

## **The International Sakharov Conference -- Panel 5**

A Harvard University Conference celebrating the 40<sup>th</sup> anniversary of Andrei Sakharov's 1968 essay *Reflections on Progress, Peaceful Coexistence, and Intellectual Freedom* was held on October 24-25, 2008, at the Norton's Woods Conference Center, Cambridge, Mass. The Conference was organized by the Davis Center's Sakharov Program on Human Rights, the Physics Department, and the Andrei Sakharov Foundation (USA).

### **Panel 5 -- Russia: Today and Tomorrow**

The panelists and their topics were:

**Marshall I. Goldman** – The Russian Economy: Yesterday, Today and Tomorrow

**Anton Burkov** – Russian NGOs, Human Rights and the Rule of Law

**Andrei Illarionov** – Russia's Liberal Intelligentsia

**Thomas Remington** – Andrei Sakharov and the Concept of a Democratic Opposition

### **Sakharov Conference      Panel 5 -- Russia Today and Tomorrow**

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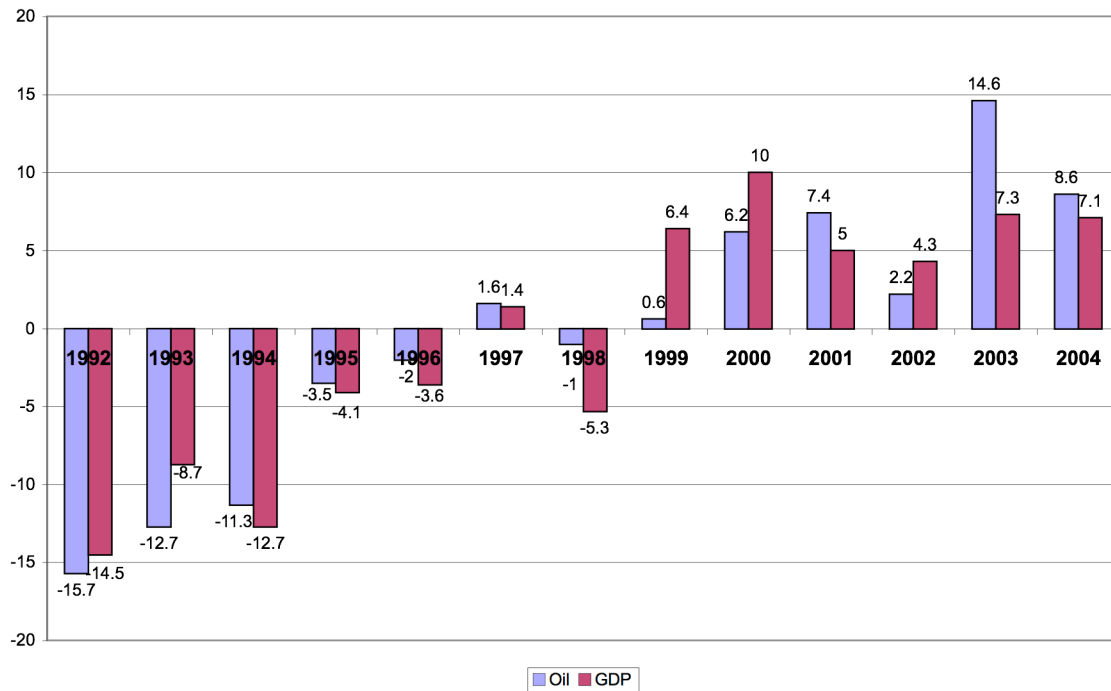
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**Marshall I. Goldman** -- *Kathryn Wasserman Davis Professor Emeritus of Russian Economics at Wellesley College; Senior Scholar at Harvard's Davis Center for Russian and Eurasian Studies, where he served as Associate Director from 1975 to 2006. He has published many books on Russian economics, politics and environmental policy – the most recent is Petrostate: Putin, Power and the New Russia.*

Let me welcome everyone. This Panel is an amalgam under the rubric "Russia Today and Tomorrow," and we can talk about yesterday as well. We have a distinguished panel that has come from all parts of the world. I'm led to believe that as chairman, I'm supposed to go first, so I'll use that prerogative.

What I'm going to do is focus on the economy, what has happened, and why in recent years, at least until a few weeks ago, Russia was in an unprecedented situation.

Russian oil production and GDP (% change)



You can see that when the Soviet Union collapsed under Yeltsin the economy went into a free-fall. The cumulative effect was a drop in the gross domestic product (GDP) of about 40 percent; that's greater than the drop the United States experienced in the Great Depression of the late 1920s and 1930s. It was terribly serious. There was a slight uptick in 1997, then the collapse in 1998 just a decade ago. This had ramifications in the United States as well. Our stock market went down 20 percent in an echo effect of what was going on in Russia. Some of you may remember the collapse of Long-Term Capital Management, a big hedge fund, which had lent money out to all kinds of groups WHICH IN TURN INVESTED IN RUSSIA. The Federal Reserve Bank intervened for fear that Long-Term Capital Management's collapse would bring down the whole economy, an action that brings us today a feeling of déjà-vu. So we were already interconnected then in a pretty spectacular way.

In August 1999, Putin was appointed prime minister. On December 31, he was made acting president, and in March 2000, he won the election for president. You can see what happens after that: the GDP goes up, at rates of 7 or 8 percent annually, and the GDP doubles over a 10-year period of time, which is a pretty spectacular ACHIEVEMENT. That helps to explain why the Russians generally say President Putin is their man – his high rating has consistently been confirmed by public opinion polls -- . (We don't know what's going to happen in 2008, but we already know the results are likely to be a little scary.)

Has Putin made the difference? Well, he certainly helped, but the main reason for the changes in the Russian GDP has been oil production, which fell in the early years of Yeltsin and rose under Putin every year through 2007. You don't find things like this very often in economics, where there is a perfect correlation: when oil production drops, GDP drops, at least until we get to 2008, and when oil production goes up, GDP goes up. So it's really the oil factor, and Putin is just lucky that he became president at the right time. And why does oil production go up? Because beginning in 1999 and in 2000, oil prices go from \$10-12 a barrel, to \$147 a barrel at one point in May of this year. What I tell my wife, is that if I had been the president of Russia, even I would have been able to produce this kind of return. But Putin IS lucky. What happens when Putin steps down, oil prices fall to \$70/barrel, so that indeed it's oil more than anything that brought this fantastic turnaround, but Putin gets the credit.

