



Meeting Transcript

Twenty Years after the Fall of the Berlin Wall: What Became of Political and Media Freedoms?

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SESSION ONE: FREEDOM OF PRESS & POLITICAL FREEDOM: THE END OF THE “1989 CONSENSUS”

Jens G Reich – ‘Personal Reflections on the Road from the Year of Revolutions’

The year between autumn 1989 and autumn 1990 was an extraordinary one, which changed the course of European history. For those twelve months political change took place at an astonishing speed, in contrast to the slow evolutions that took place before, and in the years that followed. We all witnessed, and some of us took an active part, in the toppling of seemingly unshakeable political structures - it was a real revolution in the sense of a fundamental change in the way our societies are organised. It also overturned the precarious global equilibrium of states during the Cold War.

The world changed with a sudden jolt. And a twist of fate decreed that I found myself in the centre of that cyclone, after 30 years when my own home, the centre of my life, was a mere 500 metres away from that gloomy impossibility of a symbol, the Berlin Wall. The erection of the Wall in 1961 split my adult life in two parts - the first, before it was built, a life of youthful expectation to become a citizen of a new Europe, after the atrocities of wartime in my first years of life; and the second part afterwards, when I, like others, endured life in a kind of cage, where you could breath, live, have a family and children, but no outlet and no chance to be free, either physically or spiritually. Later on, with the consolidation of the dictatorial systems called the Eastern Bloc, the scope widened somewhat, but was always restricted to the Eastern horizon, while the West remained virtual, an inaccessible Nowhere beyond that Wall, from which only abstract news reached our world. The only exceptions to that rule were occasional visits from the inhabitants of a distant star, friends or colleagues from the West, who were curious to find out what happened behind that concrete curtain of the Wall in my home town of Berlin.

The central geographical position of Germany has traditionally presented every German with a choice: becoming, in a cultural sense, either a Westerner or an Easterner. Historically, most Germans turned their backs firmly on the East and were interested only in looking southward and westward. In the reminiscences of one of our greatest national figures, Johann Wolfgang von Goethe, the European East plays a miniscule role. Most revealing is Eckermann’s report on a visit paid to the great man by two Russians, whose names are not recorded. The visitors sit for a long time in

total silence, until at last the eighty-one year-old man, frustrated by their taciturnity, fell into a long and, as he later confessed, vague monologue on the United States of America. When he had finished the two silent Russians, like messengers from another world, remained staring at him blankly for a while, then bowed abruptly and departed. This episode is symbolic – a dialogue of the deaf with visitors from an alien world.

Another giant of German history, this time a political one, belongs at least in part to the “Easterners”. I have in mind Otto von Bismarck. He spent many years in St. Petersburg, and was certainly more attuned than most of his contemporaries to the proverbial “Russian soul”. But in that, too, he was clearly in a minority, as became clear after his fall.

For me, and for all those close to me - family, friends and colleagues - the Wall removed any choice: we become Easterners by imposition, not by free decision. I accepted that as a fact of life, learned some of those languages, established professional contacts where and when it became possible with colleagues in the Soviet Union, in Czechoslovakia, Poland and Bulgaria; and with my family I spent years of my professional life in the East. Indeed I found friends who remained friends even after the revolutionary change and the exodus of many to the West. Even now, however, 20 years later, my cultural imprint is predominantly eastern, and my interests are directed to the European East, especially to Russia - in contrast to my three children, who all chose the West after 1990, and have lived in England, Spain, America, even Africa, and whose impressions of the East are mainly memories of their young years.

You will understand, therefore, how fascinated we all were by the fate of the European East during this half century of our lives. And what vivid interest we took in all those fateful events, from the June 1953 uprising in Berlin, the atrocious war against Hungary in the fall of 1956, the crushing of the Prague spring in 1968, the bloody December 1970 revolt of Gdansk, the civil war of Jaruzelsky against Solidarity; and how happy we were that finally, in 1989, a revolution could take place without bloodshed and suppression.

It is no accident that, after a long period of political inertia, when others took the lead in resisting the iron control from above, the decisive chain of events unfolded as it did in East Germany and later on in Czechoslovakia. It was because the party leaders here were particularly obstinate and did not allow the slightest reform. It is also no accident that the last stage of the drama unfolded in Berlin and Prague, and later on in Bucharest and Vilnius, while countries like Poland and Hungary, which had already won their strategic

victories earlier, took a more evolutionary path of unremitting pressure and step by step advances to force the battered authorities of the local communist parties into retreat. The result was in all cases the same: socialism fell and was replaced by constitutions that offered to fulfil the dreams of the American and the French revolutions of 200 years - almost exactly 200 years - before. For some of the nations involved this was new; for others it was a chance to regain the freedom and self-determination that they had enjoyed in earlier times.

This *annus mirabilis* from September 1989 to September 1990, before unification, was the most exciting year of my life, as a citizen as well as a private person. We lived in a permanent state of high spirits and exhaustion, as if in an unending carnival where all the pressure has been lifted and everything was possible. Never before and, admittedly, never afterwards have I experienced this free feeling that as ordinary citizens we could influence politics, could achieve something unheard-of together, forgetting about or at least suspending the usual pettifogging constrictions of daily life. We could express our opinions in public, and discuss them heatedly with strangers in a friendly atmosphere. The print and electronic media were transformed and freed from their bondage. Suddenly they worked in ways undreamed of earlier in the bleak days of censorship, when every piece of work underwent the same sullen scrutiny, and a dissenting opinion could lead to severe retribution, and so could a small mistake, like misspelling the name of a bigwig or party official (which occasionally happened by mistake or on purpose as a clever joke)

I know a lot of people who say that those days were the happiest of their lives and still say this loudly when anniversaries, like this year, come around. It was not only the unification of Germany that made us happy after that long period of anomaly – we were rejoicing, together with the other nations of the European East, the end of an era, the promise of freedom, the chance of true democracy, and this should be achieved on a peaceful way. Meetings were arranged with civil rights activists of Poland, Hungary and the other countries, and they took place in a spirit of brotherhood that has now faded. I say this with a bit of nostalgia, having the fact in mind that we are now again in the common boat of the European Union. The emotion has receded, and we are now in the cool reality.

With the hindsight of 20 years, I am also driven to reflect on the special role of the print and electronic media in promoting these epoch-making events. All the eastern block countries had intellectual circles and journalists who worked

for the dissident movement. The uprisings were mostly led by groups of intellectuals, or took place in close coordination with them. This was the case as early as in the Stalinist 50s with the Petöfi Club in Budapest, as well as later with the “Manifesto of 2000 Words” in 1968 which launched the “Prague Spring” and the *Komitet Oborony Robotnikov* (Committee for the Defence of Workers) in Poland. Also the Soviet Union has the proud record of the Helsinki Committee. And there were fearless writers with a forceful voice, above all the titanic fighter Aleksandr Solzhenitsyn, and more subtle intellectuals like Andrey Sakharov. There was the clandestine *samizdat* culture, with hundreds and thousands of texts, journals and booklets produced under the most adverse circumstances. These activities rarely involved very large numbers of the population, but they bear witness to a spirit of resistance and opposition that could not be suppressed or crushed by the powers that be, and whose triumph represented a triumph of the human spirit.

The history of East Germany is distinctly different in this respect from the other “fraternal countries” of the old East bloc. The intellectual opposition in the so-called German Democratic Republic was weak and cowardly, by and large, and those who spoke or sang aloud were soon expelled to the West (like the poet Wolf Biermann). The physics professor Robert Havemann - “our” Andrey Sakharov, so to speak – was a notable exception, but the police held him firmly arrested in his dacha and we heard him only through the western media. This is a decisive difference from all the other East bloc countries. Although they all had some support from the western media, from émigré publishers, for instance, western broadcasts had difficulty in reaching audiences there and they were heavily jammed, so they mostly got through only to a small minority of determined listeners. The dissident movements there had to generate their resistance mainly themselves, from within. East Germany, by contrast, seemed to live with an overarching television screen showing West German programmes which were seen by everyone. And every day it produced a sort of virtual emigration from socialism to capitalism, going over to the other side in the evening and back at 6 o’clock the next morning. The TV sets were permanently switched on, and the authorities knew, and even reluctantly tolerated the fact that 90 percent of the screens were tuned to the West and almost never to the domestic stations. The main effect of the game shows and other entertainment programmes was to show off what looked like a consumer paradise, backed up by a bombardment of advertisements for luxury goods which were all the more desirable for being out of reach. The Wall and the barbed wire in front of it were the only barrier

between here and the promised cornucopia over there. It seems to me now that this factor was in reality more important in determining the course of events than the pressure exerted by the political opposition.

I cannot hide a tinge of bitterness now, as I look back after these past 20 years. We are all free, sure, free in the sense of freedom to move, to leave the country for a travel or even forever, with some notable exceptions. I find every nationality - Russians, Hungarians, Estonians and all the rest - mixing freely at the scientific conferences I attend; and I find doctoral students from every East European country in universities all over the world. For most people material life has definitely become better, again with regrettable exceptions.

