

Empowerment, Ricochets and End-Runs: Russia's Integration with Western Human Rights Institutions and Practices

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Russia's integration with Western institutions is proceeding along several different fronts. US media and policy analysts have emphasized two aspects of this process: the economic (increasingly dense ties between Russian domestic and global markets) and the security (NATO partnership; security cooperation). While perhaps understandable, these foci overlook an equally important element: Russian integration with Western human rights practices and institutions.

This memo examines the latter, and makes two arguments. Integration with human rights institutions, in contrast with that in the economic and security spheres, is empowering a different and broader set of Russian domestic actors. Moreover, this integration process is currently being driven forward by unexpected stimuli--NATO expansion and the regionalization of the Russian political space.

The implications of my analysis are two-fold. Most important, the US needs to broaden the policy instruments through which it seeks Russian integration with the West. Bilateral assistance should be augmented by multilateral efforts--for example, working more closely with European rights institutions such as the Council of Europe. In addition, when seeking to influence Russian human rights practices, it is crucial that the US work with and target aid to non-state actors. By thus empowering them, a central policy goal--the development of a law-governed, democratic Russia--will be advanced. I begin by saying a bit about the role(s) played by Western human rights institutions in transition states such as Russia, and then address my two central arguments.

Human Rights in Post-Cold War Europe

Europe is home to the most robust and effective set of human rights institutions in existence today. This European rights regime is centered around the Council of Europe (CE), an intergovernmental organization based in Strasbourg, France; although in recent years, both the Organization for Security and Cooperation (OSCE) and, to a much lesser extent, the European Union (EU) have played roles here as well. I say robust because, unlike many other international rights fora that are mere "talk shops," there exist clear sanctioning mechanisms to enforce CE norms--a court of human rights and a new, confidential monitoring process, for example. These enforcement procedures make for an effective regime, one where there is a clear on-the-ground impact for individuals in CE member states.

The CE and, more generally, the entire European rights framework are best at soft mediation: sustained, long-term efforts to foster respect for human rights that occur prior to, and hopefully prevent, their violation. In contrast to the OSCE, the Council has both the experience and infrastructure (nearly 1000 staff and experts in Strasbourg) to play such a behind-the-scenes role. Unfortunately, in recent years both the CE and, especially, OSCE have been called upon for hard mediation, where they intervene after serious rights violations occur or conflict erupts (former Yugoslavia before the Dayton Accords, and, more recently, Albania). Because they are ill-equipped for this latter role and because the former, "soft" one is less well known in US policy circles, I will focus on it.

The European Rights Network and Post-Soviet Russia

Russian integration is occurring along two dimensions: intergovernmental and societal. The first receives the most headlines, but, until very recently, has been least effective; over the past several years, the importance of the latter has grown considerably. At the intergovernmental level, a key factor hindering Russian integration with Western rights institutions was its lack of formal CE membership prior to 1996. Of course, the Council had very good reason--the severe violation of human rights standards in Chechnya--to put the question of Russian membership on hold. Nonetheless, this Western sanctions strategy had the unfortunate and unintended consequence of allowing a small group of bureaucrats, mainly in the Foreign Ministry, to dominate and monopolize relations with the Council. The period up through late 1995 was thus one of slow and hesitant Russian integration; on both the demand (conservative bureaucrats in Moscow) and supply sides (Western states' freezing of Russian membership), blockages were hindering the process.

This state of affairs changed dramatically over the past 18 months. Russia's formal accession to the Council in January 1996 accelerated and broadened contacts at the intergovernmental level; the monopoly exercised by the Foreign Ministry was weakened, if not broken entirely. The CE now has a much wider range of connections in Moscow, including interlocutors at both the Justice Ministry and Procuracy. Moreover, with formal membership, Russian-CE relations have moved to a more substantive stage, as Russia debates and begins to ratify key Council documents.

