

**SURVIVALS OF THE SOVIET PAST:
ETHNIC, RELIGIOUS AND POLITICAL DIMENSIONS OF HUMAN RIGHTS
IN THE RUSSIAN FEDERATION**

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Most evaluations of the human rights situation in the Russian Federation apply international standards to that country as a whole, an approach that is not wrong. There are universal standards of human rights and evaluating any country as a whole has its uses. But for a country as ethnically and religiously diverse as the Russian Federation is and especially for one that continues to grapple with the specific legacies of the Soviet system – what Russians call “survivals of the past” -- that approach is at best incomplete and at worst a distortion of reality.

Consequently, I would like to congratulate this Committee for going beyond that approach and to thank the chairman, the members, and the staff for giving me this opportunity to discuss this issue. In my presentation, I would like to do three things:

- First, I would like to discuss some of the specific ways in which ethnic and religious diversity have combined with the Soviet inheritance to produce some of the problems in the human rights area there generally.
- Second, I want to consider the situation in this regard in the North Caucasus, the most ethnically diverse and politically unstable portion of the Russian Federation.
- And third, I would like to make three suggestions about the ways in which we in the West who are concerned about human rights can more productively track and provide guidance on resolving these problems.

The Unresolved Soviet Legacy

For a variety of reasons good and bad, many people especially in the United States have acted as if the events of 1991 put an end to the impact of Soviet practice. If the leaders and people of the Russian Federation declared that everything had changed, we were all too prepared to agree, even if it was obvious that things had been renamed rather than transformed and even if it was clear that what had gone before was continuing to play a role in defining the present as people inverted the past rather than overcame it.

There are many ways that this is true, but three are especially important for those concerned about human rights: the ways in which ethnicity or nationality were structured by the state, the division of religious life into official and unofficial categories, and the divide between the locus of real power and the public face of institutions labeled as government.

When Stalin created what became the Soviet system, he manipulated the ethnic identities of the population in order to create not only the tensions he could exploit to build a police state but also so that Moscow would always have a local minority dependent on protection from the central government to work against the local majority. To that end, first of all, he and his system politicized ethnicity, insisting that everyone declare his or her ethnic membership, something very few were ever allowed to change. Second, he territorialized it, linking ethnicity to territory and land and ensuring there were always local minorities against whom the local majority would vent its anger rather than against the center. And third, he arranged it in a hierarchy, giving some groups more institutions in their language than others, not only guaranteeing hostility among them but reducing anger at the center.

Since the end of the Soviet Union, this system has not so much disappeared as been inverted: Ethnicity remains a key factor, territorial arrangements have been challenged, and what is most important to human rights, ethnic hierarchies have been inverted, with those on top in the past pushed down but the principle of hierarchy not destroyed. Nowhere have these patterns been more significant and more dangerous to the rights of individuals than in the North Caucasus.

The Soviet division of religious life into official and unofficial categories also continues to play a serious and pernicious role in post-Soviet Russia. In Soviet times, Moscow pushed atheism but because of its need for support during World War II, the regime allowed the survival of a small number of religious institutions. These were the “official” religious establishments, thoroughly penetrated by the KGB, whose leaders made the Faustian bargain of dealing with an atheistic state in order to keep the possibility of continuing to speak of their faiths alive. All other religious practice was “unofficial” and hence illegal.

That was supposed to end with the end of Soviet power. It has not. Instead, under the slightly different terminology of “traditional” and “untraditional” religious in some cases and even under the same terms, “official” and “unofficial,” some faiths or more precisely parts of faiths have been protected and others have been persecuted. This is true not only within Islam but also within Russian Orthodoxy. The consequence is that religious rights are not protected; instead, what is protected are only those religious activities the state approves of. Because the Russian powers that defend this in terms of the fight against terrorism rather than in terms of the need to promote “scientific atheism,” many in the West are reluctant to criticize it, but the change has been more semantic than real.