However all is not well. Freedom of thought and its expression in public is not guaranteed to every citizen of this post-1990 Europe. Some have even paid with their lives for exercising these rights. As I was writing these lines, I had photos on my desk, as reminders. There was a photo of Anna Politkovskaya, of this brave woman, brutally murdered two years ago, who could not be intimidated or deterred in her journalist's work even by detainment, torture, mock execution, or by the death threats that were in the end carried out. There were other photos, one showing Stansilav Markelov, another one Nastya Baburova, who were both killed just when I began to write this speech. And I had an article from the website of *Novaya Gazeta* by Elena Milashina, in commemoration of the murder of her friends, with the headline: *Strakha net; net u ubiits; da net i u ikh zhertv* (We are not afraid; neither the killers, nor the victims). A paradoxical neighbourhood of fearlessness: both are not afraid - not the killers who will never be punished, nor the victims, because fear is lost when defending others. The Nastya photo shows a charming young woman in a bright sundress: her last summer in her hometown of Sevastopol in the Ukraine. The earnest intelligent face of Stas was taken in front of a Russian architectural museum in deep-Siberian Baikal. Both are about the same age as my children, and looking at them I have the instant feeling that one could have at once a very interesting talk with these thoughtful and likeable young people. And the Milashina article about loss of fear when working for freedom struck a chord with the memories of how we felt in 1989, when we defied the authorities and their threats, thereby forgetting about being frightened for oneself (I mean forgetting – neither suppressing nor heroically overcoming: you are afraid only about your surroundings, but not for yourself when you have made the decision). And those young people in Russia lived in much greater danger than we did in 1989. Obviously, fighting for freedom of their profession has made them

fearless, and it is shame for their country that such brave and honest people are not safe, and had to sacrifice their lives for such an end.

It is tantalizing to ask yourself what we can do to help these brave people around their murdered friends. Their working conditions are so different from those before the fall of communism. There is no longer a closed country. The citizens can travel abroad, but they are so occupied with their work that they are not particularly interested in seeing the world outside. They seem not to be short of equipment, as we were of typewriters and copying machines in our heyday. The *Novaya Gazeta* and other opposition publications are professionally produced. Public life in the big cities looks superficially like in the West, you can move seemingly freely. The suppression of freedom of thought is no longer exerted visibly by the state authorities, more by soft action, economic pressure, and as violently as ever, by clandestine mean figures, hired through an equally sinister sedan-riding and Riviera-flooding mafia, whose connection to the secret service is sometimes obvious, sometimes not so clear. The state authorities feign helplessness and non-involvement and do not act energetically against this scandalous state of open terror.

What can we do to help? Of course, money provided to help them with their journalistic inquiry and writing is as necessary as ever, it should certainly be raised and distributed. One should also show solidarity to their families, both in the form of material help at home and of support abroad. I would like to see journalists and intellectuals everywhere exert pressure on "their" diplomats and politicians, to ensure that they remind their partners over there at every opportunity about the broken promise to allow freedom of the media. Even if they hear such complaints with a poker face, and repeat the excuse that it is not their responsibility, it will be hard for them to listen to this sermon repeated time after time. And it may in time succeed in changing attitudes for the better. That at least is what we finally experienced in the eighties and in the Year of Revolutions.

I welcome the fact that this meeting will be discussing these burning questions, and I wish you every success.

Jens Reich is the former leader of the New Forum movement in East Germany

Miklós Haraszti – ‘The ‘Meltdown’ of OSCE Commitments to Media Freedom’

Thank you, it's an honour to be able to speak to you in this famous House. Let me just reflect on the Polish intervention here. Yes, the prehistory of what we are talking about, obviously, is thanks to all the efforts at free press within the Communist regimes, the erstwhile Communist regimes, if this vocabulary fits, of the Poles in the first place, where in every little city there was more *samizdat* than in the whole Soviet bloc all together. Let's pay tribute to that. And I'm proud to say that my country was the second – Hungary. And the Polish and Hungarian transformation – I understand your frustration – because the symbolic collapse of that regime, that worldwide system, which was the Berlin Wall unquestionably, was preceded, unquestionably again, by the critical mass of the Polish and Hungarian transformations. I believe this was the cause of your feeling of deficiency here, but I believe Jens is right to say that the Berlin Wall was the actual game. Because if the Russian-Soviet giant had five tools, looking to the West, which was Poland, Hungary, Romania, Bulgaria, and maybe Albania, then the ball it was kicking was Germany. I believe this prehistory is important because we are now talking about a situation where practical freedom, legal security of papers in many of the former Warsaw Pact countries, and particularly in the former Soviet countries, is almost identical to the legal and security situation of the erstwhile *samizdat*, in many of the countries. I would like to talk a little bit about how this has come about.

One word about the legal standard that the OSCE helps to maintain. When European communism collapsed and the OSCE was formed, the human rights commitments were embodied in three independent, autonomous institutions. The famous ODIHR, Office of Democratic Institutions and Human Rights, based in Warsaw, which we call ‘ODIHR – those elections were not so free, not so fair’; and the High Commissioner on Minority Issues, which is in the Haag; and my institution, Freedom of the Media, which is in Vienna. These three institutions were called to care for the human dimension of the Helsinki process. Even after the formation of the OSCE, something that is absolutely unique for this security and cooperation organization of the northern hemisphere. Today, it is 56 countries, opposed to the 33 of the moment of the handshake between the Warsaw Pact and NATO, which was in '75 in Helsinki, because of the many [inaudible] that happened in the meanwhile. I would say definitely, if you take into account all these commitments, all these 56 countries are democracies, because the *Acquis* to which they subscribed amounts to no less than what democracy demands

from any country. And these commitments are followed by my institutions. We are not only mandated to intervene, we can propose legal changes and ask the government through the ministry of foreign affairs, or directly in an early warning violation report, or we can ask for answers to our requests. This was a revolutionary change when these three rights – freedom of election, freedom of civil society, and freedom of speech – were put into the Helsinki process, because they were missing originally from the Helsinki process, there was just a vague commitment to the free flow of ideas and people over the border lines, which was enough to create the legal basis for the Polish-Hungarian-East German-Soviet opposition, but obviously would not have been enough to build democracies.

Now, since a certain point, which I don't like to exactly define, we see a backlash. We see what William called a meltdown of those commitments. The international community's care for universal human rights is again called 'intrusion into internal affairs', and even called 'Cold War-ish'. The very complaint about human rights scrutiny is actually a Cold War symptom, so I would actually reverse this argument, because it is 'Cold War-ish' to complain about international human rights scrutiny. The OSCE's institutions, or anyone doing this, calling on human rights, are seen as tools of Western propaganda. The notion of the West is reborn, which was not the habit for two decades, I would say, within the OSCE community, and in the interaction between Russia and the West. Most ominously, the concept of different democracies is emerging. Not just like during the Cold War, when 'real' or 'peoples' democracies, this is probably what Jens calls state socialism, were pitched against 'fake' or 'bourgeois' democracies. Now it is merely 'our own' or '*nasha*' democracy, or 'managed', or 'sovereign' democracy, versus 'alien' or democracy conducive to chaos, unmanaged, or simply '*nenasha*', simply alien. Similarly to the old distancing, the meaning is to justify a goodbye to international scrutiny of compliance to free elections. Which, back in the old days, was in the text of Yalta. Free elections were there, free expression, free movement of civil society.

This linguistic backlash, of course, is part of a great backlash, and I would define the starting moment of it as the coloured revolutions in the post-Soviet world. The very first coloured revolution happened, of course, in Belgrade, against Milosevic. What are coloured revolutions? Let's translate this technical vocabulary. It is the second wave of liberalization after the country has technically become a democracy, years after the country has become a democracy, but has been practically been an illiberal democracy – and now a second wave of ripened civil society has effectively managed liberalization

through the technology of effective demonstration and forcing free elections. They were mostly [inaudible] by ODIHR's signal that the elections were not quite free. They happened in Georgia, Ukraine, and somewhat in Kyrgyzstan.

After these three post-Soviet revolutions happened, obviously there is quite concerted, quite deliberate action in preventing the reoccurrence of these second waves of belated liberalization. This is how I decipher the region of meltdown of those commitments. It has two main enemy images. One is civil society, the second is the free press. And jointly, I would say, international cooperation in supporting these two civil society functions – the free press and civil society. These enemy images are seen as culpable for [inaudible] those liberalizations. Let me remind you that it's not a bad analysis in terms of what made those civil society actors capable of doing it. In Belgrade, it was B92, in Ukraine it was Channel 5, in Georgia it was Rustavi 2, in Kyrgyzstan, I believe Channel 35 was the name of it. In all these countries there was one exception from the otherwise quite firm rule in much of the post-soviet space that TV is firmly monopolized, whether privatized or not, state-owned or nominally public service broadcasting, content-wise it is firmly monopolized. And these channels were exceptions to that rule, and they helped to make the events possible. But more than that, more than just preventing the formation of independent mass media, as they call television, it is also against the very behaviour of a journalist to do his or her real job, which is scrutinizing government, doing investigative work on public service issues. It is against the dissipation of fear from doing that. That's the actual goal.

