁵

At the same time, over the last several years, the ability of the United States to lead on issues relating to democracy and human rights has been negatively affected by specific policies having to do with torture, indefinite detention and Guantánamo. These policies limited the effectiveness of American decision-makers to push back on authoritarian regimes. At its worst, American departures from the rule of law may have enabled abuse. These departures certainly left human rights defenders around the world isolated.⁶

In fact, each time I have had the privilege to appear before you in recent years it seemed the news grew worse; political conditions inside Russia were declining, and U.S. soft power was diminishing. Today, on many different levels, I believe we are in a new era, and I come before you slightly more optimistic, although still cautious.

At home, while still very early in the new administration, and with progress slower and more uneven than some of us would like, the Obama administration has begun to get our house in order in terms of torture, indefinite detention and Guantánamo. I know I share the hope of many colleagues here and abroad that Congress facilitates—and not impedes—that progress. Repairing the damage to U.S. soft power and reversing the departure from human rights norms that characterized the Bush administration’s counterterrorism policies will provide the Obama administration strategic and moral authority and improve the ability of the United States to work with allies. It also can have positive consequences for Obama’s Russia policy.

Meanwhile, in Russia in recent weeks we have seen some small changes in how the Russian authorities relate to civil society. These have been mainly rhetorical in nature, but changes nevertheless. Specifically, President Dmitri Medvedev has taken several symbolic steps. His first interview in a newspaper was to *Novaya gazeta*. He reconvened and met with his council on human rights that is populated by genuine human rights defenders, and he launched a review of the NGO law that has been so vilified since its adoption in 2006. While the results are by no means as comprehensive as they could have been, on June 17, 2009, Medvedev submitted a revised law to the Duma.⁷

⁵ Mike Eckel, “Fear and Mourning at Novaya Gazeta,” *Moscow Times*, February 2, 2009, available at <http://www.themoscowtimes.com/article/1010/42/374119.htm>.

⁶ Report of the Eminent Jurists Panel on Terrorism, Counter-terrorism and Human Rights, *Assessing Damage, Urging Action* (Geneva: International Commission of Jurists, February 2009); Kenneth Roth, “Taking Back the Initiative from the Human Rights Spoilers,” *World Report 2009* (New York: Seven Stories Press, 2009), pp. 1-31; Mikhail Fishman, “Obama’s Election Could Send an Ironic and Unexpected Signal to Russians about Their Own Leaders,” *Newsweek International*, November 2008.

⁷ For text of Medvedev’s comments when he met with the President’s Council see <http://en.sovetpamfilova.ru/17139.php>; Reuters, “Russia’s Medvedev Acts To Relax NGO Laws,” June 17, 2009.

These actions contrast with the starkly negative rhetoric articulated since 1999 by numerous senior Russian officials concerning human rights, foreign assistance, and the nongovernmental community. That rhetoric generated the hostile and often dangerous, sometimes lethal, atmosphere in which activists and journalists live and work in Russia. The current changes in rhetoric are, therefore, noteworthy.⁸

But were these steps simply “the week of democracy” as Russia’s *Newsweek* suggested? Will those who do not want to see an opening in Russia succeed in thwarting whatever change appears to be afoot? During a recent trip to Moscow and in dozens of subsequent emails and conversations with human rights colleagues, we have considered this possibility. Among key civil society actors and within the Obama administration, there is, however, a growing consensus that the best response for now is to act as if these gestures do signal a shift.⁹ The “as if” stance is practiced even by those who have previously experienced pressure by the Russian authorities.¹⁰ Moreover, this view has been embraced even as we continue to see mixed signals from the authorities, such as another trial of Mikhail Khodorkovsky that many view as rigged, and Medvedev’s endorsement of a “historical commission” that is populated by intelligence officers.¹¹ Taken together, these all suggest that either the thaw is selective or possibly even illusive.

In fact, we won’t know until more time has passed and research has been conducted whether we are experiencing a thaw and why it is occurring. In the meantime, I offer a working hypothesis: we may be at a rare critical juncture—the political equivalent of a perfect storm—where we have a new administration in the United States that set its focus on Medvedev, not Putin, offering a possible “reset” of the relationship. Coupled with that, we all find ourselves in an economic crisis. That, in turn, has possibly frightened some Kremlin officials as they realize they have

⁸ Recall the statement by Vladimir Putin in summer 1999 during an interview with *Komsomolskaya pravda* on the “problem” of foreign assistance for environmental groups and linking that somehow with employment in foreign intelligence services; that rhetoric then resulted in many environmental groups being investigated and harassed by the security services. Aleksandr Gamov and Yevgenia Uspenskogo, “Vladimir Putin: Gosudarstvennii perevorot Rossii ne grozit” (Russia is not in danger of a coup d’état), *Komsomolskaya Pravda*, July 8, 1999, pp. 8–9. For details see Sarah E. Mendelson, “Russians’ Rights Imperiled: Has Anybody Noticed?” *International Security*, Vol. 26, No. 4 (Spring 2002), pp. 39–69.

