



After the Fall: Hopes and Lessons 20 Years after the Collapse of the Soviet Union

By Rachel Denber

Twenty years ago, in July 1991, I was poised to start a job researching human rights violations in the Soviet Union. A month later, the failed coup to unseat Communist Party leader Mikhail Gorbachev precipitated rapid political changes that would ultimately lead to the dissolution of the Soviet Union. Watching these events, my family told me I would no longer have a job when the position was to start in September. Like many of us, they assumed that the end of communism would usher in a new era of democracy, rule of law, and human rights protection in the Soviet Union's successor states. I started my new job as planned and it took five minutes to see that such assumptions were wrong.

Now is a good time to take stock of some lessons learned from 20 years of efforts to bring better human rights protections to former Soviet Union countries. Where were our assumptions faulty? What could be done better, or differently, to promote human rights during tectonic societal shifts? It is an exercise worthy in its own right, and one that has relevance beyond the region, particularly given the ongoing historic upheaval in the Middle East and North Africa.

The differences between 1991 and its aftermath and the 2011 Arab uprisings are vast, and the task of comparing these two historic moments is tantalizing but alas beyond the scope of this essay. Still, I hope that these reflections 20 years after the fall of the Soviet Union will be relevant and useful to observers, policymakers, and human rights communities focused on the former Soviet Union and beyond.

1. There is Nothing Inevitable about Transitions to Democracy

The first lesson is about heady assumptions. Watching decades of authoritarianism come to an end in Egypt and Tunisia was thrilling; who does not hope that it will usher in a new era of democracy and rule of law? But Soviet Union watchers have seen how the collapse of a repressive, authoritarian regime—while it brings months of euphoria and sets complex

political transformations in motion—in no way guarantees the arrival of governments committed to human rights protection. As the dust settles, the historical forces that have shaped the society for decades come again to the fore and, absent deep institutional change, can be accompanied by reemergence of authoritarian rule.

To be sure, the end of communism ushered in freedoms unthinkable during the Soviet era. While circumstances varied widely across the former Soviet Union in the early years after the break-up, people could worship more freely, travel abroad, own property, and express their ethnic identity in ways they could not under communism. There was a vigorous debate about Soviet history and Stalinism, even as the monstrous crimes of the Stalin era remained unpunished.

But in many parts of the region, governments' human rights records have been poor. Year after year, chapters on most former Soviet Union countries in this volume have born grim testament to that. The reasons for this vary, but in several Central Asian countries the leaders and political classes in 1991 had no interest whatsoever in relinquishing power. Rather than commit to a post-Communist transition, many leaders used police, the military, intelligence services, and the criminal justice system to consolidate their personal rule. They worked to neuter alternative political forces demanding more profound change. As a result, the institutional reforms necessary for accountable government, pluralism, and effective rights protection never happened.

A focus on political elites also helps, albeit only partially, to explain why reforms were much more far-reaching in Eastern Europe than in former Soviet Union states. For the most part, Soviet-era political elites in those states, as well as in the Baltic states were swept aside. This left more space for new political actors who were more serious about building strong institutions, instituting checks and balances, and implementing legislative reforms prioritizing due process and human rights protection. But there were certainly other critical factors at work, such as a legacy of pre-World War II democratic government in many cases and a real prospect of EU membership for most.

The Soviet successor states run the gamut in levels and styles of repression. Uzbekistan and Turkmenistan are surely among the most repressive governments, not only in the region but the world. Their brands of authoritarianism fossilized very early after the 1991 collapse. Turkmenistan is a one-party state that allows no independent civic activism, arbitrarily limits citizens' ability to travel abroad, and blocks virtually all independent human rights monitoring. There is no press freedom, and the authorities imprison stringers

for foreign news outlets. In Uzbekistan the government barely tolerates a handful of independent human rights activists, routinely sentencing them to long prison terms on trumped up charges, and the media is heavily censored. Police torture is endemic. The government has also imprisoned, on charges of religious “fundamentalism,” thousands of devout Muslims who practice their faith outside state controls or belong to unregistered religious organizations.

Russia itself is no role model. Under Russia’s “soft authoritarianism,” perfected under eight years of Vladimir Putin’s rule, independent civil society is tolerated but whistleblowers have been killed and threatened, and very little is left of the media freedoms that had blossomed during the glasnost era. There is no genuine political competition or public accountability. Putin’s announcement in the 20th anniversary year that he would again run for president, conceivably putting him in power for a total of 24 years, prompted parallels to Brezhnev’s 18-year reign.