Let me tell you that apart from this slope of pluralism, which is maintained in practically every – with the exception of Ukraine and Georgia, I would say – in the post-soviet space, which is television, the most watched, the most important medium being the least pluralistic; then you have this fragile independent press, where pluralism is [inaudible], and almost in a samizdat position in many Central Asian countries, in many South Caucasian countries. Not in Russia, where an independent press is alive and kicking, even if its ownership structure is already quite monopolized. But I have to speak here about something which is very ominous, especially ominous in post-Berlin Wall collapse countries, in OSCE democracies, which is rampant violence against journalists. You would, in terms of habits until now regarding until now, it was a characteristic of failed states, and in highly managed, highly disciplined, highly, I would say, power-conscious countries, you now have rampant, seemingly societal violence against journalist. Please be a little shocked by this cultural, societal phenomenon, in the twenty-first century, in democratic Eurasia.

I would like to highlight some of the root causes of this, in this situation, which is also known, but the connection is rarely made between these features. One is impunity. Impunity consists not only of laziness, so to say, of inefficiency of prosecutorial and other powers; it also consists of official silence about these issues. William shows me my statement from 23 January. I had to write a letter to President Medvedev and Prime Minister Putin, asking them to stop this official silence, calling their attention to two months of unprecedented spiralling of violence in Russia against journalists or defenders of journalists. Not just, as Jens has already mentioned, the cases of Markelov and Baburova. By the way, Markelov has been a lawyer to Beketov, who is still in a coma, because of a brutal beating not so long ago. And also, he was the civil lawyer of Politskovskaya. But also, another five cases - Mr Amrakov, who was killed, there was an arson attack [inaudible] in Primorskii Krai. I would like to separately mention the renewal of violence against journalists covering demonstrations. This is a very unique issue, I believe. Another root cause of otherwise seemingly societal violence against journalists is violence against journalists whilst doing their job covering demonstrations. Let me just list other reasons. In these countries, journalists' mistakes are being criminalized – libel, defamation, breach of security are criminalized. Obviously it works the following way: criminalization of journalists' mistakes is identical with the criminalization of journalism itself. Obviously we ask these governments to decriminalize and put into the civil domain the handling of journalists' mistakes. But it's obvious that naming them as criminals puts a label on journalists which makes them the target of societal violence.

I would like to mention one very important issue, being in this country, before I conclude. This is the practical eradication of the radio and television stations in many of these countries, in the wake of the colour revolutions, in the process of the post- or counter revolutions, let's call them this way, of the only public service quality broadcasting outlets in those countries, which is BBC, and which is Radio Liberty. This is going on while we are talking here. It is going on in these countries, it is happening in Azerbaijan, it is happening in Kyrgyzstan, which was fairly liberal in this respect until now. I believe this is a grave problem

Let me conclude by not only calling on the audience in this country to defend these institutions not simply as businesses, not simply as cultural outreach institutions, but as part of the imperilled pluralism in those countries. In a sense, we have a duty towards the quality of democracy in those countries. Let me conclude by joining Jens, in calling on a lost habit. I'm afraid it's not just that the transformation has deprived the grand intelligentsia of their voice,

which so – Jens is right – it was so important within the Helsinki process, outside the Helsinki process. Intellectuals, not even governments or the media, were very active in defending individuals who defended freedom principles, who maintained a clandestine free press, or an imperilled free press. Why is this missing today? I've been thinking a lot about that. My understanding is that, probably, it's a loss of – sorry for this – of the Cold War. The Cold War had one benefit in this respect, which was it was ideologically charged. It was the issue the gentleman mentioned. Socialism or capitalism? Which social order? Who wins the ideological game? Rightly or not, it charged the dispute, which made here defend those who realized, particularly after '68, after the Prague intervention, that it is not about ideology, it is simply about wanting to be free. Now, it is just countries, it is just illiberal democracies, like everywhere else. They are not ideologically important any more. Bad luck for them. I call on you to realise that the game of spreading democracy, defending democracy, defending a free press is still on. And whether it is ideologically charged, or just oil-producing countries, I ask you to maintain those good habits. Thank you for your attention.

Miklós Haraszti is the OSCE Representative on Freedom of the Media

Maria Lipman – 'No Free Media, No Democracy?'

My deep thanks to Chatham House. It's an honour for me to speak here.

I want also to thank the other organisers of this event, which made it possible for me to come over. And thank you all for braving the weather.

Last week president Medvedev met with Dmitry Muratov, the editor of *Novaya Gazeta*, and with Mikhail Gorbachev, the ex-president of the Soviet Union and a shareholder of the same publication. *Novaya Gazeta* is a publication in staunch opposition to the government, it also set a tragic record – it lost 4 journalists in contract killings. The meeting was held in the Kremlin 10 days after a brazen double assassination on January 19. A human rights lawyer, Stanislav Markelov, and a freelance reporter of *Novaya Gazeta*, Anastasiya Baburova, both were mentioned by other speakers at the seminar today, were killed as they came out from a press conference in downtown Moscow. In the political environment of Vladimir Putin's Russia, a meeting like the one which I just mentioned is unprecedented. Over the past years Putin hardly met with journalists from the opposition media. This meeting may be easily dismissed as too little too late. President Medvedev gave a lame explanation of why he had to wait 10 days to express his condolences to the families of the slain

human rights lawyer and journalist. Even according to Muratov's soft account, Medvedev didn't promise him anything, just listened to what Muratov had to say. In an act of grace, Medvedev allowed Muratov to talk about the meeting, but he wouldn't make any public statements about it himself. Smaller audience media wrote about the meeting based on interviews with Muratov, but mass audience television did not mention the story. We are not aware what lies beneath this move by Medvedev; even less do we know whether any other liberal moves will follow his conversation with Muratov. There is a temptation to draw a parallel between this little move and the onset of Gorbachev's perestroika. Then, as now, the national economy was in dire state; then as now, there was a sense that the system of governance has exhausted itself, and cries for change. Then, as now, the liberal elites were timid and fragmented and wouldn't come together to push for change. The presence of Gorbachev at the meeting with president Medvedev adds symbolism to the comparison. In fact, there are more differences than similarities between the mid-80s and today, but I will dwell on the differences later in my talk. I will now get back to our time reference in the seminar today, the time of the fall of the Berlin Wall, and trace the development of the Russian media over the past two decades. But before I do so, I want to respond indeed to the quote that, as William cited, a quote from Putin's address to the Russian Parliament back in 2000, without free media democracy will not survive. And I have to say, that he was right, without free media democracy did not survive in Russia.

By the late 80s, Gorbachev's liberalisation had been picked up by the broad public. Basically, for the first time in Russia's history there was a sense that the Russian people acted as a social force. They came together to assume responsibility for their own country and committed their energies to taking Russia forward in the way they saw right. The right way was to become a 'normal country', as it was referred to in those days, which was to reject communism, to embrace western democratic institutions, so that we would live like in the West.

In 1990, shortly before the collapse of the USSR, when the West was still broadly regarded as a role model, a Russian journalist, Vitaliy Tretyakov, launched a media project unheard of in the Soviet Union. It was an independent paper which he called just that, *Nezavisimaya Gazeta*, 'independent paper' in Russian, and he described his ambition as creating, I quote, 'the first western-style, respectable, objective paper of the Soviet era'. The team of young journalists he hired for his paper pledged to break away from the Soviet legacy in which the media were nothing but the instrument of

the communist rulers, their mission reduced to state propaganda. And they largely fulfilled their pledge. After the collapse of the USSR and the communist system, Boris Yeltsin went much further in political reform: he introduced western democratic institutions and principles, which were codified in the new Constitution adopted in 1993. Among the political breakthroughs of Yeltsin's first presidential term, was his 1994 decree to launch the first privately owned television channel, NTV, which soon became the most influential among Russia's new media. Russian first independent broadcasters also emulated the best western models. In the words of a Russian television sociologist, Vsevolod Vilchik, 'NTV news reproduced a certain image of the country in the way it should be perhaps sometime in the future. The image is of a richer, freer, more colourful European Russia.' Vilchik described the NTV journalists as 'ironic and irreverent, like people from the new and different world, disconnected from the entire soviet experiences and culture'. Indeed, the new Russian journalists were proponents of western liberal values and political modernisation.

The problem, however, was that the Russian polity would not modernise or westernise. The transition from communism proved to be difficult and messy, and people gradually slipped back into their habitual apathy and atomisation. The promise of democracy created during the presidency of Boris Yeltsin had, by the end of his tenure, mostly faded away. After the collapse of communism, former soviet satellites in Eastern Europe and the Baltics opted for democratic governance and liberal values, some more, some less successfully. But for them the European model is unquestioned. For Russia, the embrace of western values turned out to be nothing but a temporary westward swing in the perennial Russian oscillation between a drive for westernisation and their reluctance to change.