### Siloviki in Business

Name	Title	Business	Concentration	Night job
Andrei Belianinov	CEO	Rosoboronexport	Arms exports	
Viktor Ivanov	Member of Board/ former KGB	Aeroflot	Airline	Putin aide
Dmitry Medvedev	Chairman	Gazprom	Natural gas	Putin Chief of Staff
Sergei Prikhodko	Chairman	Tvel	Nuclear fuel trading	Foreign affairs adviser to Putin
Igor Sechin	Chairman	Rosneft	Oil	Kremlin staff
Yevgeny Shkolov	Board of Directors	Transneft	Oil pipeline	Presidential aide
Igor Shuvalov	Board of Directors	Russia Railways	Railway	Presidential economic adviser
Vladislav Surkov	Chairman	Transnefteprodukt	Pipeline hardware	Kremlin staff

This chart shows that Putin has brought into positions of economic power his own supporters, his own patronage groups, the *siloviki* [personnel from the security service and other power ministries]. You can see where these people come from, in some cases from St. Petersburg, in some cases from the KGB, in some cases from St. Petersburg *and* the KGB. Putin has pushed out the original oligarchs, and in a sense brought in these new people and put them in charge of certain companies, the “national champions” as Putin has called them -- a concept he borrowed without too much attribution from two professors at the University of Pittsburgh. If you look in today's *Financial Times*, there's a long article which quotes Andrei Illarionov, among others, that a lot of their wealth has been flushed away in the collapse of the market. These NEW OLIGARCHS used the

stock, which they had gotten in some of their companies, to borrow money, and that has led to margin calls as the price of their stock has gone down. They are now forfeiting MUCH OF THEIR WEALTH to the banks and other lenders; as much as a billion dollars, certainly a couple hundred million dollars, and that includes Oleg Deripaska.

These people, whom I call “the second echelon” of oligarchs, as I have noted, are Putin’s people. They owe not only their power but their wealth to Putin, and it’s going to be very difficult for Medvedev, as he now steps in, to do something with them, because they are going to be protective of what they have, and not very agreeable to switching patrons.

**Table 3: Europe's reliance on Russian gas (Bill. M3), 2004**

	Total consumption	Total imports	Imports from Russia	% of total consumption	% of imports
<b>Europe</b>	526	372		26	
<b>Germany</b>	97	91	36	38	40
<b>Italy</b>	81	68	21.6	26	32
<b>Turkey</b>	23	22	14.5	64	66
<b>France</b>	45	45	13.3	25	30
<b>Poland</b>	14	10	6.3	42.5	63
<b>Austria</b>	9	8	6	65.7	75
<b>Hungary</b>	14	11	9	66	82
<b>Czech</b>	9.6	9.5	6.8	74.6	72
<b>Slovakia</b>	6.6	6.4	5.8	97	91
<b>Finland</b>	4.6	4.6	4.6	100	100
<b>Estonia</b>	0.97	0.97	0.97	100	100
<b>Latvia</b>	1.75	1.75	1.75	100	100
<b>Lithuania</b>	2.93	2.93	2.93	100	100

One last comment. This bears directly on where Russia is today and will be tomorrow. It is the shocking magnitude of Russian gas exports to Europe which led me to write *Petrostate: Putin, Power and the New Russia*. I got the figures for individual countries, but it’s only when I put them all together that I saw just how important gas is. Oil brings in the money, but it’s the gas that’s significant politically. Germany gets 42 percent of its imported gas from Russia.

Oil is more or less fungible. If one pipeline is cut off, you go to another pipeline, or you can go to a tanker, a tank truck or a railroad car. But the delivery of gas depends on the availability of a SPECIFIC UNIQUE pipeline, because we don’t have a liquified natural gas (LNG) market. And development of an LNG market would require long term contracts. If a gas pipeline is cut off, as we saw in January 2006, you’re cold. This gives

Russia enormous leverage. Angela Merkel already seems to be pulling a lot of her punches for fear that the Russia-Germany gas pipeline may be cut off. Why rile the Russians needlessly?

From the chart you can see how widespread this dependence on Russian gas is in Europe. There's Algerian gas coming in, North Sea gas coming to Europe. But if you're at the end of the pipeline, the eastern end of the pipeline, as is Germany, the non-Russian gas is probably not going to be enough to help you, besides which, the supplies from Algeria and the North Sea are being depleted. But look how extensive the dependence ON RUSSIAN GAS is all over Europe. And, of course, as you get to Eastern Europe and Central Europe, it's even greater. So this gives Russia a tool, a political tool that, in my mind, is unprecedented, in many ways, more significant than nuclear weapons, because we had MAD (Mutually-Assured Destruction). The Russians didn't use their nuclear weapons because we didn't use ours. But in the case of gas, there's no counter to that, except saying "Naughty, naughty" – and that's not enough.

To sum up, Russia has come back. It's experienced an enormous turnaround, helped by Putin, but really due to a change in ENERGY PRICES AND EXPORTS more than anything else.

**Anton Burkov** – *Currently a Ph.D. candidate in law at Cambridge University, Burkov has been on the staff of the NGO Sutyajnik's Ural Center for Constitutional and International Human Rights Protection for ten years. In 2001 he was awarded the Themis prize "for contributions toward the creation of a democratic society and the development of state legal institutions."*

*Sutyajnik* (Litigator) is a non-governmental human rights organization of young lawyers and senior law students founded in Yekaterinburg, Russia in 1994. As a human rights resource center, it helps Russian citizens and organizations realize their rights by litigating public interest cases, by educating people about human rights, and by informing them about mechanisms for the protection of their rights guaranteed in the Russian Constitution and international treaties. One of *Sutyajnik's* principal goals is to defend human rights by working to bring domestic legislation and practice into conformity with international and constitutional standards.

Through its various activities, the ultimate goal of the NGO and its young staff of lawyers and journalists has been to develop an effective mechanism for making state officials and state agencies responsible for any violations they commit of the Russian Constitution or our laws and for bringing them to justice. Responsible state officials today are the key to Russia's success tomorrow.

In the Soviet Union, there was no tradition of state actors' legal or material responsibility for violations of law. Legislation providing for this was lacking, with few exceptions (such as the protection of drivers from abuse of power by the traffic police). Nobody could sue the government or its officials for violations and ask a court to award compensation for the consequent damages. The formal reason for the absence of legal responsibility was the proclaimed "lack of class conflicts" in Soviet society, which was supposed to automatically preclude conflicts of interests between citizens and state officials. Unfortunately, the reality proved to be very different – it caused lack of accountability.

Mikhail Gorbachev, after coming to power in 1985 announced that his main principle of governing the state would be the priority of the rule of law. The realization of this principle could be achieved only in an environment where the state and its officials were consistently held responsible for and financially liable for their violations of human rights and abuse of power. Gorbachev understood this clearly, and the introduction of an appropriate mechanism for its enforcement was one of Gorbachev's priorities.

A first step towards creation of a "state ruled by law" was the adoption of a 1987 statute on the procedure for bringing complaints against state officials for human rights violations. In 1989 a new version of this law was passed, and in 1993 the law was adopted which remains in force in Russia today. The law provides, in principle, that anyone claiming there was a violation of law by state officials can bring the perpetrator before a court and sue for pecuniary and non-pecuniary damages. All the civil procedural guarantees had to be followed by the court when considering cases. Cases were decided not, as in the past, by a higher official, who often had issued the orders leading to human rights violations, but by a court. And the applicant could ask for compensation of damages.

Since 1993 many statutes have been promulgated which establish similar rules, but their implementation is very deficient. It is possible to get a judgment against a particular state official or agency which includes the award of monetary compensation to be paid by the Ministry of Finance, but its execution is impossible.

The reason is simple. There is no procedure which allows an individual or a court to force the execution of a judgment against the Ministry of Finance. The bailiff system,

responsible for execution of court decisions, has no authority over the execution of judgments against the Ministry of Finance. It means that the payment of money awarded by a court is totally up to the good will of the Ministry. No lien against its bank accounts, assets, or other property can be imposed.