Many of the region’s political elites preside over eye-popping corruption, and have used political power to enrich themselves and their vast patronage networks. It is no surprise that they use authoritarian mechanisms of control—media censorship, repression of critics, phony elections—to cling to power. Political ouster means not only loss of power but loss of wealth and possibly worse. In countries like Azerbaijan, Russia, Turkmenistan and Kazakhstan hydrocarbon wealth exponentially increases the stakes.

In much of the region, entrenched, post-Soviet authoritarian leaders allowed for some openings, but held onto power, resulting in political and social stagnation. In Georgia, Ukraine, and Kyrgyzstan this stagnation was broken by a second round of political changes a decade after the fall of the Soviet Union, this time driven by popular uprisings full of hope for meaningful change. In scenes not dissimilar from those we saw in the Arab world in 2011, people in Georgia, Ukraine, and Kyrgyzstan took to the streets demanding fair elections, an end to corruption, and public accountability. But the experience of the so-called colored revolutions of 2003 to 2005 is a sobering reminder that popular uprisings do not automatically or necessarily lead to good human rights outcomes.

Kyrgyzstan’s “Tulip Revolution” in 2005 succeeded in ousting then-President Askar Akaev, but hopes for reform under his successor, Kurmanbek Bakiev, were quickly dashed. Bakiev proved far more interested in enriching his family and patronage networks, and within a year his government started harassing human rights activists and independent

journalists. His record deteriorated precipitously from then through his violent ouster in April 2010.

In Ukraine's 2004 "Orange Revolution" thousands of Ukrainian citizens peacefully protested the government's manipulation of the presidential election in favor of Viktor Yanukovich. The pro-reform, pro-Western candidate, Viktor Yushchenko, defeated Yanukovich in repeat elections. But Yushchenko's government found itself mired in serial political crises and corruption and unable to deliver on social and economic reform. It was also poorly equipped to deal with Ukraine's myriad human rights problems, including torture and ill-treatment in detention, violations of the rights of migrants and asylum seekers, and violations that fuel the HIV/AIDS epidemic. Yushchenko left office after losing badly at the polls in 2010.

Georgia's 2003 "Rose Revolution" brought Mikheil Saakashvili to the presidency with aspirations of judicial, police, and economic reform. Reforms brought some positive results, but the government's use of excessive force against demonstrators in 2007 suggested the fragility of its commitment to human rights and the rule of law. Today Georgia's human rights record is mixed. Saakashvili is bound by the constitution to leave office in 2013, but because he has dominated the political system there are real doubts about what will come next. Nine years later, the Rose Revolution paved the way for a leader who professed a commitment to rights, but it is not clear whether it succeeded in creating a competitive political system that can protect rights.

2. Guard against Misplaced Blame

In the aftermath of political upheaval, many people become disillusioned as they cope with economic, political, and social instability. Many come to blame "democracy" for their suffering. Supporters of human rights and democracy need to fight this misplaced blame. There are surely rocky times ahead in the post-uprising Middle East, so this lesson has relevance there, too.

The end of the Soviet era brought about real and colossal privations for millions who lost their life savings, jobs, and sense of identity. In Russia, for example, corruption was seemingly boundless: privatization programs under Yeltsin favored a handful of Kremlin cronies who bought up the most valuable state assets at bargain-basement prices in exchange for crucial political backing. Unsurprisingly, many blamed their struggles not on the deeply-rooted flaws of the *ancien regime* or the corruption of power, but on "democracy" and human rights movements, seeing them as the handmaidens of chaos.

Putin exploited this anger and a growing sense of public nostalgia for the Soviet era to his advantage. His team willfully conflated chaos and democracy to justify reforms in 2004, making it more difficult for opposition parties to gain seats in the Duma, and instituting the appointment, rather than election, of regional governors. After the “colored revolutions” the Kremlin accused NGOs of being fronts for foreign governments that sought to interfere with Russia's internal affairs, and started a campaign of bureaucratic harassment against them. The overall result was the weakening, beyond recognition, of the checks and balances that are inherent in an accountable political system.

A related lesson here is that Western policymakers who care about human rights need to support institutions rather than individual leaders. The enthusiastic support the West at times showed Yeltsin during the chaotic 1990s, or Saakashvili during the early days after the Rose Revolution, backfired in the long run. As popular opinion about the democratic credentials of each soured, so too did popular backing for more far-reaching democratic and human rights reforms.

