

Can the EU help foster democracy in Russia?

Eleonora Tafuro

>>> President Vladimir Putin's hard stance on Russia's civil society is an issue of concern for the European Union (EU). The Kremlin's clampdown on civil society not only affects those directly opposed to the regime, but also the most active, educated and modernising sectors of Russian society. Several repressive laws seeking to limit freedom of expression have been enforced since the beginning of Putin's third presidential term in May 2012. Opposition leaders are often put on trial and protesters jailed on opaque charges; freedom of assembly and media, including the Internet, is restricted; the punishment for blasphemy has been expanded; and a 'gay propaganda' ban has been introduced. The Foreign Agent Law is another example of the regime's tight rope on civil society. It compels civil society organisations (CSOs) that receive foreign funding and are involved in 'political activity' to register as 'foreign agents'; this new law threatens the very existence – and in fact has already caused the dissolution – of backbone organisations within Russia's civil society.

The improvement of Russia's human rights record and democratic credentials is in the EU's interest, as well as that of the EU's and Russia's neighbours. The EU maintains close economic and political relations with Moscow. The EU-Russia Strategic Partnership, based on the 1997 Partnership and Cooperation Agreement (PCA), intends, *inter alia*, to frame the partners' strong trade and economic ties within a wider political framework. Meanwhile, the recent Partnership for Modernisation seeks to reinforce dialogue on the rule of law and the

HIGHLIGHTS

- Russia's hard stance on civil society not only affects those directly opposed to the regime, but also the most active and modernising sectors of society.
- EU leverage over democratic reforms and human rights in Russia is limited, and economic interests tend to override the promotion of values in relations with Moscow.
- Progress on the visa liberalisation process, further support for civil society initiatives and more goals-oriented human rights consultations can help support democratic reform in Russia.

»»»»» functioning of the judiciary. On top of that, EU-Russia summits take place twice a year.

For the EU, progress on domestic reform is an important indicator of the level of reliability of Russia as a partner and of future prospects for the partnership. However, short-term economic gains often override the promotion of values. Many EU member states have strong economic and energy ties with Russia, which does not favour a firmer EU approach on human rights and democracy.

This policy brief assesses the EU's capacity positively to influence democratic reform in Russia, paying particular attention to four main areas and sets of instruments: economic and political conditionality, political dialogue on human rights, civil society support programmes, and the visa facilitation and liberalisation process.

ECONOMIC AND POLITICAL CONDITIONALITY

The EU and Russia are economically vital to each other. Russia is the EU's third trading partner, whereas the EU is by far the largest market for Russian goods, accounting for roughly half of Russian exports in 2012. Some recent developments – such as Russia's growing economic dependency on energy exports, the EU's progressive diversification of energy suppliers, and the 'shale gas revolution' – suggest a scenario where the EU may have more space to use trade conditionality or even political sanctions to call for improvements in human rights or even the withdrawal of controversial domestic bills. The EU is, however, unlikely to use its trade leverage to influence Russia's domestic political situation directly. The general opinion within EU circles is that economic sanctions against Russia are simply out of the question. The current economic crisis and the importance of commercial diplomacy to many member states further limit the possibility of using trade as a tool to exert pressure on Russia.

The use of political conditionality is equally controversial. The recent adoption by the US

Congress of the Magnitsky Act – a bill imposing asset freezes and visa bans on Russian officials presumably involved in the death of lawyer and whistleblower Sergei Magnitsky – has sparked the debate in the EU over the adoption of a similar ban, which is supported by the European Parliament. An 'EU Magnitsky Act' would represent a firm stance against human rights violations in Russia. It would also likely have more impact than the US's, given Europe's geographical proximity and greater importance economically to Russia. The EU is also the first touristic and academic destination for Russian elites with large assets in European bank accounts. Moreover, it would send a message to countries like Azerbaijan or Kazakhstan that the EU can apply sanctions despite economic and energy interests and links.