This situation was not noticed by the world community until Russia joined the Council of Europe in 1996 and ratified the European Convention of Human Rights in 1998 and recognised the right of individuals to petition the European Court of Human Rights. The European Court is flooded by cases on lack of execution of judgments requiring payments by the Ministry of Finance. As of today 26% of all cases considered by the European Court are cases against Russia, 25% of which are cases on non-execution of judgments. In other words, the European court has turned into the bailiff which has to deal with Russian cases. After intervention of the European Court, the Ministry of Finance pays awarded compensations within 3 months from the date of the European judgment from a designated item of the state budget.

Of course, the Council of Europe and the European Court are not happy about this situation. In response to their pressure, one would have thought that the solution lies in giving the appropriate powers to the bailiff system. Instead, the Russian government has proposed a draft law creating a new Russian court to deal with cases of non-execution of judgments instead of the European Court. It could have been an alternative solution, but it achieves nothing when we read one clause of the draft law. It states that the defendant in such cases is the same Ministry of Finance. Once again – no forceful execution of judgments possible, no responsibility of state officials. The situation reverts to where it stood before perestroika. Today Russia is paying off its foreign debts, but accumulating internal debts.

The solution lies cooperation with existing international institutions, particularly the Council of Europe and the European Court of Human Rights. So far this is the only way for a Russian citizen to challenge the resistance of the national authorities. A lot has been done to alleviate the problem, much of it thanks to the efforts of young lawyers of *Sutyajnik*. The defects of the Russian government's proposal to secure payment of court awards has to be explained to the European Court. We shall use the Convention for the Protection of Human Rights more intensively.

What is the role of young people in the general human rights movement? What is the attitude of young people to human rights issues? *Sutyajnik*'s young lawyers and journalists rarely apply to work for us because they want to dedicate their time to the cause of human rights. Most of them do not even know what human rights are. Many of them do not make a conscious choice; they are simply looking for a job. Some come to

human rights NGOs in order to gain experience and then leave for a law firm or a corporation. This isn't a surprising – young people have many things to worry about.

Although many young people find jobs in the human rights world without any altruistic purpose and lacking any knowledge of human rights issues, some rather quickly become devoted to the cause and do amazing things. Some of them stay for a long time, others leave earlier. But if a young man stays long enough, he leaves the NGO a different person. And I want to stress that an important mission of NGOs is to educate their own employees. They learn about human rights, they learn practical applications of law, they see people in grief, they start to care about human rights not just by reading about them but by working to secure them for fellow citizens. And I am very much convinced that after this acquaintance with human rights they will never stop caring about them and about social justice.

The sad part is that today getting young people involved in human rights activities is more difficult than in earlier times. The goal to make money has become a priority for the young. Today it isn't "cool" to devote yourself to legal work in a human rights NGO: no money to be made, no career to pursue, and the possibility of being harassed or even punished for doing your job. In the late 1990s, our NGO had eight or more full-time lawyers and five to eight interns. Young students wanting to work as interns were put on a waiting list. Today it is difficult to find paid interns, not to mention lawyers, and virtually impossible to find volunteers. Students who lack any experience or practical skills ask for a salary equal to that of an experienced teacher. In the 1990s, we were happy to work for free just to gain experience.

In the 1990s educational opportunities for rich and poor students were more or less equal. Today students from wealthy families tend to be well-educated, and the rest usually never get a proper education. The rich are going into business and government – busy making money and starting a career. They view human rights as obstacles in their way. The rest are angry, looking for easy answers to difficult questions. They aren't attracted to the complicated issue of human rights, but are more likely to fall prey to xenophobia and nationalism. This leaves human rights NGOs short of personnel when the demands for securing and defending human rights are increasing.

### **Marshall Goldman**

Our next speaker is Andrei Illarionov, who will speak about Russia's liberal *intelligentsia*. He was quoted in the *Financial Times* today about some of the changes that are going on in Russia.

**Andrei Illarionov** – *From 2000 to 2005 Illarionov served as chief economic adviser of President Vladimir Putin and his personal representative (sherpa) in the G-8. He resigned in December of 2005 because of differences with the government's economic policies. He is currently a senior fellow at the Cato Institute's Center for Global Liberty and Prosperity.*

It is a special honor and pleasure to be speaking at this most unusual conference in memory of Andrei Dmitrievich Sakharov, which is attempting to recall all he accomplished in many different fields during his lifetime and to examine those of Sakharov's ideas which are still relevant today. The interdisciplinary nature of the conference, which includes nuclear physicists, political scientists, economists, historians, diplomats, journalists, and human rights activists, adds to its complexity. My initial remarks relate to the memorial aspect of the conference.

I first encountered Andrei Dmitrievich in 1975. Not him personally, but his name, his work and his activities. At that time I was a 7<sup>th</sup> grade student in a small town near Leningrad. I was asked, like all my fellow students, to write a composition - just a regular assignment – on the theme “One Day in the Life of Our Country”.

I devoted a substantial proportion of my composition to an event that was not discussed much in Soviet newspapers at the time, but that I had heard about in detail from BBC, Voice of America, and Radio Liberty: Andrei Sakharov had been awarded the Nobel Prize for his activities. Surprise, surprise! I got a “5”, the Soviet equivalent of an “A”, for my composition. I was proud, not only that I had mentioned Sakharov's prize, but that I got an excellent mark.

I was too proud, because I made the mistake of sharing this very good news with my school friends, and that mistake almost led to my expulsion from the school and the firing of my teacher. Actually, it was a courageous act on the part of my teacher to give me that grade. The news spread and reached the local staff of the KGB. After that, I was summoned to the school's deputy director, my copybook with the composition was confiscated, and I was told, “You should think not just about yourself, but about your teachers as well.”

It was a good lesson. It was a very serious encounter with adult life. I was grateful to all the adults who did everything they could to protect me, protect the teacher and protect the school from the possible consequences of my mistake.

Now, I will move to the topic that I started discussing with Ambassador Matlock last night: what is the meaning of the terms “*intelligentsia*” and “*liberal intelligentsia*,” and why is the phenomenon of the *intelligentsia* almost unique to Russia.

It is well known that intellectuals in many Western societies are not the same as in Russian society. What makes the difference? Intellectuals are persons who are involved in mental activities of various kinds, in science, in art, in education and so on, but the *intelligentsia* bring to these activities a particular moral stance, usually critical of the existing government, and their status allows some of them to express their views to the authorities. The transformation of some intellectuals into *intelligentsia* probably can happen only in non-democratic societies. In democratic societies, there is no need for intellectuals, regardless of their views on an issue, to take a strong moral stance. There is debate, there may be very intense debate, but usually only a special group of people take an active role in it -- politicians, and political parties, and others who are involved in the political process.

Non-democratic societies lack political parties or groups which argue for political change. As a result, individuals who are willing and able to disagree with the authorities are needed to suggest alternatives to government policies, and it's natural that such individuals are usually intellectuals.