3. Institutionalize Strong Minority Rights Protections

Both during and after the shattering of the Soviet Union, many parts of the region succumbed to armed conflicts whose roots, for the most part, lay deep in the Soviet past, including regime attempts to manipulate ethnic tensions to its advantage through favoritism and calculated border designations, as well as Soviet policies suppressing national, ethnic, and religious identity.

New governments—in some cases buoyed by national reawakening—clashed with minority or marginalized populations, who felt strongly that the new leadership should recognize the rights and opportunities that the previous regime had long denied them. Toward the end of the Soviet era and after, both the Kremlin and several Soviet successor states responded to new nationalist demands and movements with force. In some cases, such as Abkhazia and the first Chechnya war, governments stumbled into armed conflict. But the consequences in both scenarios were disastrous.

It is beyond the scope of this essay to analyze the causes of secessionist wars in Nagorno Karabakh, South Ossetia, Abkhazia, Chechnya, and Transdnestria, and of devastating communal violence in places like Osh and Ingushetia. (Tajikistan’s civil war took place along regional, not ethnic fault lines, but is also worth noting.) However, in each case the civilian population bore terrible suffering from serious violations of humanitarian law, and, in some cases, long-term displacement. Twenty years later, some of the conflicts have

morphed, some are frozen, and well over a million people remain displaced. The lasting harm of these intractable conflicts should serve as an important warning to governments and civil societies alike in the Middle East about the need to respect minority rights and build tolerance among minority and majority populations.

New governments need to acknowledge and address past minority grievances, ensure language and confessional rights, give minorities a place in law enforcement and security agencies, act swiftly to protect minorities from violence, and initiate public discussions that emphasize tangible common interests that transcend interethnic and interconfessional differences. They also need to act quickly to disarm both separatist and pro-state militias, pursue accountability for war crimes, and undertake security sector reform.

4. International Institutions Matter

Another lesson is the importance of motivating states in transition to join international institutions and processes that champion human rights. The former Soviet Union is perhaps unique in this regard given the critical role in former Soviet states of the prospect of membership in the European Union and Council of Europe. But the lesson is a more general one: the international system now includes a panoply of institutions dedicated to human rights protection and reform of judiciaries, security services, and other government bodies critical to advancing human rights. These institutions should not take at face value regional states' ratification of human rights treaties. It is essential that they become actively involved in supporting democratic and human rights reform in countries "in transition."

As prospective EU member states, many Eastern European countries were motivated to carry out thorough reforms of their political and judicial systems. EU membership was not in the cards for former Soviet countries, apart from the Baltic states. But some—including Russia, Ukraine, and the South Caucasus states—were offered membership in the Council of Europe. They were expected to undertake significant institutional reforms as part of the accession and membership process. For example abolishing the death penalty, overhauling the prosecutor's office to strengthen the courts, and transferring prisons from internal affairs to justice ministries. The impact of these reforms should not be overstated. For example, the prosecutor's office in almost all of the post-Soviet Council of Europe member states is still disproportionately powerful, and courts still lack independence. But the reforms were historic and important.

Most important, membership has given their citizens access to the European Court of Human Rights (ECtHR), providing them an avenue of justice when their own deeply flawed justice systems fail them.

At the same time, each of these countries was invited to join prematurely, before government practices had come close enough to meeting Council of Europe standards. At the time accession proponents argued that it was better to bring the states in sooner rather than later, even if they did not meet standards. More would be accomplished, they argued, by continuing to engage on reform once these states were Council of Europe members. Ten years later, however, many of the same human rights violations that plagued these states prior to accession have worsened, and the organization's monitoring procedure has struggled to secure compliance. Azerbaijan, for example, was admitted in 2000, days after a blatantly manipulated parliamentary vote. Elections since then have been largely empty exercises and sparked political violence in 2003 and 2005.

Although Russia was admitted to the Council of Europe in the midst of its first horrific war in Chechnya, the Parliamentary Assembly of the Council of Europe (PACE) had the political courage to suspend Russia's voting rights for six months because of grave violations of humanitarian law during the second Chechnya conflict. However, PACE restored the voting rights without getting any guarantees that perpetrators of massacres, torture, and forced disappearances would be held accountable. And 10 years later, they still have not.

The Council of Europe's addition of former Soviet states with poor human rights records gave millions access to justice through the ECtHR, but it has also stretched the court's resources. This would not be an insurmountable problem, if it were not for states' failure to implement the ECtHR's judgments. This failure threatens the court's integrity and floods the court with similar cases. A glaring example is Russia's stubborn failure to implement roughly 170 judgments in which the European Court found Russia responsible for enforced disappearances, torture, executions, and other serious human rights abuses in Chechnya.