But this is a very unlikely scenario. European member states are reluctant to upset relations with Russia and are unlikely to support the measure. In addition, the Magnitsky Act – or sanctions in general – has not yet proven its effectiveness, but quite the contrary: the US Congress' muscle-flexing has only led to a tit-for-tat response from Russia. Moscow has drafted its own list of banned US officials and has prohibited US adoptions of Russian children. Even if the latter could formally be justified through the high number of adopted Russian children who died in US parents' custody (according to Russia's official data, 19 since 1991), the move is largely seen as retaliatory to the Magnitsky List. Nonetheless, this measure enjoys wide support among Russians: a poll carried out in March 2013 by VTsIOM (the All-Russia Public Opinion Research Centre) reveals that 64 per cent of citizens back the Russian ban on US adoptions.

ENGAGING RUSSIA ON HUMAN RIGHTS: MISSION IMPOSSIBLE?

Russia is well integrated in the international human rights regime. It is part of several international organisations, such as the United Nations, the Council of Europe (CoE) and the

Organisation for Security and Cooperation in Europe (OSCE). Upon joining the CoE, Moscow signed the European Convention on Human Rights (which provides a legislative framework to which the Russian Constitution should abide to), accepting the authority of the European Court of Human Rights where, despite a recent drop, applications from Russian citizens are still the most numerous (roughly 20 per cent of the 119,750 pending applications in total). However, Russia's human rights record not only remains poor but seems to be worsening, while the CoE does not seem to have effective mechanisms to hold Russia accountable for its legislation.

Civil society and human rights are specifically addressed in the EU-Russia Human Rights consultations. To date there have been 17 rounds of consultations. Despite potentially contributing over

time to the formation of a common institutional culture, so far these consultations largely remain a diplomatic exercise. For these dialogues to be effective, ways should be explored to better connect proceedings at the official level with the priorities expressed

by European and Russian human rights platforms during the preparatory meetings that precede the consultations. It is also important to set at least basic benchmarks and follow-up mechanisms to monitor progress, or the lack thereof, and improve transparency by informing public opinion on both sides.

Human rights issues are also taken up during EU-Russia summits, but they lag behind economics and trade in the agenda. Splitting human rights from other important policy issues by holding separate human rights dialogues and avoiding the matter in other fora can cause policy inconsistencies. The EU's approach to Russia is already fragmented due to many EU member

states giving energy, trade and security precedence over human rights considerations. The EU should work to build a stronger and more coherent stance towards Russia. Here the position of Germany but also of other countries such as France, the United Kingdom, Italy, Poland and the Netherlands is decisive, since they can make or break policy towards Russia.

Heightened concerns by European countries' civil societies over human rights, foremost gay rights, in Russia have been exposed by recent mobilisations to boycott the Sochi Olympic Games. Civil society movements can have an impact on government stances. Motivated by the national public debate taking place in Germany over Russia's human rights record, Chancellor Angela Merkel recently expressed her concerns to President Putin. This marks a new tone in Berlin's approach to Moscow, with a view to setting clearer demands for meaningful engagement in this domain. These developments may create the conditions for a more consistent approach to human rights consultations with Russia at EU level.

SUPPORT FOR RUSSIA'S CIVIL SOCIETY

There are currently two EU programmes directly targeting civil society that apply to Russia: the European Instrument for Democracy and Human Rights (EIDHR), which provides support to civil society through democracy and human rights oriented projects; and the Non-State Actors and Local Authorities in Development (NSA-LA), aiming to support local participation in development issues and improve governance. The volume of annual funds devoted to both programmes amounts to only €5 million approximately. According to the EU-Russia Civil Society Forum, the EU only supports 10 per cent of projects that meet the technical criteria. The Forum has called for a radical increase in funding, but this seems unlikely given the current constraints of the EU budget. Nevertheless, a look at older budgets suggests that the EU has already boosted funding. The EIDHR budget for

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»»»»» Russia in 2009 was only 1.2 million, the same amount dedicated to Georgia. The newly established European Endowment for Democracy could also consider future initiatives in Russia.

To boost democracy support in Russia, the EU could include more programmes for Russian civil society under the Partnership for Modernisation (P4M). Launched in 2010, the P4M aims to enhance cooperation between the two strategic partners and help modernise Russia's economy, as well as support people-to-people contacts and civil society activities. The EU has already allocated €7 million for projects under the P4M facility, with programmes ranging from modernisation of electricity networks or fisheries infrastructures to customs cooperation and amelioration of the investment climate. Increasing the budget devoted to civil society programmes could have a positive impact.