What makes the *intelligentsia* special? An *intelligentsia* cannot survive in a totalitarian society because unofficial intellectuals attempting to change official policies quickly lose their freedom or their life, whether in North Korea or in the USSR in Stalin's heyday during the 1930s. So that's why it's necessary to have at least some softening of a totalitarian regime - even if it only turns into a not-very-nice authoritarian regime - for an *intelligentsia* and for individuals prepared to "speak truth to power" to survive.

For whom would the probability of survival be high? For intellectuals who are especially close and useful to the authorities. If we look at the background of people who were involved in the dissident movement in the Soviet Union, many of them – although not all of them - came from three main social groups. The first group consisted of the families of government leaders. The second consisted of the families of military leaders. And the third consisted of academicians and intellectuals - and their families - who had made major contributions to the creation of the regime, to its strengthening, or to its military potential. Their obvious value gave them a certain level of personal protection from persecution, and second, the regime hoped that the dissident intellectuals would bow to its demand to forget their "childish statements" and, instead, to continue or resume their work to strengthen the regime and the state.

Personal security is a critical condition for intellectual freedom, which Andrei Sakharov described as "essential for human society" and "the only guarantee of a scientific democratic approach to politics, economy and culture." Without intellectual freedom, it

was impossible to create the weapons for defense of the Soviet regime. That is why the regime itself decided that it would have to deal with different members of society in different ways. Unlike the vast majority of people who could be treated harshly, intellectual freedom and personal security would have to be preserved for some people who were needed for the survival of regime. That was the way the Soviet *intelligentsia* was created.

There is no guarantee that an *intelligentsia* is necessarily liberal. It can be illiberal. It can be undemocratic. It can be anti-Western. The Soviet case shows that not all representatives of the *intelligentsia* are liberal. Just here in this hall, you can see the letter of acceptance of membership in the Academy of Arts and Science signed by Andrei Sakharov. In that letter he mentions another person elected the same year into the American Academy of Arts and Science, Alexander Solzhenitsyn. I would be interested to see Mr. Solzhenitsyn's letter of acceptance, and whether he mentioned Sakharov in his letter. Andrei Sakharov and many other persons belonging to the liberal *intelligentsia* spoke often in support of people whose views they did not share and whom no one would consider liberal. But we rarely saw this other way around. That's one big difference between the liberal and the non-liberal *intelligentsia*.

I'll skip a discussion, although it would be really interesting, of Andrei Sakharov's evolution from an intellectual, an expert in his particular, narrow field of weapons making, to become a representative, a symbol, a founding member of the Moscow Human Rights Committee and a leader of the liberal *intelligentsia* in the Soviet Union. He then progressed to liberal intellectual opposition to the regime, and after that, to liberal political opposition to the regime, which we have seen when he was elected to the Congress of People's Deputies and he denounced the war in Afghanistan.

It is really remarkable, this personal intellectual and political journey of a young man who dreamed of making, was capable of making, and did make important contributions to science, and then, in midcareer, largely abandoned physics in favor of political activities, and social and political discussion.

Coming from "yesterday" and approaching "today" -- we will not have time for "tomorrow" -- a question that was the subject of much debate was: why did the *intelligentsia* disappear? I would say that the political evolution of the Soviet Union and Russia in the 1990s led to the destruction of the fundamental conditions necessary for the existence of an *intelligentsia*. Because in the 1990s, with the crash of the authoritarian political system which existed in the 1980s and early 1990s, and the creation of a democratic system -- quite imperfect, but nevertheless, a democratic system -- there was no demand and, at least for several years, there was no longer any particular need for the *intelligentsia*. There was, on the other hand, a substantial demand for intellectuals as

experts for the regime, experts for business, and some of the *intelligentsia* even became liberal bureaucrats while still others became illiberal bureaucrats.

This situation has changed in the last eight years, because from an imperfect democratic state, Russia has returned very quickly into an authoritarian state. There is not yet, however, a great demand from the regime for intellectuals who can contribute to its survival. Nevertheless, a new generation of intellectuals is emerging, and they are moving into the traditional role of the *intelligentsia*. The liberal *intelligentsia* speak on radio station Ekho Moskv, and write for gazeta.ru or kasparov.ru and the few other media outlets which remain open to them. There are also illiberal *intelligentsia* who write for the websites Vzglyad, Dni and some others. The results are somewhat reminiscent of the debate between the liberal journal *Znamya* and the illiberal journal *Oktyabr* several decades ago. The debate continues.

What is important for the current Russian *intelligentsia*, besides the opportunity to create intellectual products, is their belief -- whether right or wrong is a different story -- that they are stakeholders in Russia, or its regime, or its political system. Without this feeling of ownership, of the right of ownership, it would be impossible to participate in such an intensive debate with so much emotion and with so much devotion. The *intelligentsia*, regardless of whether it's liberal or illiberal, is considered to be among those who do have rights, property rights to this political system or at least to have the right to pretend they have these rights

### **Marshall Goldman**

I guess it also shows that the incident with your essay mentioning Sakharov's Nobel Prize didn't get into your personal dossier. Putin would never have let you into the Kremlin with the incriminating evidence that you had been listening to Radio Liberty. That's meant as a joke, of course.

### **Andrei Illarionov**

It's probably no secret for you that Radio Liberty was listened to not only by some schoolboys in Perm, but by KGB officers, as well, so we belonged to the same club in a manner of speaking. They were very much interested to learn what we were listening to because it was important for them to know our sources of information.

### **Marshall Goldman**

Our final speaker is Thomas Remington.

**Thomas F. Remington** – *Goodrich C. White Professor of Political Science at Emory University, where he was founding director of the Program in Russian and East European Studies. Since 2007 he has been a visiting scholar at the Davis Center and a visiting Professor of Government at Harvard University. His publications include Politics in Russia (several editions) and The Politics of Institutional Choice: The Formation of the Russian Duma (2001, with Steven Smith).*

I want to say a few words about an aspect of Andrei Sakharov's legacy that I think has been overlooked by history. That is his role in formulating the role and responsibility of the democratic opposition when he led the Inter-Regional Deputies' Group in 1989. Yesterday Tim Colton, Marietta Chudakova and Ambassador Miller alluded to the role Sakharov played in the Inter-Regional Deputies' Group in the USSR Congress. This was a remarkable moment when something like coherent programmatic, partisan competition was just beginning to take shape and Sakharov played a critical role in it, laying out a far-sighted conception of the role a democratic opposition should play in Russia.

This story began with the election of deputies to the Congress of People's Deputies of the USSR, a cumbersome structure created by Gorbachev as a means to channel much of the energy that had poured out during the period of reform and *glasnost'* in the late 1980s. As you may remember, the Congress was to be filled by three streams of election of members: two kinds of territorial deputies, and a set of deputies elected by public organizations, among them the Academy of Sciences. The elections of spring 1989 opened a remarkable institutional window for electoral mobilization both in territorial districts and in the public organizations given the right to send deputies. As you recall, Sakharov was elected by the Academy despite the efforts of some forces in the regime to block him. Helping develop the tactics and form the alliances that ultimately succeeded in getting him elected was a group of younger scientists affiliated with institutes of the Academy, among them the physicist Alexander Sobyenin, who mastered the tools of applied political science, and went on to do pioneering work in analyzing the dynamics of the USSR parliament, the Russian parliament of 1990-1993, and the Duma that convened in January 1994. The analytical innovations of Sobyenin and his colleagues are still remembered today in Western political science research on parliamentary voting alignments and the forensics of electoral fraud. The point is that, as a result of a movement to overcome the obstacles to election as a deputy to the USSR Congress of People's deputies, Sakharov became the moral leader and political center of a group of elected parliamentary deputies who led the democratic movement in the Soviet Union and subsequently in Russia and left their mark on the emerging institutional forms of the new, rapidly changing political system.