5. Establish Concrete Human Rights Benchmarks and Give Them Teeth

Experience in the former Soviet Union region, particularly in Central Asia, highlights the importance of setting out human rights benchmarks as a condition for international engagement and unrelentingly pursuing their implementation.

One of the most disappointing developments in this regard was the EU's failure to hold firm in demanding human rights improvements in Uzbekistan as a condition for dropping

sanctions imposed on the government following the May 2005 killings by government forces of hundreds of civilian protesters, most of them unarmed, in the city of Andijan. The sanctions were mild and targeted, a symbolic arms embargo and a visa ban on a handful of government officials. But almost as soon as the sanctions were adopted several EU states set about openly undermining them, sending mixed messages that could not have been lost on the Uzbek government.

The EU had made the release of imprisoned human rights activists a condition for lifting the sanctions but when it ended the sanctions regime in 2009, 12 remained in prison. In a move that could only have encouraged Uzbek government intransigence, the EU justified the lifting of the sanctions by referring to “positive steps” taken by the Uzbek government, such as agreeing to hold harmless but meaningless human rights dialogues with the EU. After two years the dialogues have had absolutely no bearing on the human rights situation in Uzbekistan.

The lesson here is not that sanctions can never work, but that they can work only if states are united in demanding rigorous implementation. Regional officials are no fools. They know when their interlocutors are serious about their rhetoric and when they are not, or when rhetoric will have real consequences and when it will not.

A related lesson is that assigning an abusive government exceptional status in light of its strategic importance sabotages efforts to get it to improve its human rights record. Western policymakers EU policymakers like to point to Kazakhstan as a regional leader in a rough neighborhood. Led by Germany and France, the EU warmly supported Kazakhstan's bid to chair OSCE in 2010 and host an OSCE summit, though Kazakhstan's brand of soft authoritarianism made it an inappropriate choice for an organization with a mandate to promote democracy and human rights.

The gamble that the chairmanship would prod reform turned out to be misguided. It's been a year since the summit and chairmanship year have ended, and Kazakhstan's record has deteriorated. For example, they adopted a new repressive law on religion in October, returned the prison system to Ministry of Internal Affairs jurisdiction, and imprisoned one of the country's top human rights activists.

International actors should also learn from the post-Soviet experience that viewing human rights and security interests as tradeoffs is exactly the false choice repressive leaders want

them to make, and that bargaining with dictators over human rights concerns will not lead to a good outcome, almost by definition.

Too often, Western actors resist seeing the leverage they have in relationships with abusive governments. For example, eager to secure alternative routes to Afghanistan to avoid less stable Pakistan, the US has developed the so-called Northern Distribution Network (NDN)—a transit corridor that runs through Russia and Central Asia—which supplies non-lethal cargo to Afghanistan. To sweeten its relationship with Uzbekistan, a pivotal state in the network, the US is waiving restrictions on assistance, including military aid, to the Uzbek government that were established in 2004 over human rights concerns.

What policymakers seem to minimize are the financial and other benefits the NDN brings Uzbekistan, which should be used to stymie bullying by Uzbek officials over rights issues. Instead, by dropping all restrictions on aid—including military aid—without insisting on improvements, the US is creating a huge windfall for an extremely repressive government, and may ultimately create long-term instability in Uzbekistan and Central Asia. It also sends the detrimental message to ordinary Uzbeks that the US is indifferent to their plight.

6. Support a Strong Civil Society

A resoundingly positive lesson of the last 20 years has been the importance of support for civil society in countries in, and beyond, transition. These are the organizations and media outlets that, in the absence of checks and balances in post-Soviet authoritarian regimes, are doing the most to hold their governments accountable, often providing services to help the public access their often opaque governments and exposing government corruption and wrongdoing.

In many countries these communities are now so deeply rooted and vibrant that it is easy to forget that they are in fact quite new. At the same time, no one should take their vitality for granted. The past 10 years have witnessed how one government after another in the region adopted laws restricting NGOs and used an arsenal of bureaucratic tools to harass and overburden them, and, in some countries, imprison them. The creation of civil societies throughout the region was one of the signal achievements of the glasnost era, and policymakers need to support these communities now more than ever.

The differences between the fall of the Soviet Union and today's Arab Spring upheaval are significant. But 20 years of post-Soviet experience should lead policy makers to embrace the opportunity for change in the Middle East, guided not by heady optimism, but by an

enduring commitment to universal principles, far-reaching institutional reforms, and strong support for the people who continue to fight for both.

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