The EU should also extend its use of programmes that can have an indirect positive bearing on democratisation, foremost in the field of education. The Erasmus Mundus and TEMPUS programmes, now included under the P4M for Russia, have been successful in boosting students' mobility in Europe, which doubled in just over a decade, as reported by a European Commission Study. Attracting international students and researchers is fundamental to foster socialisation and is a lynchpin of the EU's soft power. Since 2004, just over 500 Russians (compared to 2,000 Chinese, 540 Brazilians, 2,170 Indian) have come to Europe through Erasmus Mundus Master's degree programmes. Apart from a budget increase, easing the bureaucratic barriers that Russian students face to come to the EU would be very useful.

A VISA-FREE REGIME: THE WAY FORWARD?

In combination with other EU programmes aiming at facilitating people-to-people interactions, opening the EU's doors to Russian citizens might constitute the strongest long-term strategy to empower Russia's civil society and bolster demo-

cratic change from within. But the issue is very politically sensitive.

The EU and Russia are negotiating two different processes in this regard. First, an upgraded version of the visa facilitation agreement (VFA) to expand visa facilitation to new categories of travellers. The current agreement, which has been in force since 2007, makes it easier for some specific groups such as civil servants, business representatives, journalists, relatives of Russian legal residents in the EU, scientists and artists to travel to the EU for short periods of time. Representatives of CSOs should be included in the new VFA. Second, a visa liberalisation agreement (VLA) that would abolish the need for visas for all Russian citizens, which the Kremlin initially hoped to obtain before the 2014 Winter Olympic Games.

The VLA can be seen as the EU 'golden carrot' vis-à-vis Russia, and Putin indeed has made the visa dialogue a priority of his third term. This grants leverage to the EU. Apart from progress in the rule of law, combating organised crime, corruption and illegal migration, and improving border management and security of documents – the four 'Common Steps' for VLA – Brussels could pressure for tangible evidence of Russia's commitment to human rights. However, according to a number of CSO representatives, when it comes to the visa dialogue, conditionality would only harm the interests of citizens (Russians and Europeans alike, since the visa requirements are reciprocal). They argue that the EU should grant the visa-free regime without setting too ambitious demands. Other issues also come into play to complicate the negotiations over visa liberalisation. Reportedly, the VLA negotiations were paused and there was no agreement on President Putin's request of visa-free travel to Europe for 15,000 Russian officials in opposition to a recent Russian bill, which requires airlines to provide Moscow with data on passengers flying to Russia, breaking European privacy laws.

In the short term, an agreement on visa liberalisation with Russia seems beyond reach,

not only because of the links between this and other issues on the bilateral agenda but also due to EU members states' reservations, for many of which security concerns come first. The EU should nonetheless keep the 'visa-free Europe' goal firmly on the table, as a cornerstone of its capacity to attract and connect with neighbouring countries and their societies. Although it is difficult to assess the potential losses in attracting talent, business and tourism caused by a strict visa policy, it is safe to assume that visa liberalisation might also help improve the EU's economy by boosting tourism and business exchanges.

CONCLUSION

The EU's leverage over democratic reforms and human rights in Russia is limited. Strategic and economic interests in practice tend to override the promotion of values in the EU's relations with Russia, a re-emerging power, boasting large natural resources and playing a critical role on the global stage.

But it is in the EU's interest to strengthen its efforts to foster democracy in Russia, as an important requirement for deepening the bilateral

partnership. Considering the importance that Russia and the EU have to each other, a transactional approach would be more effective and beneficial than a confrontational one. It is important to keep Russia engaged, despite the existing differences between the two partners, while sanctions such as the US's Magnitsky Act might prove counterproductive. EU civil society programmes like the EIDHR or the NSA/LA are important; the EU should devote more resources to them, in addition to making them more flexible and less bureaucratic. Visa facilitation constitutes a step in the right direction, but it is still not sufficient to spur real socialisation. Progress on the visa liberalisation process is needed, in combination with project funding, educational initiatives, more effective and goals-oriented human rights consultations and broader engagement with Russia's society at large.

Eleonora Tafuro is a junior researcher at FRIDE.

e-mail: fride@fride.org
www.fride.org