For example, in September 1997, the Yeltsin government submitted for Duma ratification what is arguably the most important and potent human rights instrument in existence: the European Convention on Human Rights (ECHR). Once this agreement is ratified, individuals resident in the Russian Republic--citizens as well as non-citizens--will have automatic recourse to the European Court of Human Rights when they feel their fundamental rights and freedoms have been violated. This route for rights enforcement is further enhanced by a particular feature of the Russian Federation constitution adopted in December 1993: When Russian domestic and international legal/human rights norms conflict, the latter prevail. (In contrast to the US case, this subordination of domestic to international norms is fairly typical in Western Europe.)

Supplementing, if not outstripping, the above are integration dynamics at the societal level, where two factors have been key. First, the broadening of official CE-Russian contacts has

provided further protection and legitimacy to those civil-society activists, journalists and non-governmental organizations (NGOs) seeking to promote fundamental rights practices in Russia.

Second, there has been a conscious change of strategy on the CE's part. During the early and mid-1990s, Council officials now feel, they were "taken for a ride" by Russia; as one senior CE bureaucrat noted, "Chechnya taught us just how far Russia had to go before fundamental respect for human rights could be achieved." As a result, in early 1995, new CE Secretary General Tarschys crafted a civil-society, grass-roots program for Russia that specifically targeted societal actors.

Jointly funded by the Council and the EU, the initiative demonstrates how the international community, by spending small sums in a sensible way (USD 3 million for fiscal 1997), can make a difference. Basically, the program seeks to work around blockages encountered in Moscow; at a practical level, this has meant much greater CE contacts with the media, NGOs and other societal activists. Instead of convening large seminars, say, on federal relations in a multi-ethnic state (Moscow, February 1994), where Western advisors dispensed expertise to Russian bureaucrats, the CE is now equally likely to sponsor small brainstorming sessions, with lively give and take, that include both state and non-state actors. The Moscow School of Political Studies, a NGO with close ties to the Council, has already organized a number of such seminars, where participants debate, for example, how to implement CE human rights norms in a specifically Russian context.

International Integration and Domestic Empowerment

It is precisely at the societal level that Russian integration with Western rights practices may be most important in the long run. This societal empowerment is also what most sharply distinguishes human rights integration from that occurring in the economic and security spheres. Economic integration is legitimating the influence of actors who either were already powerfully placed under the old system ("nomenklatura privatization") or of new agents (the "big seven" banks) whose interests often diverge from those of the state and Russian people. Security integration, exemplified by the proliferation of military-to-military contacts and training programs, legitimates the continued role of corporate actors--the professional military--who were excessively influential under the Communists as well.

In contrast, Russia's slow and at times hesitant integration with contemporary human rights norms and institutions is legitimating the sustained involvement of a new set of actors in policymaking: individual activists and non-state actors such as NGOs driven more by beliefs than by material gain. To be sure, such processes and dynamics were occurring prior to the end of the Cold War--for example, Gorbachev's co-optation "from above" of groups and individuals within the dissident movement. However, the difference now is they are empowered in a way, from above and below, that is qualitatively new. Key here is the gradual institutionalization within Russia of international and, more specifically, CE human rights norms and discourse.

This institutionalization is both legal (major parts of the human rights section of the 1993 constitution being modeled on CE conventions; the coming Duma ratification of the ECHR), as

well as discursive. By the latter, I mean that more and more political actors "talk the talk" about human rights and CE norms. Of course, talk is cheap and many of these leaders do not believe a word of what they say.

Yet, these institutionalization dynamics nonetheless empower societal actors in two ways. First, they create and legitimate new access points to the policy process for Russian human rights organizations. Given the low level of expertise on human rights within both the Duma and Presidential Administration, these NGOs have information that can serve as a resource for state actors when they, increasingly, debate rights policy. For example, one Moscow NGO, with CE support, is currently constructing a home page on the Web that contains Russian translations of all major European rights documents. Second, politicians who "talk the human rights talk" can be entrapped by NGOs who use their own words against them, through a process of shaming.