Let me briefly recall how the Inter-Regional Group came together.

After the March elections, but before the First Congress opened in May 1989, a number of the newly elected deputies began to form unofficial caucuses. Remember that Article 6 of the Soviet Constitution was still in force: the only party that was legally allowed was the Communist Party. So the development of competitive parties still lay ahead. But, there had been a remarkable mobilization of activists, both of the democratic and the communist/ nationalist/ conservative camps, during the electoral battles of March. You will remember that in a number of cities democratic activists sought to defeat party bosses who were running for the congress and to elect deputies committed to their cause. In this mobilization, democratic forces were much more active than conservatives, but conservatives in many regions controlled all the resources of power. So in a number of big cities, the radical democrats scored extraordinary victories by getting leading party figures defeated. But their influence was not strong in most of the country.

This mobilization enabled the democrats to come together in the congress as a programmatic group. An explicitly political group was something new in a soviet parliament. There had been regional caucuses in the Supreme Soviet (for example, delegations from a particular *oblast* or republic would meet to discuss the agenda and what they would lobby for behind the scenes). But there had never been an explicitly political faction or caucus except, of course, for that of the Communist Party. But thanks to the election campaign, the democrats knew what their programmatic principles were and they had a common focus of leadership in the person of Andrei Sakharov — universally known and admired for his long advocacy of human rights and democracy.

The heavy concentration of its members in Moscow helped the Inter-Regionals overcome the difficulty of organizing but left it with a territorially unbalanced membership structure. As those here well know, because of the intensely centralized nature of Soviet society, Moscow accounted for a substantial share of the country's professional, scientific, and media intelligentsia, and many of its members were well acquainted with one another from working in the same institutes or forming part of the same social circles. Moscow saw a sweep by radical democrats in the 1989 elections, seen most dramatically in Boris Yeltsin's landslide victory in Moscow's one at-large district, National-Territorial District No. 1. But all through the city's 26 districts, underdogs, radicals, and liberal intellectuals had won seats.<sup>1</sup> Nearly all of the liberal and radical democrats elected as USSR deputies from public organizations were also based in

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<sup>1</sup> On the Moscow elections of 1989, see Giulietto Chiesa, with Douglas Taylor Northrop, *Transition to Democracy: Political Change in the Soviet Union, 1987-1991*. (Hanover and London, Dartmouth College; University Press of New England, 1993).

Moscow, and were scholars from research institutes in the Academy of Sciences system, or were prominent figures from the arts and the professions.

The radical democrats were therefore in a position to take advantage of the traditional institution of territorial delegations and turn it to explicitly political ends. In May 1989, before the Congress convened, the newspaper *Izvestia* invited several of the newly elected deputies to its offices for a round-table discussion of their plans. Although the article itself was never published, the deputies who participated decided to invite other democratically-inclined deputies to meet and prepare a series of position papers. These were intended to be used as the basis for their own set of procedural and agenda proposals for the upcoming Congress. These activists then invited other Moscow democrats, together with democrats from other cities and from public organizations, to a series of meetings in May. Gavriil Popov, later the Mayor of Moscow, became their informal leader, although Andrei Sakharov and Boris Yeltsin were their most visible representatives — and yesterday, Marietta Chudakova told us how important Sakharov's impact on Yeltsin was at this time. These individuals were well aware that the very existence of an opposition caucus was a radical departure from Soviet tradition.

When the congress convened, the Moscow group was ready with its proposals as to procedure (they wanted 70 hold a debate over the chairmanship first, before voting to elect a chairman) and substance (they offered motions to hold live gavel-to-gavel television and radio coverage of the entire proceedings; to form a commission to investigate the Tbilisi massacre; to democratize the election law, and so on). They lost on nearly every point, although their demand for real-time broadcasting of the congress was accepted, but they immediately claimed the right to exist as a distinct political group and to pose collective demands. What had been a Moscow-centered deputy club became the Inter-Regional Group of Deputies (IRDG) when on the third day of the proceedings Popov proposed on the floor of the congress that all deputies who wished to join a cross-regional group of democratically oriented deputies were invited to enter the "Inter-Regional Group of Deputies." The group held its first meeting under that heading immediately after the congress, and attracted 256 members. This was an ingenious maneuver. It took the innocuous precedent of a "territorial" delegation and converted it into a cross-territorial, but explicitly ideological, body.

The Inter-Regionals were ideologically cohesive. Surveys showed that the two issues on which the members were fully united were support for a multi-party system in the Soviet Union, and for radical, market-oriented economic reform.<sup>2</sup> In March 1990, when the

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<sup>2</sup> Arkady Murashev, "Mezhregionalnaia deputatskaia gruppа: Khronika minuvshogo goda," *Ogonek*, no. 32, (August 1990), pp. 6-9.

Lithuanian parliament passed a declaration of independence from the Soviet Union, the Inter-Regionals split over whether to support secession, although eventually they were able to find a compromise position that the group could accept. The issue whether to preserve the union or to break it up in favor of the independence of its constituent republics split the democrats down the middle.

A number of issue positions flowed directly from the IRDG's cohesive support for radical democratic and market reform. One was the demand to eliminate Communist Party domination from Soviet politics through constitutional and electoral reform. Specifically, the group voiced a demand to revise or drop Article Six of the Constitution. The group also demanded that an investigative commission be formed to determine who was responsible for the massacre of unarmed demonstrators in Tbilisi in April 1988; to investigate charges of corruption among the Central Asian Communist Party and government leadership; to assess the legality of the protocols to the Soviet-German Non-Aggression Pact of 1939 in which Stalin had ceded Eastern Europe to Hitler in return for unopposed Soviet domination in the Baltic States; and to investigate the practices by which the political elite of the country enjoyed unpublicized material privileges. Its legislative agenda included judicial reform, freedom of the press, and reform of the electoral system to drop reserved seats for public organizations and to eliminate "electoral district meetings" from the nomination process.

The Inter-Regionals represented a major step in the institutional evolution of the Russian political system, not only because they voiced a coherent program of radical democratic change, but also because they established the first model of an organized political opposition. But it fell to Academician Sakharov to explain to his fellow democrats what that meant. Yesterday, in her remarks at lunch, Elena Bonner recalled to us that profound gulf between "narod" and "vlast", the people and the authorities, we and they, that fueled much of the passion for radical democratic change. But Sakharov, ahead of his time in this as in so much else, recognized that for a democratic polity to work, there had to be a way to overcome that gap. He told his fellow deputies in the Inter-Regional Group that they had to act not only as an opposition, but as a "loyal" or "responsible" opposition, if they were to spur the formation of a multi-party parliamentary democracy. Indeed, it was Sakharov's idea that the Inter-Regionals constitute themselves as a democratic "opposition" in the parliament. During the Second Congress, in December 1989, in remarks to the Inter-Regional Group made a few hours before his death the same evening, he formulated his conception of a political opposition in a way that was well ahead of its time by the standards of Soviet political thinking:

I want, Sakharov said (according to a paraphrase later published by Arkady Murashov), to define “opposition.” What is an opposition? We cannot take on ourselves the full responsibility for what the leadership is doing now. It is leading the country to a catastrophe, stretching out the process of perestroika by many years. It is leaving the country for these years in such a state that everything will collapse, collapse intensively. All the plans for a transition to an intensive, market economy will turn out to be unrealizable, and disillusionment in the country is already rising. And this disillusionment is making impossible an evolutionary path of development in our country. The only path, the only possibility of an evolutionary path is the radicalization of perestroika.