As soon as Putin ascended to the presidential power, he pushed Russia back to the traditional paternalistic pattern: the dominance of the state over society and an uncontested supreme ruler, concentrating enormous power in his hands. Putin capitalised on the public resentment of the hardship, social unfairness, and the general insecurity associated with Yeltsin's attempt at democratisation. He projected a sense of yearn-for stability while at the same time radically emasculating all the newly introduced institutions except for the presidency. In a matter of a few years the legally defined democratic procedure was reduced to a near façade. By the end of Putin's second term the political scene was securely cleansed from any unwelcome force or figure. Just as he undertook to eliminate political competition, Putin very early in his presidency also moved to get rid of pluralism on national television

channels. The national channels, the largest mass audience media, which can reach almost 100 per cent of the Russian households, have been turned into the government's tool of state propaganda in a way that today is increasingly reminiscent of the Soviet days. Putin did not invent the use of national television for political purposes, but during his rule this practice was honed to perfection.

To illustrate the expansion of the Kremlin's control of television broadcasting in the course of Putin's presidency, let me compare the coverage of three tragedies that broke out in Putin's tenure: the sinking of the submarine Kursk, the terrorist siege of a Moscow theatre, and the tragedy of the Beslan school. Back in 2000, quite a few of the Russian media outlets, including the national television, tried their best to cover the sinking of Kursk which took the lives of all of the 118 sailors on board. Russian journalists investigated what caused the catastrophe and reported what the government sought to hide. Putin was furious, he lashed out at people in television who 'over the past 10 years have destroyed the same army and navy where people are dying today'.

In 2002, over 800 people were seized by terrorists in a Moscow theatre. In a badly bungled rescue operation at least 129 hostages were killed, almost all of them by the poisonous gas used by the rescuers. By this time, federal television had been mostly tamed, but the journalists of NTV, who still retained professional instinct, tried to produce an operative and professional coverage of the tragic developments. Once again, Putin was infuriated. Within three months, the NTV top manager was forced to resign.

In September 2004, over 1000 people, most of them children, were taken hostage in a school in Beslan. The rescue operation, in which at least 334 hostages were killed, raised serious doubts over the competence of its organisers. But for the federal TV channels, cooperation with the government appeared to be a much higher priority than professional skills or ethics. They put a lid on the coverage as soon as the rescue operation was over. No eyewitness accounts, no independent experts, no survivors, no victims' relatives appeared on the screen. Putin made no remark about the coverage, apparently this time he was happy about the TV channels' performance.

Throughout his own presidency, Putin was assured of ample and invariably positive TV coverage. It didn't matter if what he did was newsworthy. Since the Putin-Medvedev tandem took shape, the two men have shared this precious political resource – the privilege of dominating the TV news. Soon after his election, Medvedev told a group of Russian reporters that 'our television, both in quality and the means used, is one of the best in the world'

Yet, besides national television, Russia has a variety of smaller media outlets: print, radio, websites, as well as smaller TV stations. And some of them exercise varying degrees of editorial independence. Some, such as *Novaya Gazeta*, are openly defined. Over the past years, Russia's independent outlets exposed corrupt practices of the chairperson of the Moscow city court; the unlawful financial schemes used in the takeover of Mikhail Khodorkovsky's company Yukos; the hidden details of the Beslan rescue operation, which suggested that the government showed outrageous contempt for human lives; the schemes that top-ranking officials used to siphon huge sums of money out of Russia. And I have mentioned only a few of many important stories that were thus recorded. In a freer, more democratic political environment, such reportage would lead to serious political consequences. But not in Russia. Responding to foreign criticism of the state encroachment on the media freedoms, Putin repeatedly said that Russia has so many media outlets that the government cannot possibly control all of them. That may be true. But a limited number of independent media outlets remain irrelevant as long as political authority is monopolised by the leadership, and the public is fragmented and apathetic, and shows little demand for alternative sources of news. The experience of countries, cited by Miklós Haraszti today, countries such as Yugoslavia under Milosevic or Ukraine under Kuchma, demonstrates that even a very limited number of defined media can make a difference and effectively promote political competition if the people are driven and organised. But in Russia, even the advanced and educated audiences of alternative news sources accept the tacit pact with the government which keeps them sidelined from participating in national affairs. The media that pursue relatively independent editorial lines operate at the discretion of the government. Even if there are relatively few such cases, the authorities have the capacity to restrain, suspend or even shut down media outlets under a variety of pretexts, such as the use of illegal software, or the alleged use of extremist language.

Putin's system of solid political control relied on basically unlimited financial resources generated by the high and rising oil prices. Now as the flow of cash is quickly drying out, the Russian rulers are facing a hard dilemma. There is no longer enough funds to maintain a non-participation pact with the public: we deliver high incomes, and you don't meddle with politics. Likewise, the government is no longer able to provide lucrative opportunities that pay for the loyalty of the elites. So the choice is either switching to the stick instead of the carrot, in order to ensure loyalty and submission, or easing the grip on power including the constraint on the media, and engaging various interest

groups, and even political opponents, in decision-making. The latter option appears to be the only chance to avert a much deeper economic and social crisis. But this would run counter to the very essence of Putin's political order. Just like Gorbachev's perestroika ran counter to the essence of communist rule. Back in the late 80s, the liberally-minded Soviet elites and first and foremost the media, eagerly responded to Gorbachev's initiative and committed their efforts to his reforms. In the Russian media realm today, there are journalists and outlets whose professional skills and standards would enable them to regain political relevance and reassume the role of serving the public interest. But even if there is indeed a chance of yet another liberal swing from above, the people may hardly be expected to respond with the kind of enthusiasm that had been generated by perestroika.

The liberal idea has largely lost its attraction in Russia. The public mindset is predominantly nationalistic and anti-western. Besides, it is hard for the people to believe that the years of Putin's stability and well-being are over. They yearn for a preservation of the fading status quo, and not for change.

Finally, Gorbachev's task in the late 80s was to sideline the half-alive politburo elders, who had long forgotten how to fight. An attempt at liberalisation in today's Russia would deal with the fierce resistance of the business elites associated with state security forces who would fight to defend the gigantic assets accumulated over the years of Putin's rule.

Thank you.

Maria Lipman is Co-Chair of the Carnegie Moscow Center Program *Civil Society and the Regions*, and Editor of *Pro et Contra*.

Lionel Barber – 'The Pen and the Sword: Which is Mightier?'

William, you've just changed the title of my speech. You gave me this fascinating philosophical question to answer, which is whether the pen is mightier than the sword. So first of all, I will try to offer some kind of thoughts on that subject, but can I thank you first of all for inviting me to this distinguished panel and audience.

Because I am a journalist, I always believed that a personal anecdote could occasionally have some value. There are two little stories I want to tell. One was the interview which I conducted with Dmitry Medvedev in the Kremlin last March, just before he became president. And we spent a lot of time thinking about what questions we would ask. The fourth question I asked him was: 'Mr

President-elect, do you believe that when you arrive at the Kremlin, there will be some sign of a thaw in your treatment, the official treatment, of the media?' This was translated, and Mr Medvedev nodded vigorously, looked at me and said: 'What is the problem with media? We have two groups: television-newspaper groups which own newspapers in Russia that have a market capitalisation of several billion dollars.' He thought this was a measure of the health of Russian media – market capitalisation. Fundamental misunderstanding, wilful or not.

Second personal story goes back 9 years, when I was invited to lunch at my request with the then candidate for Prime Minister, second time round, Silvio Berlusconi – politician, media-owner. And I remember going into his villa in central Rome, walking past about 6 statuesque blondes, lots and lots of purple roses in the villa, and finally to the great man himself (who was much smaller than I expected). He greeted me and I spoke in French to him, and he immediately broke off into an Edith Piaf's song. He then took me into lunch, with lots of flunkies following him, and half-way through I said to him: 'If you become Prime Minister, and of course you have a very good chance of winning the election, surely that would be the time to dispose of your media interests, including all your television stations and channels?' He looked at me, and with the straight face said: 'You don't understand. I have nothing to do with the news'. At this point the door swung open, and this flunky came up to him and said: 'Il cavalieri, this are the news headlines'.

So, we have a problem on both sides of what used to be the old Berlin Wall.

First of all, the question suggests, implies, that somehow things are much worse than they were in 1989. That was of course an extraordinary year, I wasn't in Europe, I was in Washington at the time watching events. Certainly in 1989 the pen did seem more powerful than then sword. The sword was barely unsheathed, if you like, in 1989. Since then, there has definitely been a deterioration. In terms of Russia, as we've heard, more than 200 journalists have been killed. This is the country, or at least if not a country, this is a culture in places which seems to encourage killing journalists as a sport. But they are not the only ones; the journalists have died in other countries. Journalists have been locked up, persecuted, and not just in Eastern Europe but they have also been bullied and intimidated in Western Europe. And I would like to say that personally the number of times that I received letters from lawyers in London acting on behalf of well-heeled oligarchs or businessmen, 'reputable businessmen', threatening to take us to court for liable or just tying us up in hugely expensive action before we even get to

court – legal bills, insurance policies, premiums rise. That's the problem for the *Financial Times*, let alone any journalists working for a blogger or a smaller newspaper.