An example is helpful. When Russia became a full CE member in early 1996, Yeltsin and the Russian government gave a solemn pledge to stop use of the death penalty. (This is required of all CE member states.) However, through the spring of 1997, Russia continued executions, in flagrant violation of this promise. At this point, a group of Moscow-based NGOs began a shaming campaign that sought to hoist Yeltsin on his own petard for not backing human rights words with deeds. They shamed the government by holding press conferences and publishing articles in the liberal media, noting how democratic Russia was failing to keep its word to the most prominent "democracy club" on the continent: the CE. They could act in this manner only because the whole process of integration with CE norms had legitimated their right to a say in policymaking.

In June 1997, Yeltsin decreed a moratorium on further executions, despite resistance from the Duma and the public at large. (Opinion polls consistently show that a majority of Russians favor continued use of the death penalty.) According to highly placed officials in Strasbourg, this outcome resulted from two factors: the Yeltsin government's embarrassment in the face of the shaming campaign, and pressure applied to Russia within the Council (the new, confidential monitoring procedure). The lesson here is not that such tactics always work--witness the impotence of domestic NGOs and the CE to stop Russia's rights violations in Chechnya; rather, it is that such processes could not have occurred absent the integration dynamics described above.

Ricochets and End-Runs

At present, Russia's integration with Western rights practices is being driven by two unexpected stimuli: NATO expansion and regionalization. On the former, Russians knew by early 1997 that the game was over: NATO expansion was going ahead. However, this loss had a curious ricochet effect in Moscow: it led policymakers to renew and revitalize Russia's integration with European/CE human rights norms and practices. Why? With the debate over NATO enlargement lost, with the OSCE destined, due primarily to US opposition, to play only a marginal role in European security, and with Russian membership in the EU but a distant prospect, the Council and the European rights network became, so to speak, "the only game in town."

The qualitative difference in Russia's relations with the CE over the past 7 months is striking. Russia has taken a leading role in preparations for the October 1997 CE heads-of-state summit. More important, this same dynamic explains why Duma ratification of the crucially important ECHR is probable this winter. Despite the principled objections of a number of Duma deputies, who view CE/Western concern over human rights as meddling in Russian affairs, a majority is likely to support ratification: It will give Russia a full seat at a pan-European organization, membership of which further testifies to the country's democratic credentials.

A second factor currently driving Russia's integration with the Western rights network is the regionalization of that country's political space. Virtually all Russia's regional leaders are now elected, and thus increasingly independent of central authorities; politicians in Moscow are looking for new ways to maintain influence over them. When CE officials first announced the above-mentioned civil society initiative, they hoped to extend it beyond Moscow, but were doubtful that central decisionmakers would cooperate. While such an attitude at first prevailed, there has been a notable change over the past year. Moscow authorities now openly encourage CE work at the regional and especially sub-regional level.

What explains such behavior? Essentially, Moscow is using the CE to execute an "end-run" strategy: Council work at the local level will empower new actors (regional human rights organizations, say) who can then pressure elected regional governors from below. At present, the CE has Moscow's full (and fully unexpected!) blessing to establish a network of 11 regional human rights centers. In June of this year, for example, Council officials were pleasantly surprised at the degree of central (Moscow) and local (sub-regional) cooperation as they organized a series of training seminars in Saratov to establish one such center.

Conclusions and Policy Implications

In focusing on Russian integration with Western rights institutions and practices, my point is not that it is more important or that the actors involved are necessarily better. Rather, I have sought to broaden the substantive and analytic lenses through which we view the effects of internationalization on post-Soviet Russia. In policy terms, the analysis suggests that existing bilateral aid programs in the economic (Gore-Chernomyrdin Commission) and security areas (military-to-military cooperation) should be supplemented with multilateral assistance in human rights--for example, by contributing to on-going CE work in Russia. This multilateral focus may not please some, but, as recent Council efforts demonstrate, it can be "done on the cheap" and have a real impact on the ground. Moreover, such assistance will further empower and legitimate new non-state actors in Russia--agents who can help turn Russian human rights "words" into "deeds."