And the third division that continues to affect the status of human rights in the Russian Federation is the continuing split between the locus of real power in the political system and the nominal institutions of the state. In Soviet times, everyone there and elsewhere knew that real power resided with the Communist Party of the Soviet Union and that the Soviet state, including administrative, judicial, and legislative branches was more decorative than anything else. Now,

despite some progress, in the Russian Federation, the division between real and decorative power continues, albeit in a modified way. That means that the institutions individuals should be able to appeal to lack real power, a situation that helps in the current context to promote corruption and mistreatment of individuals who are not able to gain access to the persons and organizations that possess real power. And that pattern most importantly of all has a corrosive effect on the way in which the citizens of the Russian Federation view the state itself, law, and their own constitution.

The Human Rights Disaster in the North Caucasus

In the North Caucasus, all three of these Soviet arrangements continue to have a serious impact on public and private life and hence on the state of human rights. Dozens of examples could be offered for each. Allow me to give just one for each of them, not because these are the most egregious but because rather because they can be expressed in the briefest compass.

Official ethnicity in the Soviet sense survives. People across the region find themselves trapped in definitions they do not accept – such as the Circassians who were subdivided by the Soviet state – in hierarchies they reject be they in Daghestan or Karachayevo-Cherkessia – or with borders they say are ahistorical and wrong such as Ingushetia and Chechnya. Politics open and closed requires people to define themselves in these ethnic categories, and any violation of them, the situation in Karachayevo-Cherkessia recently is clear, promotes violence and instability.

Moreover, official and unofficial religious divisions remain. In the North Caucasus, which is overwhelmingly Muslim, this split involves Islam more than any other faith, although the status of some independent Orthodox and all Protestant groups is affected in a negative way as well. Across the region, the powers that be insist on defining some trends as “traditional” or “official” and others as “alien” and “unofficial.” That varies by republic. In Daghestan, the government backs one trend, in Chechnya a second, and so on. But those declared “alien” or “unofficial” are by definition illegal, something that exposures them to the full power of the state, often leading to their radicalization and decision to support what Russians call “the illegal armed formations.”

But it is the third element that is perhaps the most distressing and dangerous, the split between real and nominal power. The clearest case of this is Chechnya, where real power is held by Ramzan Kadyrov and his thugs and by various military units nominally part of the Russian state and the status of the nominal institutions of the government such as legislatures and courts are entirely decorative or instrumental. That not only leads to continuing violations of human rights, almost all committed and both justified and excused as part of “the war on terror” but more corruption and the destruction of any possibility of progress toward a normal political system, at least in the short term.

Moving from Evaluation to Amelioration

Obviously, there are many things that need to be done. I would like to conclude my remarks by pointing to three. First, we need to pay more attention and put more people into the North Caucasus and other parts of the Russian Federation. Covering the events of the North Caucasus from Moscow is simply insufficient and more often distorts rather than reveals what is going on. As some in the region have observed, you could cover Jerusalem from Damascus but it would be the wrong thing to do. One way to do that is to support US international broadcasting efforts which often generate some of the best information we have about these often neglected areas.

Second, we need to continue to track specific violations of human rights in these areas – they are horrendous and deserve to be highlighted and denounced – but at the same time, we need to understand the system sources of these violations rather than assume that the formal arrangements the Russian powers that be point to are the reality. Perhaps the best way or at least the best start in that direction is to recognize how little has changed from Soviet times rather than assuming that everything has.

And third, we need to follow the approach of the European Court of Human Rights. As everyone here knows, that Court is the court of last resort for citizens of the Russian Federation. Not only do Russian appeals to it outnumber those from any other country, but the Court regularly finds for the appellants rather than for the Russian powers that be. That too gets reported as do the often large fines that the Court imposes.

But that Court also calls for changes in legal and political arrangements that have produced these violations rather than just asking for fines. That the Russian powers that be in almost every case ignore those calls is a tragic reality. If US evaluators of human rights would do the same thing, identifying not only the specific violations of human rights in the Russian Federation but also the sources of those violations in contemporary Russian practice, a practice that continues to be informed by survivals of the Soviet past, there would be a far greater chance that the people of that troubled country would have a better future, one that we could not only help promote but share in.