At the same time that we declare ourselves an opposition, we take on ourselves responsibility for the solutions we propose. That is the second part of the term. And it is also extremely important.<sup>3</sup>

What is noteworthy in these remarks is not the fact that Sakharov was rejecting the compromises, the temporizing, of Gorbachev’s course. Any radical could and did make the same critique. Rather, the originality and power of Sakharov’s vision was in its grasp of the need for the opposition to take responsibility for an alternative program.

Now, why is Sakharov’s legacy in this episode important?

First, it is a matter of getting the historical record right. The record needs to reflect the fact that Sakharov, sooner than his associates in the democratic movement who tended to see democracy as a cause but not an institutional arrangement, recognized that with the institutional changes then taking place so dramatically, with a system of competitive elections and a parliamentary body with the power to make law and hold government accountable, what was needed was not a cause or a movement, but a system of competing parties offering alternative policy proposals to the country. That meant there needed to be the conditions allowing competition and turnover of parties without threatening the basic framework of political rights enjoyed by citizens. Sakharov recognized that democracy is a set of procedures by which power is conferred and exercised.

He also recognized the difference between loyalty to the state and loyalty to a particular set of rulers and policies. In effect, he tried to import into Russian thought and practice a quintessential feature of modern democracy, the model of a loyal opposition—allegiant to the state but opposed to those in power at the moment.

Most importantly, he recognized that democracy requires that those in power take responsibility for their exercise of it. Power without responsibility, after all, is the

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<sup>3</sup> Cited in Murashev, “Mezhregionalnaia deputatskaia gruppа,” p.8.

prerogative of the tyrant, who exercises power without exposing himself to the judgment of his associates, still less the citizenry. Sakharov's proposed model implied that the democratic movement must pledge itself to the same electoral constraints as those they were trying to replace — that by completely rejecting the halfway measures Gorbachev was offering, and demanding radical democratization and market liberalism, the democratic movement must be willing to pay the price for its commitments — and be willing to be turned out of office if the voters turned away from it. It was too easy to hold rallies, make speeches, denounce those in power for their unjustified privilege, their corruption, their temporizing, their incompetence. This was, after all, the mode of politics that the democratic movement was familiar with — giant rallies, marches, election campaigns, pamphlets, blind faith in charismatic leaders. Sakharov saw that the next, necessary, stage in democratic development was for the movement to take the form of a party willing to assume responsibility for governing. That meant engaging in the hard work of organizing, of developing agreed-upon party positions, of initiating policy proposals and working to get them passed, and then working even harder to get them implemented. Sakharov saw that it was time to move from being a negative majority, to forming positive governing majorities that could make and carry out policy.

Sakharov was dead right on this, of course. But the moment passed, and we might today despair that this vision has been lost.

It is certainly true that his conception of a democratic system of party competition was a 'road not taken'. In most important ways, neither democratic competition nor accountable government formed in Russia after the transition. Yeltsin studiously avoided tying his fate and his power to a party, though he encouraged the formation of a system of competitive parties, in which many of Sakharov's associates and admirers took active part. But already by the mid-1990s, the democratic movement recognized that it had lost its way, lost its momentum, become a diminishing force in politics, that the vision was not being realized in the emerging political regime. At the beginning of the present decade, President Putin eviscerated the last remaining elements of democratic competition and accountability that survived from the perestroika and Yeltsin eras.

But the importance of this 1989 episode is more than as a footnote in history. Sakharov's legacy as the founder of the democratic opposition principle remains still today embodied in procedural forms and precedents that may yet take on real weight again if conditions are right, like spores that can withstand decades of drought. Consider that the Inter-Regional Deputy Group's formation prompted the establishment of other party-like, program-based factions in the Gorbachev-era USSR Congress. Among them was the Group of Communists, which was joined by around a third of the deputies, and a militantly conservative group, strongly hostile to nationalism in the republics, called

“Soiuz” (“union”). And other groups formed as well, most with occupational or sectoral interests, focused primarily on distributive benefits. Among these were Komsomol (Communist Youth League) activists, teachers, and environmentalists. The first interest group to form officially was the “agrarian group,” which was dominated by officials from the state and collective farm sector. These were proto-parties. Once Article 6 was dropped, some went on to organize as actual electoral and legislative parties. In particular, the Inter-Regionals helped to organize the Democratic Russia coalition that competed in the 1990 Russian Congress elections, and whose leaders then became the nucleus of democratic factions in the Russian State Duma after 1993.

Thus, consistent with Sakharov’s conception of political development, there was legitimate organized programmatic contestation within the framework of the Soviet parliament, for the first time in 70 years, leading to something like a system of competitive political parties. In every subsequent parliamentary structure that formed — the Congress and Supreme Soviet that existed in the Russian Republic in the period from 1990 to 1993, and then in the new State Duma that was created by the December 1993 constitution, there has been a system of recognized party factions that enjoyed rights as political bodies, the right to propose legislation, the right to shape the agenda, and the right to speak collectively on behalf of their members. At each stage, these factions are the nucleus of organization of national election campaigns. This institutional framework continues to the present day.

So in a very real sense, the Inter-Regional Group, as a group of like-minded politicians sharing principles, proposing a program of policy for which they were willing to assume responsibility, operating through constituted rules and procedures, and organized as an electoral and parliamentary party, set an institutional precedent that became a taken for granted part of the constitutional arrangements of contemporary Russia.

Of course is true that, in its influence and rights, the democratic opposition itself today is marginal, largely repressed or coopted; the present regime has suppressed independent centers of power, it manipulates elections and regards state power as being above the law. Yet I think that Sakharov’s template of competitive programmatic politics, where opposition forces play a healthy role as a check on the government, and stand ready to step in and assume responsibility for government, remains an avenue of possible future development. Strangely enough, the model is even alive in an upside-down form in the system of rule constructed by Putin today, that is in the existence of a dominant party with a leader needing it to ensure his majority in the parliament so that he can govern as prime minister, and paying homage to the appearance of party opposition through contrived opposition parties of the right and left (today, incidentally, the reconstructed remnants of the political movement that Sakharov led are still visible in the

reorganization of SPS into a new party to be called “right cause”: even in its currently pitiable state, this party is the lineal descendent of the Inter-Regional Group); these artificial structures are of course marginalized; but the lip service paid in official rhetoric to the principle of party competition and democratic opposition makes it likely that the model will one day be revived, with new life breathed into it, when civil society is ready to support it. We don’t know when the conditions will be ready, whether a severe economic crisis, such as is now unfolding, will produce so profound a shock to the political regime that it will be restored; or whether the growth of business will eventually reinforce a civil society and a demand for democratic rights; whether the trade union movement will awaken from its stupor and demand representation, or whether as the middle class slowly grows and gains confidence, it will remember that there was once a viable conception of civilized party competition that could be adapted to new conditions. I don’t know what the particular pathway will be. But I do believe that Sakharov’s vision, arising from his tragically brief experience as leader of the democratic opposition in the Soviet parliament, is still available as a model, and will be called upon again.