Second thought from the *Financial Times*, we love competition. We love competing against the *Wall Street Journal*, but when it comes to Russia, we've got the joint venture with the *Wall Street Journal* in *Vedomosti*. And the reason is because we know that that is an independent financial newspaper, one of the very few newspapers which is truly independent in Moscow. So we recognise that we have a stake and it's better to be big, if you are going to have a chance of doing any kind of serious news.

I am going to say two other things before I wind up. William referred to the challenge that we are facing in the western press at the moment. Yes, it's true. There is a cyclical challenge and a structural challenge. We've been living with the threat posed by the internet and digital media for at least 7 years. But this is huge, this is a tsunami. Look at what's happening to the American metropolitan daily. Those papers, by the way, that used to have a correspondent in Berlin, had a correspondent in Moscow, they are closing. Or they are laying off not dozens, hundreds of journalists. So this is a significant change.

But we are also facing a cyclical downturn, most newspaper groups are heavily reliant on print advertising and, therefore, now that the advertising has disappeared, they are having to cut costs and lay off journalists. And this makes it very difficult to practise the kind of serious, intensive, investigative journalism, which is necessary to hold governments and other sources of power to account. We can still do it. We have a worldwide network of more than a 100 foreign staff journalists at the *Financial Times*. But we are a very small minority. The *New York Times*, but they are in trouble; the *Wall Street Journal*; the *Economist* has a network, not as big but still a good network of correspondents. This is the exception to the rule.

In that sense, the pen is definitely, or the keyboard, is definitely a little less stronger than the sword at the moment. I could say that the internet is an alternative, and yes it can be a very powerful way of spreading information, a very quick and easy way of creating communities. It's almost like your digital *samizdat*. But still, if you look at countries like China, they are trying to control the internet. Perhaps more effectively than others. But the most important thing about the internet is that it doesn't do the kind of in-depth, investigative journalism that the press has traditionally done.

Now, William asked me about silence, the practice of silence. I do feel that the Western governments with one or two honourable exceptions, I think France would count under Sarkozy, have been mealy-mouthed, they have not pointed out the stunning silence that accompanied the death of Anna Politkovskaya. It was absolutely shameful. And, indeed, in Davos, Mr Putin was asked about the killing of journalists. And it's incredible. Here he is, before 52 or so leading journalists he is asked a straight question if he deplores the killing of journalists in Russia, and he won't answer. Instead he starts talking about problems in other countries. That's not the point, is it?

I certainly think we should speak out, I certainly can assure you that the Financial Times will remain vigilant as ever and we will continue to pursue serious, in-depth journalism. We've got the resources right now.

Thank you.

Lionel Barber is the Editor of the Financial Times.

SESSION TWO: POLITICAL FREEDOMS, THE RULE OF LAW, AND THE IMPACT ON EAST-WEST RELATIONS

James Sherr (Chair)

I would like to begin, if I may, by raising some very unpleasant questions. And as someone who is a speaker more often than a chairman, I'm not going to be the type of chairman who, after the speakers have done all their work, then says, now answer these questions. But I'm going to raise these questions anyway, and I'm going to be very interested to see if any of them are taken up. And I think they go beyond being the devil's advocate, and some of them are really quite unpleasant.

The first question: why is it that the subject of freedom in Russia engages our passions and captures our imagination in a way that the absence of freedom in Azerbaijan, and Uzbekistan, and Turkmenistan does not. Is it all about Western double standards, or are we with reason and some degree of justice talking about different standards, and different expectations that the West has about Russia, from what it has about some other places. And if there are justifiable reasons for different standards, what are the justifications, what are the reasons?

Secondly – this is a terrible question – all the questions we are speaking about today, is this just the West's agenda? And by West today, we are speaking about Poland, we are speaking about Slovakia, we are speaking about Croatia; we are not speaking about what we used to call 1989 political Europe. What I mean by this is that most Russians have not known periods of political freedom. Most Russians might think they had something like this in the 1990s, but what most Russians would say is, 'we've known far worse than the withdrawal of political freedom'. We've known elementary insecurity of a kind few of you in the West have any recollection of. We have known anarchy, we have known economic anarchy, we have known what Hobbes talked about – lawlessness, normlessness, chronic insecurity and anxiety. And forgive us, please, if our authorities are now able to address those problems and take them away and we know where the lines are and we are now living in a firm and secure world, and we know the difference between what can be done and what can't be done, and forgive us if we will chose to find this in our Russian way a far preferable reality to your notion of political freedoms, which left us with the 1990s, and which you refused to criticize.

And the third question: even if the second question can be quite reasonably attacked from many points of view, the third question is this, and its rather different: is our conceptualization of these issues simply rather dated? Are these terms, as someone pointed out before about the media, are these really a 1980s, early 1990s conception of the problem? After all, what do we see, that in some countries of the former Soviet Union where the OSCE is happy to say there are free and fair elections, the culture of institutions is still one which is not democratic, where authority at all levels are autocratic, arrogant, unaccountable, self-promoting, and have no ethos of responsibility or public spiritedness, whether you're talking about education, public institutions, private institutions, state bureaucracy, local bureaucracy – are those issues not at least as important as the fact that elections are free and fair.

And, finally, the collapse of the Soviet Union has also produced, notoriously, a culture of business, which is on most ostentatious display in entities such as Gazprom and RosUkrEnergo, and that culture of business, with its dangers, is spreading west, into countries that are now politically free, and that culture is deepening inside the EU. Is *that* a subject which should be engaging our passions and concerns as much as the subject which you have come to address?

So with that, let me introduce our first speaker, who is Irina Demchenko, who is the UK Bureau Chief of RIA Novosti

Irina Demchenko – ‘Explaining Russia, Explaining Europe’

Thank you, I am very honoured to speak before this audience. Thank you for inviting me. And I would say, James, that you have stolen half of my agenda. Because I can only add some more questions to the questions you have already raised.

I think the post-Cold War euphoria played a spiteful joke on all of us. Twenty years ago we thought we were entering a new age, without global confrontation, with an opportunity to consolidate the interests of the major countries for the sake of mutual development and improving the quality of everyone's life. It's clear now that we're as far from this as we were then. Diplomacy and international politics has not managed to resolve any of these problems, and international institutions do not work properly. There has also been no breakthrough in journalism. There has been a growing government influence, not only in the former soviet countries, but also in Western

countries. We also see examples of self-censorship in the media, with of course the recent example of the BBC on Gaza.

I think there are several reasons for this, and I would like to go through some of them. The first reason is stereotypes. I recently spoke at the BBC's News Festival. It's an internal event where they get together all the news producers; it's an internal discussion of the quality of their news. The BBC was very concerned this year about their coverage of the Georgian crisis, in particular, and some other events concerning Russia. They invited me to speak on the panel concerning their Russia coverage. They wanted to discuss such deep themes as 'do we understand modern Russia correctly?', 'do we cover modern Russia correctly?' They called this panel 'The Russian bear growls again'. I was the only Russian invited. I went to a party shop, and bought a bear's mask. I spoke in this bear's mask. I told them, look guys, you have excellent facilities, you have staff in the field, which is often doesn't happen now, and you have an absolutely wonderful journalism school. You have excellent rules on introducing different opinions on the subject. You have very good sources on Russia, you can get politicians, experts, wherever you want. But it's like satellite navigation equipment. If you have all this wonderful equipment, but the map you installed is old, it doesn't reflect the new roads, the new flyovers, the new roundabouts, the hotels, the restaurants, you can find yourself driving in a very different direction. If you put all this on the image of a bear, which is inside your head, you can't cover modern Russia correctly. We have tremendous problems in Russia. We haven't developed an approach to some of the biggest problems. But, it's definitely not a problem of how to convert a bear into a human being. It's another sort of problem. So, when you look for stereotypes, you are misleading your reader, and your misleading your society, and its completely and terribly irresponsible.

The second thing I usually call the 'labelled journalism'. I remember in the mid-nineties when I worked for Reuters as a Russian Service editor, I was sitting next to my colleague who was an editor for the international service. If you remember at this time, Yeltsin was changing his government every few months. So with every new appointment, my colleague would ask me, when the new name popped up, is he a reformer or not? Because he needed it for his story. He just put it in the first paragraph. And when I tried to explain to him that there are lot of people who you can't describe in the terms of a reformer or not a reformer, he would answer, I need a label, it is urgent.

The roots of this are in the Cold War. Because during the Cold War, the world was so polarized, that the cultural, economic, political differences, societal differences among the countries did not matter. It was enough to describe a country or a society, to label it simply as an ally of the USSR, or an ally of the United States. I don't want to say the West is wrong and Russia is right. It's absolutely equal on both sides. We have these roots with us even now. Because if you ask most Russians what they think of Britain, the first thing that pops up is that it is an ally of the United States. But this is not a description of Britain. You know, there are plenty of words in English to describe the power of rain, and there is just one word to describe the colour blue. We are in a similar situation; we try to explain everything through these labels.