⁹ For a different perspective see Nikolai Petrov who argues “I do not see any liberal actions from the president. I see liberal sayings, but these are not at all turning into actions,” as cited in Albina Kovalyova, “Who Is to Judge? Experts See Medvedev’s New Initiative as a Step Toward Tighter Presidential Control of the Judiciary,” *Russian Profile*, May 13, 2009.

¹⁰ Fred Hiatt, “Dangerous Work in Moscow,” *Washington Post*, May 11, 2009, quoting Tanya Lokshina, deputy director of the Moscow office of Human Rights Watch.

¹¹ “New Trial for Jailed Khodorkovsky,” BBC, March 3, 2009 available at <http://news.bbc.co.uk/2/hi/europe/7920572.stm>; Andrew Osborn, “Medvedev Creates Historical Commission,” *Wall Street Journal*, May 21, 2009, available at <http://online.wsj.com/article/SB124277297306236553.html>; see also Masha Lipman, “Russia, Again Evading History,” *The Washington Post*, June 20, 2009 available at <http://www.washingtonpost.com/wp-dyn/content/article/2009/06/19/AR2009061902062.html>.

been overly controlling of civil society, and that civil society will need to play a role in tackling some of the social problems confronting Russia, just as we need a robust civil society in the United States.

II. How do we measure change?

We need, therefore, going forward to develop a specific set of metrics to gauge the opening or continued closing of politics in Russia. For example, is there serious movement to bring the murderers of Paul Klebnikov, Anna Politkovskaya, Stanislav Markelov, and Anastasia Baburova, among others, to justice? Is the number of journalists and lawyers killed decreasing or increasing? Is the judiciary increasingly independent or not? Are Kremlin critics allowed to return to television? Can lawful opponents gather freely without arrest? Is the number of political opponents seeking asylum abroad increasing? Are foreign nongovernmental organizations being shut down? Is the law on nongovernmental organizations reformed? An empirically based assessment of these and other relevant questions will help Obama administration officials identify opportunities as well as monitor continued challenges. The answer to most of these questions I believe at the moment is still no, so we must not exaggerate what we see happening in Russia.

Let me offer, however, one more metric. In December 2007, the last time I appeared before the Commission, I argued that “contacts between the United States and Russia need to be multiplied and diversified, rather than relying mainly on high-level meetings, as the Bush administration has done with the encouragement of the Kremlin.... The new approach should ... support concrete cooperation between different parts of societies ... on a range of issues of common concern, for example, public health ... youth alienation or even urban decay, where stakeholders may share best practices Will the Kremlin allow, support or be neutral about diversifying or multiplying contacts? The answers to these questions offer a metric to gauge the Russian government’s desire for hostile or neutral relations with the United States. I suggest we pursue these programs and track how the Russian authorities respond.”¹²

On the list of small promising signs of change we have seen in recent weeks I hope we will be able to add the neutral and even positive engagement by Russian authorities with the U.S.-Russian “Civil Society Summit” to be held during the July visit of President Obama to Moscow. I am one of the co-conveners of this meeting, along with Horton Beebe-Center, President of the Eurasia Foundation, and Andrey Kortunov, President of the New Eurasia Foundation. How that

¹² Sarah E. Mendelson, Testimony before the U.S. Commission on Security and Cooperation in Europe, “The Duma Elections, Politics and Putin: Where is Russia Headed?” December 6, 2007, available at http://www.csis.org/media/csis/congress/ts071206_mendelson.pdf.

meeting unfolds will provide an additional metric concerning the opening or closing of political space in Russia today, although I should be clear, that is not its primary purpose.¹³

III. What would be a new approach to engaging civil society?

My colleagues and I come to this meeting with different backgrounds and motivations. My motivation derives from a belief that we, inside and outside government, need to reassess how best to engage with Russian civil society, both in our nongovernmental interactions and as a matter of U.S. policy. For nearly twenty years, with important exceptions, the primary way in which American and Russian civil society have engaged one another, often with support from USAID, has been to bring Americans to Russia to train and teach. I have been part of this democracy assistance industry, working in the mid-1990s for the National Democratic Institute in Moscow. I have studied this approach extensively, and in the past, I have been an advocate for it.¹⁴ I believe, however, the era of American trainers going to Russia and regarding Russia as a problem to be fixed by the United States should come to an end.

Inequalities in institutional development in our societies do exist, and civil society uneasily co-exists in Russia, as I have noted at the outset today, with pressure from the authorities. That said, the approach that we have taken over the last twenty years does not appear to be helping to create more space for our colleagues or increase their capacity to address problems in their society. Increasingly, it appears ineffective, inefficient and unwelcome.¹⁵ The era of “assistance” ought to give way to one of engagement.