**Marshall Goldman**

Thanks, Tom. One of the things that’s fascinating is how did Sakharov derive these ideas, where did they come from? What had he read? It reminds me of the Federalist Papers and how the leaders of our United States came up with their different ideas.

**Tatyana Yankelevich**

I just want to say that Sakharov was an avid reader of the Federalist Papers. They existed in Russian translation and were available.<sup>4</sup> In the perestroika years, after he came back from Gorky exile, I know that he was reading that book. I saw that book in his study, and so I think you have very good intuition, Marshall. Obviously, these ideas were not completely new to him, they were close to his thinking.

**Marshall Goldman**

That’s fascinating. Anybody else on the panel want to say anything before we turn it off? Any comments?

**Lydia Voronina**

I have two questions, one to Anton Burkov and one to Andrei Illarionov. Anton, could you please tell us about a concrete example of your litigation, a case you brought to court, your defense and the outcome. Also, what kind of law-enforcement tools are available in the country to implement the decision of the court?

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<sup>4</sup>*Amerikanskie federalisty: Gamilton, Madison, Jay*, Chalidze Publications, Benson VT, 21 selected papers.

And the question to Andrei. I read in the bio note that you used to be an advisor to Putin and later resigned. Can you share with us, the reasons, the nature of your decision? When you make a distinction between different kind of thinking groups in society, the intelligentsia, intellectuals, or free radicals, outsiders, which group do you think you belong to?

**Anton Burkov**

Thank you for the question. There are many examples, which I could talk about. Our NGO has been working for fifteen years with different types of cases. There were examples of the execution of those judgments before the Ministry of Finance became immune from the bailiff system. But today, the only tool which I can see in cases against government officials when the state is financially responsible is the European Court. It's the only mechanism I know that is working today.

After the European Court of Human Rights delivers a judgment for a citizen against Russia in cases where there has been non-execution of national judgments, within three months, according to the European Convention of Human Rights, the Russian government has to pay compensation. For five or six years now, there is a special article in Russia's annual budget for the payment of compensation based on judgments of the European Court of Human Rights (ECHR). This money is paid within three months after a decision of the ECHR. So today, the ECHR is the only tool Russians have in this kind of situation, which is why there are so many Russian cases now before the European Court. We have to solve this issue and make the Russian legal system responsible for exacting payment in these cases. I don't believe the draft law proposed by the Supreme Court will accomplish this.

By the way, the head of the Supreme Court, Vyacheslav Lebedev, has been chair of this court since 1988. It used to be the Supreme Court of the RSFSR. I don't think there will be any sensible solution coming from this kind of court.

**Andrei Illarionov**

Frankly speaking, I have spoken many times of the reason why I have resigned, but I can repeat it again if you like. There are three public reasons, and one non-public reason, but quite important.

First, the country has become non-democratic just by the nature of the political system.

Second, the Russian state has been transformed into a so-called corporative state. That is why to work for the government is not to work for a decent state that reflects the interest and position of the society, even imperfectly, but instead, to work for the interest of a

particular group of people. I never signed a contract to work for this particular group of people.

Third, at that time, the Russian government was launching a war against Ukraine, an economic war, a gas war. That is why criticism of the actions of the Russian government moved from domestic issues into the international ones. And it is quite different. Because if you are discussing, criticizing and opposing decisions taken by the government domestically, your opposition may be considered permissible. It's not nice, but it's ok. But if you're criticizing the international actions of your government, you are actually siding with the opposing country, and you would be considered a traitor. In this case, you have only two options, either you have to keep silent, which I wasn't prepared to do, or to resign.

My very important non-public reason was violation of the contract that I signed with my boss in the spring of the year 2000. There were three conditions that were agreed upon with my boss that were fulfilled for almost six years, but late in the fall of 2005, all of them were violated, so I said, "The contract has been violated. I am not bound by this contract any longer." That's rather simple.

If you are interested in the three conditions, they were: 1) I meet whomever I like. 2) I travel wherever I like. 3) I speak to my boss at any time on any matter which I think relevant. Those were my three conditions. They didn't concern dachas or cars or anything like that.

As for your second question, probably the best way to answer it would be to describe the evolution of my thinking over the last several years, but that would take a long time, so I will tell you in a few words about the latest project in which was involved -- I would say I was one of the founding fathers. It is called "The National Assembly." It's a project I have been doing mainly with Gary Kasparov, who was the main, the most important organizational force. He has an incredible ability to talk with people from different parts of the political spectrum.

The idea of the National Assembly is to fill the lacunae that have been created by the current regime, which has destroyed the representative power completely, both the State Duma and the Federation Council. According to Mr. Gryzlov, who is currently the head of the Duma, our parliament, it is not a place for discussion – despite the fact that the word "parliament" comes from the French word *parler* (to talk).

Every country, and that includes Russia, needs a place where issues important and relevant for the whole society can be discussed. Since serious debate is impossible in the

Duma, in the Federation Council, in the mass media, in the government, in the president's administration, we have to create such a place. So we have created such a place, the National Assembly, where we have brought people together from almost all parts of the political and ideological spectrum. For many of the people who come there -- the National Assembly has about 700 deputies now -- it was incredibly difficult to be in one room with persons who fifteen years ago were fighting you from the other side of the barricades in Moscow.

So when old enemies who had fought each other in a civil war in October 1993 met in one room for the first time in fifteen years, you could feel tension in the air. Some of those present had actually issued orders to kill individuals on the other side. These former enemies met in one room, and after a few words, they said, "OK, hello, we haven't seen you for so long." Then they shook hands and started to work together. From my point of view, this is remarkable, and one of the most important events in the history of the country -- people with different views sitting together, talking to each other, and trying to find consensus on various issues of public concern instead of resorting to guns or polonium or some other form of violence to settle their arguments.

It's at an early stage, but this National Assembly is like a proto-parliament a new institution for our country. I think it's an incredibly important breakthrough. We actually borrowed ideas from America's Declaration of Independence, the Universal Declaration of Human Rights, the French Declaration of the Rights of Man and of the Citizen and other such documents for the charter of the National Assembly -- I was one of the authors of the Charter. It is the first written document in Russian history that people have signed and taken a public oath to uphold not because the government forced them to do so, not under coercion, but entirely voluntarily. And the signers included liberals, classic libertarians, nationalists, leftists, socialists and communists.

It was just unbelievable some of the people who signed the Charter and took a public oath to never use force or coercion against others. Oleg Shenin, a Secretary of the Communist Party Central Committee and a member of the GKChP in August 1991 [the anti-Gorbachev coup committee], for one.