One of the recent examples of this 'label journalism', was the story of Alexander Lebedev buying the *Evening Standard*. You remember that in the first paragraph of every newspaper, you could find 'Alexander Lebedev, the former KGB agent...'. And this is true. This is absolutely true. But it is not the whole truth, it's just a half truth. Because for a Western reader, the KGB has a very direct association with the limitation of the press and other freedoms, with the Lubyanka, with the prosecution of writers. I don't know a lot about Lebedev, but I understand that his KGB career had nothing to do with all these matters. As I said on the BBC recently, he would probably be better described as a Russian James Bond – he worked here in London in his early years – rather than as a Russian KGB agent. Or as we saw in the British media – 'I am from the KGB, give me your papers'. It is all misleading.

When the Soviet Union collapsed 20 years ago, we who lived there didn't finish living our lives. We started to live in a new environment, under the new rules, under the new rules of the game, if you would like to express it in this way, but with a former background. And in the former Soviet Union, as in the former colonies, we were all former somebodies. We were all former communists, former KGB agents, former Soviet State servants, former passive or active fighters, against the regime, or former regime supporters. And sometimes it means something, and sometimes it means nothing. Because we had the example of the former regime fighters, who immediately after it collapsed converted into supporters of the regime, and vice-versa. We know that during the Cold War the propaganda was equally strong on both sides of the Iron Curtain. Many people in the media believed in this. That's why it's much easier to exploit the idea of the reincarnation of the Cold War, rather than to understand and explain the real modern processes. And especially because when you say Lebedev is from the KGB, you put a full

stop, and there are no further questions. And when you try to explain who he is, what his background is, and why he is buying a British newspaper, there is much work to be done. And it's the same for the readers. We know that the British parliamentary system is more than 600 years old. But we don't know a lot about what happened in the first twenty years. Because the Russian parliamentary system is just 20 years old. We don't know if they fought in Parliament, did they pull someone by their hair in Parliament, were they corrupted in the first 20 years. The same is about the media. I had the pleasure to read Andrew Marr's book *My Trade*, which describes the history of British journalism, and it mentions in there that in the beginning of the eighteenth century in Britain hundreds of political pamphlets were published every year. And I thought that in Russia at the beginning of the 18th Century, Peter the Great produced the first Russian newspaper *Vedemosti*, which was circulated in 160 copies. I don't think there were any political pamphlets. I can't imagine.

After the Soviet Union collapsed, we thought that Russia would quickly develop a Western democracy, markets and media; now it seems that it is impossible to import it, they are only born in the soil. Now it is even more difficult, when the world configuration is under reconstruction. When Western countries themselves doubt the wisdom of the invisible hand of the markets, when major countries behave like Vitaly Kaloiev, who decided not to wait for the court decision about the air controller from Switzerland, but killed him himself with a knife. If you remember, he lost his family in the air crash. When the so-called pragmatism and *realpolitik* starts to dominate over politics and humanitarian values, and when many of the political decisions are taken on the basis on non-transparent deals, corporate interests, and streams of oil and gas. I would like to say that many of these things are seen differently in Russia than in the West. Because sometimes in the West because of your big history and background, you understand it as occasions. In Russia, it's probably understood as trends, and not as incidents. That's why I often meet people who try to explain everything that happens in Russia in terms that the Russian authorities are simply bad boys, and they want to turn their country to the past. It's not as simple as that. And just to avoid this simplification of the very difficult and very interesting processes.

Irina Demchenko is UK Bureau Chief of RIA-Novosti

Bill Bowring – ‘What Happened to the Promised Age of the Rule of Law, Human Rights, and Media Freedom?’

Thank you very much indeed. I am extremely grateful for the invitation to come here this afternoon both to Chatham House and to the new centre at Sheffield.

I am slightly intimidated to be on the platform with Alexey Simonov and Lilia Shevtsova, so I can't wait to hear what both of you will have to say.

I will try and say just a few things in the 10 minutes allotted.

First of all, in answer to the first two of James' questions briefly. I do have some cases against Azerbaijan, I am presently working on the case of a chap who has fled from Uzbekistan to Russia, but I am not going into any details on those.

Why Russia though? Here we are in London, in Britain, and I always remind people that we have a history going back to Elisabeth I and Ivan IV Grozny, who wanted to marry her, she wouldn't. There was some correspondence. We had a sea empire, they had a continental empire. We were on the same side in every war except for the Crimean War; and everyone has forgotten what that one was about. So we have been allies for a very long time. Of course, Russia is extremely big and important, in particular because of energy. So we just think back a couple of weeks to the business with Ukraine.

There's another aspect of our joint life together, which I think is rather significant, that is here we are in Londongrad, and this is where Herrzin found a home, this is where Ulyanov found a home for a while, all sorts of people. And now we have the biggest collection of oppositionists of one sort or another, and I have the honour to have been an expert witness in a whole series of extradition cases, some Yukos-related, some others. And I hear that the deputy general prosecutor was here a week or so ago, to have an argument with the CPS as to why they are getting absolutely nowhere in extraditing anybody from London. One of the gripes that the Russian authorities have with us is that we are a safe heaven for all the people that they hate.

On the second question, on the Hobbesian question. I do remind myself that, on the one hand, one has Mikhail Khodorkovsky, who according to the latest opinion poll, from the Levada centre, is becoming increasingly popular in Russia. And people have not only not forgotten about him, but I think he made a very wise move to dress himself as a Decembrist in Russia. And one shouldn't forget that there is a history of democratic movement in Russia. And

I also remind myself that my own ancestors left this country for Newfoundland because of the acute political repression that took place in Britain after the Napoleonic wars. We remember Peterloo and all kinds of reasons why we have democratic freedoms in Britain today, and there is a history to that.

I was given three topics in a title for 10 minutes. Starting with these words, promised age, so I will say something about that. And then I've been asked to talk about rule of law, human rights and media freedom.

Can I just say that I've already brought us back into the 19th century, and I think it's extremely interesting that for a period of about 2 years Vladimir Vladimirovich Putin was dressing himself as Alexander II, referring to Alexander's reforms, quoting the leading reformists of that time and so on. And, therefore, what I will say about this is that I think we have – What is this promised age? Well, let's go back to Gorbachev. During Gorbachev's time, not only was there a strong public movement, but also there was a tremendous intellectual ferment of reform. And I think we should remind ourselves about what was going on before the collapse of the Soviet Union – the creation of the Committee for Constitutional Supervision, which came out with some very important decisions which the Soviet government obeyed on the relationship with international law. In particular, ratifying the first Optional Protocol to the International Governance, Civil and Political Rights, allowing Russians to take complaints to the Human Rights Committee. That was in 1991 before the collapse.

We remember the concept for judicial reform which Sergey Pashin and Sergey Vitsin, both of them still very much around, had a hand in drafting. The Declaration of Rights and Freedoms of Person and Citizen of November 1991, just before the collapse. So if there was a promised age, this was the rule of law state which Gorbachev was taking about. Somebody already mentioned the phrase 'normal country', so I think there was a first wave of reform at that time.

I think we should not forget the second wave of reform, from my point of view, during Yeltsin's time. And there we have not only the provisions in the Constitution, in particular Article 15 on the primacy of international law, but the extraordinary decision – one has to stand back and reflect how extraordinary – by the Russian Federation to join the Council of Europe in 1996, and ratify the Europe Convention in 1998. Therefore, opening itself up to massive interference in a way that the Soviet Union would never had stood for, on a whole series of levels. And if I am now representing applicants in about 150 cases – we've won in about 35 of them – I have to say that Russia

pays up in every single case. It has not yet failed to do so. Changes have happened as the result of the decisions of the European Court of Human Rights. The decisions of the European Court are binding in Russian law. And every law textbook and commentary is now full of them.

Something very significant happened in the Supreme Court on 10 October 2003, when there was an extremely important resolution, clarifying the relationship of the European Convention to Russian law. By the way, a few days ago we had the partial admissibility decision in the Yukos case, where this is the case for many-many millions against Russia. There's going to be a hearing on that one, and I am sure if Putin is very unhappy about certain decisions so far like Ilashku... he already is much more unhappy now. This is not nothing, by the way, for anyone who says nothing has changed, nothing goes on.

I will remind you also that during the short period from 2000 to 2003, before Khodorkovsky was arrested, when Putin was working with Kozak, the most or only effective civil servant in Russia, on judicial and legal reform, there were tremendous reforms as a matter of fact.

Since I've got so little time left, I am just going to say what I think are the factors which undermine all of this constantly. And I feel really sorry in some ways for Medvedev, who made such a noise when he came in about rooting out corruption, particularly in the judicial field. Corruption is problem number one in Russia. And when Belkovsky is able to say repeatedly that Putin has got \$40 billion sorted away, and this is the reason why he can't leave power... Belkovsky has not been arrested, shot or even sued yet, and this stuff is current in Russia.

So here we have a Kleptocratic situation, and when you look at the judicial system, Masha Lipman mentioned the dreadful judge Yegorov, the head of the Moscow City Court, who was appointed by thoroughly irregular means, and there's a massive public scandal. There's been some good journalism on that. The head of the commercial court system now in Russia, Anton Ivanov, is an old crony of Medvedev's, and was also a law professor in St Petersburg. But what job did Medvedev get him when Medvedev became chairman of Gazprom, Ivanov became the head of Gazprom media. It was the organisation which bought *Nezavisimaya Gazeta*. Then Ivanov was shoehorned into the head of the arbitration court in Russia, it is now known as the Gazprom court. So, corruption problem number one.