Two years ago at CSIS, we engaged in a center-wide effort to assess what a new, smarter U.S. foreign policy ought to look like. In terms of the larger issue of “promoting democracy,” several CSIS colleagues and I separately came to the conclusion that in general, the American tendency to teach and talk ought to give way to more listening, more engagement, more responding in particular to local demand. Getting our own house in order—the need for new policies moving away from torture and detention without charge, the need to opt back in to the larger international legal framework that had emerged since World War II—were also seen as critical

¹³ The meeting is being organized by the Eurasia Foundation, the New Eurasia Foundation, and CSIS with support from those organizations and the Charles Stewart Mott Foundation and in coordination with the U.S. and Russian governments.

¹⁴ Sarah E. Mendelson and John Glenn, co-editors, *The Power and Limits of NGOs: Transnational Networks and Post-Communist Societies* (Columbia University Press, 2002); Sarah E. Mendelson, “Unfinished Business: Democracy Assistance and Political Transition in Eastern Europe and Eurasia,” *Problems of Post-Communism*, Vol. 48, No. 3 (May/June 2001), pp. 19-27; Sarah E. Mendelson, “Democracy Assistance and Russia’s Transition: Between Success and Failure,” *International Security*, Vol. 25, No. 4 (Spring 2001), pp. 69-103.

¹⁵ Lev Gudkov, Igor Kylamkin, Georgy Satarov, and Lilia Shevtsova, “False Choice For Russia,” *Washington Post*, June 9, 2009 available at <http://www.washingtonpost.com/wp-dyn/content/article/2009/06/08/AR2009060803496.html>.

components to advancing democracy and human rights globally.¹⁶ More specifically, a smarter approach would likely involve a new policy that accurately understood the needs and desires of local populations and was able to respond to them.¹⁷

IV. An Opportunity in July?

In July 2009, we have a relatively small group, about 60 civil society leaders and a few analysts, all from the nongovernmental sector, coming together over two days to explore what sort of activities might make U.S.-Russian nongovernmental cooperation more meaningful to ordinary citizens, more diverse, more reciprocal and more sustainable and how best to engage our governments on a series of issues. What makes our July meeting different from previous gatherings is that the majority of the American participants work on issues and problems here at home, and they are coming together with Russians who work on issues and problems in Russia. These include:

- Practitioners who work on non-infectious disease and maternity health coming to meet with counterparts;
- Experts from the community development and affordable housing field exploring possible common challenges;
- Human rights activists who have led efforts in the United States to end torture, detention without charge and close Guantánamo engaging their counterparts from the robust Russian human rights community;
- Working journalists discussing new media and possibly sharing content;
- Experts on higher education exploring how to make sure next generations in both countries are knowledgeable about one another and how to integrate universities better into local communities;
- Environmentalists coming together with environmentalists tackling issues that do not obey boundaries.

Most important, we are by no means the only ones who thought the Obama-Medvedev summit in Moscow in July would be a promising time to explore the possibility of a new approach concerning U.S. and Russian civil society. Various Russian colleagues, apart and separate from our co-conveners in Moscow, have been circulating ideas of how to make U.S.-Russian civil

¹⁶ For the final report, see Richard L. Armitage and Joseph S. Nye Jr., coauthors, *A Smarter, More Secure America: Report of the CSIS Commission on Smart Power* (Washington, DC: CSIS, November 6, 2007), available at http://www.csis.org/component/option,com_csis_pubs/task,view/id,4156/type,0/.

¹⁷ Sarah E. Mendelson, Testimony before the U.S. Commission on Security and Cooperation in Europe, "Russia Today: In Transition or Intransigent," May 24, 2007, available at <http://www.csis.org/media/csis/congress/ts070524mendelson.pdf>; Sarah E. Mendelson, "A New Approach to a New Russia," *CSIS Commission on Smart Power*, October 2007, available at http://www.csis.org/images/stories/hrs/071001_new_approach_russia_mendelson.pdf.

society relations more robust.¹⁸ We expect to discuss in-depth recommendations for how we might go forward, whether through future joint work, additional civil society summits, establishing or nurturing networks and creating peer-to-peer dialogues. We also hope to share our findings in Moscow with both governments.

We are aware that the breadth of activity among civil societies in both countries will not be represented at our July meeting. Our ability to tap into that richness was limited by time and resources. As conveners of this modest first effort, we hope to be catalysts for future projects that might develop and carry forward from this meeting. Indeed, for this effort to grow, it must be driven by demand within communities of organizations, and be able to bring Americans and Russians together around issues that they genuinely want to address and do so cooperatively. Scaling up this effort so that it moves from an elite audience to a public one is one challenge, among many, we will need to address in short order.

Thank you.

¹⁸ See for example Ludmila Alexeeva and Grigory Shvedov, "Mapping a New Strategy," *Washington Post*, March 30, 2009 available at <http://www.washingtonpost.com/wp-dyn/content/article/2009/03/29/AR2009032901772.html>.