Frankly speaking, it was not easy for me. Some people were there who found me being there quite uncomfortable. It's true. A country coming out of a long civil war. It's really very difficult. Nevertheless, we have made this step, and now we are taking several other steps. We have held a number of hearings, including on the Russian-Georgian war. Now we're discussing the financial crisis and a number of other issues. What is most important, we're trying to create a new system of law.

Law can be created in two ways. One way is if it is imposed by the government or by other authorities -- whether it is effective is another story. The other way is if law is created by agreement among the people. Only if people follow the law is there a chance for its survival.

### **Marshall Goldman**

This is fascinating, but the trouble is, we're running out of time, and I've got at least three questions. Let's put the three together. I propose that you three ask your questions and then let the panel respond, as a way to try to compress things.

### **Question**

My question is to Mr. Illarionov. Recently, the Kremlin has been trying to set a sort of loyal opposition party on the right, a co-opted party, a liberal party funded by the Kremlin. Basically, a kind of loyal opposition. My question is: why do you think the Kremlin is doing that, and do you think that this is in any way promising in terms of bringing liberal ideas into the mainstream?

### **Question**

I have a question for Mr. Burkov. Yesterday you were standing approximately where I'm standing, and you asked Mr. Pankin why human rights issues were not covered in the media. Do you agree that it's your business model that is the key to that question? And what is your business model, how is the NGO that you work for, Souchastnik, financed?

### **Edward Kline**

A question for Mr. Illarionov. Sakharov's favorite word was "constructive". He was always willing to cooperate with the authorities to the extent that they had constructive ideas. Is it possible for the intelligentsia to cooperate with the Medvedev or Putin government to some extent? It does appear that they have the support of the Russian people.

### **Alexander Goldfarb**

Do you notice that civic activity in Russia is shifting more toward the patriotic and communist part of the spectrum? And my second question is to Mr. Illarionov. He defined the intelligentsia as associated with the regime. Do you see in the current elite any trends that would create a moral opposition similar to the human rights movement under the Soviets?

### **Paul Dhoty**

A comment. Going back to your first question, I had the impression that Sakharov was considerably influenced, and had many discussions with Igor Tamm, to some extent with Pyotr Kapitsa, and in Arzamas 16 with his neighbor David Frank-Kamenetsky.

### **Question**

Can any of you address what the role of the Constitutional Court is in these matters since its institutional obligation is to defend the Constitution, which proclaims human rights.

### **Anton Burkov**

It's very difficult to address the question of how an NGO works, but briefly: we are looking for people, or people are looking for us, with a human rights problem. We accept cases which not only address the problem of a particular individual, but we also see in these cases the possibility of obtaining a ruling with wider application. One way we can do this is by taking the case to the Constitutional Court. This brings me to the question: what is the role of the Constitutional Court?

The role of the Constitutional Court is very important today and has been very important since the court's creation. There are many instances when the Constitutional Court has intervened and solved a problem. It intervened in the matter I discussed -- the bailiff system's lack of jurisdiction over the Ministry of Finance. In 2005, the Constitutional Court ruled that the Russian government did not have the right to make an administrative rule governing the execution of judgments against the Ministry of Finance. The court shifted this responsibility to the State Duma. Unfortunately, the Duma came up with another ineffective rule.

The Constitutional Court also plays an important role in bringing Russian laws into line with international instruments such as the European Convention of Human Rights. Last spring I was talking with some judges of the Constitution Court and they said that's why they were moved from Moscow to St. Petersburg. They were too active.

### **Andrei Illarionov**

The first question, the reason for the creation of the so-called Just Russia party. It's quite clear: it's not a party, it's an artificial creation to try to gain votes from a part of the political spectrum. It's like the role that has been effectively performed by the Union of Right Forces for a number of years. It's not a political project. It's a business project. It's people seeking the appropriation of particular money from the state budget directly or via some project. From my point of view, it is of no interest, just like Zhirinovskiy's Liberal Democratic Party and all the other artificial creations. These artificial parties are simply fulfilling orders from the Kremlin. As a person who spent some time in the Kremlin, I

know what's been done and almost everything connected right now with the official regime is absolutely not interesting.

The National Assembly has a real spectrum of different people with whom I, frankly speaking, am in complete disagreement on many issues, but they are real people. They have their views. And those views are not bought by the Kremlin. Neither Shenin, nor Limonov, nor the social democrats, nor the human rights activists who are members. They have their own causes. That's why it's interesting and useful to work with them. Because they have their course, they have their logic. And none of them is bought up.

About constructive possibilities. The ability and possibility to cooperate with the authorities depends on the criteria that different people have for cooperating with the authorities. For me, a watershed with the regime or the authorities is murdering their own people or people of other countries. Since there is overwhelming evidence that the regime has been involved in that business, I have said to myself and to others that I will not work for them. Unfortunately, since my departure, they have not changed their nature. They are continuing to do this, even on a much larger scale. And they are murdering not only their own people, but people in other countries as well. The Russian-Georgian war has been prepared for more than four years, very brilliantly planned and supplied. They spent billions of U.S. dollars and sent up to 100,000 troops to Georgia to crush it. It's one of the best prepared operations that has carried out by the Russian general staff and by the Russian special services over the last decades.

So it doesn't matter whether it's Mr. Putin or Mr. Medvedev. Mr. Medvedev is less interesting because he is less independent; he's trying to be more Putin than Putin himself. because he's some kind of fluctuation from one side to the other is much larger, which makes him less relevant in any circumstances.

One condition for the beginning of conversation would be exactly what Andrei Sakharov asked Mikhail Gorbachev from Gorky: "Freedom for political prisoners". As soon as Mr. Medvedev, regardless of how irrelevant he is, would free or start to free all political prisoners, it would create at least some basis for an initial conversation. But so far he has not demonstrated any desire to do this, even for such absolutely clear cases like Svetlana Bakhmina, who is in prison now. What are we talking about?! Any cooperation with the authorities would mean strengthening those authorities. What would be the reason for that?

And my last point about the association of the intelligentsia with the regime. Probably I was not very clear or I was misunderstood. The intelligentsia does not have an association with the regime. The intelligentsia has its views and its vision, and the

intelligentsia has property rights with respect to the country. And that is why this discussion with the regime, with the real rulers, has all the features of a conflict of property rights. Who owns the country? The guys who are leading the country in the wrong direction? Or the intelligentsia, regardless of whether they are liberal or illiberal or any other political tendency.

It's a classical property issue. You can call it entitlement. It's a story about who has property rights, and not about responsibilities. That's why the regime, the authorities have the opportunity to send the country even over the cliff. They don't think about responsibility, what they're doing to the country, to their compatriots, even to themselves. Ok, but they have this right to do it. Because they have the instruments for this, including the military, the special services, the financial resources and so on.

### **Marshall Goldman**

Let me just say one final word about the Constitutional Court. Our Supreme Court in Massachusetts has been working with the Russian Constitutional Court in a variety of ways, trying to influence their decisions. We've had a series of exchanges where the Court's judges have come here. There have even been interns who have come here to the Harvard Law School. I'm not sure where it's going and I'm not sure that we have to accept responsibility if things go wrong, but it does suggest that there is interest in such exchanges.

Let me just thank the panelists. I heard some inside stories that for me were absolutely fascinating. Thank you all very much.