Problem number two: I would say this government has completely failed to get to grips with the demographic crisis in Russia. This is going to hit Russia very hard, in terms of its military capacity and in terms of its workforce. I would say that that is a major crisis.

The third major crisis affecting Russia is the relationship with the regions. And if the tartars have...by the way, there were rumours of Shamaev's death, but he still seems to be there...there are 5.5 million of them in Russia. Recognition for Abkhazia and South Ossetia has set off a train of events in Russia, I think we are just beginning to see it.

Final word is this: there is a nice word in Russian, very hard to translate, *stikhiinost'*. So the Russians look very atomised, very passive at the present time. Go back to Russian history. This passivity, and so on, very quickly changes. There is a wise man whose writing I recommend, Evgeniy Goltmakher, who was the head of social policy in the Russian government, he now works with the Union of Entrepreneurs. Evgeniy Goltmakher has recently warned, in very clear terms, that the crisis in Russia not only means the drying up of the oil money, but also means that all over Russia people are now becoming unemployed. This is being on the news just in the last couple of days. So, all over Russia *stikhiyniy* (which means elemental, something uncontrollable)...and I would say that the danger in Russia at the present time is that we will see *stikhiyniy* movements that I think will potentially lead to great instability. Is the government seriously doing anything about this, I would say so far not.

Thank you.

Bill Bowring is Professor of Law at Birkbeck College, University of London

Aleksey Simonov – ‘What Does Glasnost Mean in Today’s Russia?’

Thank you ever so much for inviting me, for having me here. I am sorry for my pigeon English, but I tried to edit my report. I asked my son, who studied in Yale, who is much better equipped for that. So it is our family report to a certain extent.

Ladies and gentlemen, 20 years ago the Berlin wall, which divided the socialist and capitalist camps, fell down and gave way to movement of people, ideas and money. People moved in both directions, in a chaotic way but with a certain peculiarity. From east to east, more often people moved making careers. From west to east - mainly people making money. Ideas, or

versions of democratic development, moved mainly to the East; opposite to the Soviet times when they fled through the wall to the West. Money that started concentrating in the East as a result of the implementation of the new ideas, moved to the West where they were converted into exotic flowers like castles, yachts and football clubs. In the opposite direction, moved charitable money to help the East to survive.

But, if the transportation of people and money was supported by changes in politics and economy, the flow of ideas became possible through the media, which awakened from a long, Soviet sleep. More than that, the media awoke before the Wall's destruction, and its fall was partly the result of the Russian media's activities, with glasnost playing the main role. Glasnost was the Russian analogue to freedom of speech, to freedom of opinions, freedom of self-expression, freedom of meetings and marches, and many other freedoms which glasnost temporarily replaced. Glasnost became such a fundamental part of perestroika, it was so much connected with media activities that mass media in the beginning of the 90s was named, both by the audience and by themselves, the fourth power. Media believed in this so truly that the power of words for them seemed more important than the power of common sense. It was in those years that the Union of Russian Journalists seriously discussed the idea of giving birth to a separate political journalist party.

Thus, the new Russian journalism lost its modesty. And less than two years later it lost its innocence. During Boris Yeltsin's elections for the second term, the press started playing an important political role. First it changed the electoral landscape with five candidates into a two-sides balance, with Yeltsin on one and with the communists on the other, and then pressed with all its strengths on the Yeltsin's side, so that the president reached his second term. But the press had shown in this process that it can be bought, pushed, politically engaged; that the media are a bunch of goods that can be sold, especially for good money; that not the law is its boss, but the boss is its law.

It all took place at the beginning of 1996 when the team from NTV started their full-time work getting a licence for 24-hour broadcasting on the fourth state channel. But it got the licence not through the normal procedure, but straight from the hands of the newly elected president, in whose electoral campaign they played such an important role.

In the next four years, the Russian media very much resembled their western analogue. There were a lot of owners, each of them had his specific interest in buying an informational source; and in the long run, the informational space included all or most points of view existing in the country. And as it had been

in the West, the best positions were occupied by the media belonging to the richest individuals or enterprises.

It was during that very period that, seeking money for my non-governmental organisation, I visited one of the oligarchs. My suggestion to support financially the team protecting glasnost in the country made him smile. 'What for? If I needed glasnost, I could easily buy two newspapers or one TV channel.' That was his answer.

The default of 1998 changed a lot in this situation. Many newspapers, radio stations and regional TV companies, which were more or less independent, had to crawl, pleading for money, to government or to money bags. Yeltsin's last term was characterised by informational wars between huge private media holdings. The owners of these holdings were seldom interested in making money on information. Media was an offshoot of their businesses, so the ethical norms and rules characterising the well-developed press ceased to work. To confirm that, I can remind you of the fate of the Charter of Broadcasters, which was signed by the main country channels on the eve of new elections and was violated the next moment after it was signed.

Nevertheless, the 90s, especially their first half, were the best time of the 20 years we are analysing. Media was mostly free; honour and dignity of journalists were not just words. It's not by chance that the highest point of the press freedom was reached during the first Chechen war, which ended mainly because the media did not give the government and high ranking army officers an opportunity to hide dramatic details of that war away from the people of Russia. Truth was the winner of that informational war.

In 1999, Russia became a victim of the first operation called 'Successor'. It was accompanied by the blowing up of apartment houses in Volgadonsk and Moscow, and the beginning of the second Chechen War. Since that moment the degradation of the Russian mass media started, or carried on. It depends on the point of view. The democratic rhetoric was still there, but the words started losing their meanings. Instead of 'it is called so', came the formula 'it is a so called': so called justice, so called democracy, so called elections, so called freedom of assembly. The meaning of words was exterminated day by day without interval. The media had to get accustomed to it. To make this process more effective, the powers had to organise several spectacular floggings or whippings: the elimination of the editorial of NTV under the pretence of business arguments, the elimination of the editorial of TV6 under the pretence of improper use of licences, the firing of the chief editor of Izvestiya newspaper, for publishing on the front page some tragic photos from

Beslan without any public explanation. There was no need to make such public punishments numerous. The media took the hint fast and easily.

And look at the result. Not a single national catastrophe, neither the blow-ups in Volgadonsk and Moscow, nor the tragedy of the submarine Kursk, nor the capture of the refugees in Nord-Ost, nor the death of children in Beslan - not a single one got a full, reliable explanation, satisfactory to public opinion. Not a single high ranking official, responsible for these tragedies, was punished. Not a single one.

The majority of the killings of journalists, which take place in Russia every year, from five in the last year, in 2008, to twenty-three in 1994, were not investigated at all. And most of the killers, and especially those who ordered those killings, were never punished as well. Just compare: investigations of criminal cases in Russia in general bring up an 80 per cent success rate; killers of journalists are brought to court 8 or 9 times less frequently. Glasnost stopped meaning openness and transparency. Free elections were lost, glasnost remained. Freedom of assembly was gone, glasnost remained. Freedom of speech and self-expression was lost and glasnost became what it is now – the opportunity to shout out of the crowd that the king is naked.

The oligarchs became so obedient that the media still belonging to them are competing who can tell better the world that Russia is coming up from its knees. It was especially evident during the last Russian war, the South Ossetian conflict. Television stopped producing news; its new production is propaganda. Most of the newspapers ceased to be independent and turned into city or municipal enterprises where censorship is an everyday practice. Self-censorship became the leading feature of new journalism and most journalists. Each of them has his small vegetable garden where he grows ideologically safe food.

Contemporary Russian journalism reminds me of a zoo. Each animal has a cage of its own, some cages are bigger, some smaller. There are even huge enclosures which are separated from the audience by invisible but uncrossable moats. Yes, there is a special territory, near the entrance, where the space is dedicated for a small amount of so-called free media. The majority of them are well-known to you and to the whole world. These are *Novaya Gazeta*, *New Times Magazine*, *Radio Echo Moscow*, the TV programme 'A week with Mariana Maksimovskaya', some internet sites. The inhabitants of the zoo are also allowed to get out there from time to time, for a walk. But it is exactly the space where wild journalists might meet the hunters. The last hunt happened there less than a month ago. And we all know the

victims of this hunt. But you do not know and, I am afraid, will not know the name of the hunter.

Those two names, Anastasiya Baburova and Stanislav Markelov, are not yet included in our memorial of killed journalists, which we compiled from 1993. It contains 309 names. The Wall, which we ruined 20 years ago, is successfully rebuilt inside my country, inside us.

Thank you for your attention.

Alexey Simonov is President of the Glasnost Defence Foundation

Lilia Shevtsova – ‘Russia in Transition – To What?’

Thank you dear moderator. I promise that I am not going to speak on behalf of Chatham House. It's a great pleasure to be here, and it's a great pleasure to meet my old friends, especially in the audience. And I would like to wish William and the new centre the best of luck and success.

Let me turn to the subject of my talk, and I promise if my dear moderator has one minute for me, I will also respond to the questions that he posed before us in the beginning.

The topic is ‘Russia in Transition – to What?’ If I was given only one minute, or half a minute, to respond to this question, I would risk responding to it in the following way: Russia's trajectory and goal – Russia is desperately trying to preserve the domestic status quo, even at the expense of demolishing, undermining the international status quo, the international order. So we see a very interesting, strange political animal, strange from a political and existential, civilisational point of view. A country that is simultaneously revisionist, even revanchist, and a traditional state. We can also use Bernstein's phrase: the movement is everything, the goal is nothing. If you paraphrase it and apply it to the Russian reality, we can also conclude that the Russian trajectory is permanently imitating movement towards a goal – and the goal is nothing.

Now, let me turn to several points I would like to present in a way of brush strokes because the landscape is very complicated. And I am responsible for putting our topic into a broader context. So, I will try to address several points with respect to the Russian trajectory, East-West relations, and Russia's future through the lens of dichotomy, failure and success. Although, I understand that I simplify very much the relationship between failure and

success, because sometimes and very often they are married, and they are interlinked within some kind of causality.

Gorbachev was mentioned before; so Gorbachev's perestroika, what is it? Is it a failure or a success? I would say both, depending on which side you are on. Firstly, what could we say about the post-communist revolution in Eastern and Central Europe, the Baltic states and Russia? Definitely, irrespectively of what is happening now, in Bulgaria, in Lithuania, in Latvia, post-communist and velvet revolutions, with exception of Romania, were a tremendous success. It was one of the greatest achievements of the 20th century. And there are of course many causes, many reasons and drivers behind this success. But at least two stand out in a very serious and important way.

The first reason and first success driver is the existence in Eastern and Central Europe and the Baltic states of people like Jens and Miklós – the existence of anti-systemic liberal opposition. And another reason is the ability of the East European and Baltic elites to form, to build the national consensus on the path of movement to Europe. And of course the existence of Russia, and the fear of Russia, helped them a lot to move in the opposite direction.

And the second cause of their success was the fact that Europe and the West in general was ready in 1987, 1989, 1990 to integrate, to swallow, to embrace these countries.

What is the cause behind our, Russia's, failure? There are two reasons. (Of course the communist legacy, etc.) Firstly, the failure of the Russian political elite in all its segments, including liberals and democrats, to turn the anti-communist temporary consensus into a consensus about the change of rules of the game. Because even liberals and democrats in 1991, 1992 and further were trying to fight for monopoly of power; they couldn't even imagine politics and political life without fighting for monopoly, or political life when you have pluralism.

And another stumbling block, of course, the belief on the part of all segments of the political elite and political class that Russia cannot exist and cannot survive without being an empire. So, the imperialist syndrome and the elements of militarization became and still are one of the most important and serious constraints on Russia's transformation. In 1993 Yeltsin went to the Security Council and asked the United Nations to appoint Russia the boss, the arbitrator, the judge within the post-Soviet space. Kozyrev was one of the most ardent promoters of the idea that Russia should have the areas of privileged interests.

And the second reason – here we can blame the West. Perhaps not for the wrong perceptions of Russia, but for the fact that the West was not ready, firstly, for the collapse of the Soviet Union. I remember in 1991, Bush senior's speech on the Chicken Kiev, where he appealed to the Ukrainian nation not to hurry their independence. And of course the West couldn't swallow Russia, and was not ready to offer a stimulus package (the phrase recently coined in Davos) that would stimulate Russia to move towards Europe.

Now point number two - What now? What kind of system has emerged in Russia if we look at it from the point of this dichotomy, failure and success? Of course, we failed. Russia failed in its liberal democratic transformation. This failure is one of the most important and dramatic failures of the 20th century. But at the same time, having failed in moving towards more or less civilised rules of the game, the Russian political elite and Russian business elite have succeeded amazingly. I've been trying to find any other case of such success in preserving the status quo and in building the political regime, the system, the mode of economy that so effectively would serve the interests of the rentier class. In fact, what the Russian political elite under the guidelines of presidents Yeltsin and Putin did was to succeed in using the West in order to endorse and legitimise the anti-western system and anti-western rules of the game within Russia. It's an unbelievable achievement. They have to be very proud of being so clever. And in fact, the Russian political elite has used liberal democratic, western principles in order to create absolutely amazing, favourable conditions to pursue the interests of the corrupted capitalism and of the rentier class.

There were a lot of gimmicks used, and they are still pretty effective. Among them I would only mention several ways of building and preserving this kind of system and reproducing it. Firstly, cooptation of western business and political elites. And I am not only talking about Schroeder being on the board of Gazprom or TNK-BP; I am also talking about quite a few former members of the British Government and former MPs on the boards of Russian companies, a fact which they do not mention in their bios.

Secondly, the scare tactics; how we (the Russian political elite) intimidate our neighbours – Georgia, Ukraine, Belarus, the Baltics, and the Great Britain. I do not know a single case where a strong and powerful country would be intimidated by the Our Russia movement, etc. And poor British ambassador, Anthony Brenton, would need to hire a security service in order to increase his safety in Moscow. Not only intimidation, but also imitation of liberal democratic principles: Putin coming to Davos and all other schmoozing clubs

(G8, etc.), where he has the right to say: 'Well, we have democracy. What about your Guantanamo?'

I will stop here trying to give you a run-down list of gimmicks and instruments that the Russian political elite has been using so effectively, trying to be co-opted into the western culture, western political system and western business connections.

One of the brilliant successes, also, is the creation of an absolutely unique model of foreign policy, the relations between Russia and the West. The model is to be with the West and to be against the West at the same time. It resembles playing two pianos at the same time, Mozart and Beethoven. And the western political circles have no clue how to respond to this cacophony. And it is very difficult because Russia, at the same time, wants to be a member of the Council of Europe, G8 and all other western clubs without any kind of commitments that go together with membership. And at the same time Russia views NATO as one of its enemies. (With the US being the enemy number one). This is a very interesting formula of building a relationship with the West, when the West in reaction has only one response – acquiescence.

And the last point. What now? What is in store for the future? Of course, this type of system cannot exist for a long time. This system is built on the principles of the 19th century. And just to imagine that it is sustainable in the 21st century would be naïve. But at the same time, unfortunately, I have to crack down on my own historical optimism; I have to acknowledge at least several factors that can give this system some historical potential for the time being.

Among these factors, firstly, is the lack of a liberal democratic alternative within Russian society (and my colleagues during the first panel explained that). And despite the fact that the second echelon of the Russian political elite starts to understand that this kind of system is suicidal for their interests, they cannot consolidate; instead, they are trying to survive by themselves. So this is reason number one why the system can still reproduce itself.

Explanation number two: the financial crisis. I remember I read recently the memorandum to President Obama on the part of brilliant American experts, where the final part of the recommendations for Obama included the following advice: 'Now we could be sure that Russia is in one boat with us and the financial crisis will force Russia to accommodate and cooperate.' Bullshit. The financial crisis, just on the contrary, gives a possibility for the Russian political regime, its leaders and its system, justification and legitimisation for the

expansion of the role of the state. Just like everywhere else. And Russian political leaders, just like Putin in Davos, have all possibilities and chances to say: 'We told you so! And we did the right thing when we expanded the state and we started with Yukos.'

And thirdly, the US and the West in general have so many things on their plate – terrorism, Iraq, Iran, Afghanistan, nuclear proliferation, energy security, etc. – so they need desperately to have a stable Russia at any expense. And they need to have a calm Russia and a more or less friendly political leadership in the Kremlin. That's why it seems to me that not only the French capital, the German capital (I am not sure about Gordon Brown, he never said a word about the relationship with Russia explicitly); I am also not sure that the new American president will start a new policy towards Russia, and not revert or return to traditional *realpolitik*. And this is what the Russian political system and political regime need from the West – *realpolitik*, business as usual. Let's count the nuclear warheads.

I have read today's newspaper, and it reminded me of the anniversary that we are having this year – the 200th anniversary of Charles Darwin, whose major conclusion was: 'If you don't innovate, you are dying.' So, Russia's experience may prove whether this axiom could be applied to Russia, but watching from Davos at least the western economic community and financial community, my guess is that the West also has also to prove whether this axiom applies to the West.

Why the West should be more worried about Russia, but not China, Azerbaijan, Kazakhstan? It seems to me that William has responded brilliantly: simply because Russia is part of the G8, Russia signed the declaration, Russia is part of the Council of Europe, and this is the commitment, the obligation of the Council of Europe to consider that Russian domestic developments are not just Russian domestic developments but the issues of the Council of Europe and European agenda. That's why the criteria are much higher.

Second issue - why don't we let Russia behave the Russian way? You can. But you have to understand what would be the consequence. If you allow Russia to behave the Russian way, it means that the West would endorse Russia as an empire, with all military niceties and with the Yalta order, with the areas of influence and with Ukraine, Eastern and Central Europe, the Baltics and the Caucasus under our auspices.

And what about the Gazprom contagion? I like to ask this question the western counterparts. I already asked Joschka Fischer and some other people this question. And my favourite question is: 'Why Mr Schroeder is not afraid of the Gazprom contagion, being on the Gazprom board?'

Thank you.

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