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WITH RUSSIA



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2009

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**GROUP REPORT OF THE COMMISSION ON UNITED
STATES RELATIONS WITH RUSSIA**

I. Arms Control Subgroup Report

By Tony Bohorfush, Anthony Hartman, and Andrea Swenson

II. Economy and Trade Subgroup Report

Zong Guo, Lucas Olson, and Garrett Strain

III. Human Rights Subgroup Report

Demi Antzoulatos, Katie Burns, Mei Li McNeil, and Rebecca Potts

IV. Regional Issues Subgroup Report

Reggie Gooch, Julie Shultz, and Rory Stanley

Editors:

Bob Huber and Michael Jussaume

Overview

Michael Jussaume

Over the course of the Bush Administration's tenure in Washington, the United States' policies were increasingly focused on issues of national security. This development was not surprising in that the Terrorist Attacks on September 11th sent shockwaves through America that both heralded and necessitated a change in American foreign policy. For better or for worse, the Bush administration chose to pursue a swift, aggressive, uncompromising, and increasingly unilateral stance on security issues and swiftly reached the decision to wage a global "War on Terror." Indeed, the issue of Terrorism and the "War on Terror," came to be the defining issue of the Bush Administration, and have strongly affected United States relations with Russia.

The years following the September 11th attacks saw the International Standing of the United States decline as the United States largely spurned international organizations such as the UN, and struck out on its own to pursue a hard line and unilateral foreign security policy. In addition, apparent human rights violations such as in Guantanamo Bay further sapped United States credibility in the international arena.

Though the impacts of events following the September 11th Terrorist Attacks are too numerous to discuss here, there is one in particular that is an important issue when considering future United States-Russia relations. I believe that the Iraq War, and the quagmire that ensued, displayed the limits of American power and influence in the world. Though much was made of

American “hegemony” in the aftermath of the collapse of the Soviet Union, such “hegemony,” if it existed at all, seems to have been short lived. The United States had limited success in gathering the support of allied nations in its “Coalition of the Willing,” and while being bogged down in Iraq, repeatedly showed its inability to force nations to accede to its demands. One of the best examples of this is Iran, which has refused American demands to refrain from developing nuclear technology, despite its limited military strength. In other words, though the United States may be the only remaining global power, it does not have the strength to unilaterally impose its will on other nations, and must in the future seek to work together and attempt to develop better relationships with important regional powers to reach its goals.

Of course, one of the most important regional powers is Russia. Unfortunately for the United States, relations with Russia have soured in recent years. Indeed, Stephen Pifer, author of the policy paper, *Reversing the Decline: An Agenda for U.S.-Russian Relations in 2009*, claims that “U.S.-Russian relations have fallen to their lowest level since the Soviet Union collapsed in 1991.”¹ The US-Russian relationship has been beset with numerous issues that have both increased tensions, and must be addressed for a fruitful relationship between the two nations in the future. Such issues include the perpetual issue of arms control and the expiring START treaty, the issue of the Eastern Europe missile shield and Anti Ballistic Missile Defense, Jackson-Vanik and Russian accession to the WTO, Russian politicization of energy, the issue of Russian aid for

¹ Pifer, Steven. “Reversing the Decline: An Agenda for U.S.-Russian Relations in 2009.” *The Brookings Institution*. Policy Paper No. 10, Jan 2009.

the Iranian nuclear program, the Georgia conflict, Russian involvement with Venezuela in Latin America, and various Russian human rights issues, in both Chechnya and Russia proper.

The first step towards better US-Russia relations is to diffuse current tensions by abandoning the previous administration's hard line and unilateral stance towards security issues. The future relationship with Russia should be based on dialogue and cooperation rather than arm-twisting and power politics. As such, the United States must be prepared to build trust by helping the Russians achieve some of their important goals, such as WTO accession, and graduation of from Jackson-Vanik, to name a few. These are both good issues to start with because both of these changes will be in the best interests of the US as well. The second step is to prevent new issues from arising and further diffusing tensions by abandoning unilateralism and bringing in International Institutions and organizations, especially in the area of human rights, to either mediate between the US and Russia, or work with the two nations to solve difficult issues.

Though the Commission recognizes that many of these issues are interconnected, for the purposes of organization, the Report of the Commission on the United States Relations with Russia has been split into four separate subgroup reports: Arms Control, Economy and Trade, Human Rights, and Regional Issues, in that order. The report will attempt to deal with the most pressing issues of our day and will propose policy recommendations for the Obama administration to pursue. There are times when the separate reports will allude to the findings of the other subgroups, attempting to deal with the interconnectedness of the issues at hand.

The following are bullet points of the most important policy suggestions made by the Commission.

Arms Control

- *START I: Extend START I until December of 2010. April 2009 to December of 2010 will serve as a negotiating period, during which time the United States and Russia can establish the terms of a new treaty. The treaty should be known as the Strategic Arms Reduction and Prevention Treaty (STARPT). STARPT should demand greater reductions of actively deployed nuclear weapons, inactive stockpiles, and tactical nuclear weapons. Furthermore, it should reaffirm the United States and Russia's commitment to the NPT and should provide provisions for further weapons preventions.*
- *ABM/ Missile Shield: The United States should enact an indefinite moratorium on the missile shield in Europe, and should enter into multilateral discussions with Russia and other concerned nations in order to address regional security issues. The negotiations should focus on the ultimate goal of reentry into a new ABM treaty.*
- *Russia/Iran Nuclear Weapons: In order to improve relations with Russia, the US should engage directly and diplomatically with Iran in order to diffuse escalating tensions between Russia and the United States over the proposed missile shield.*

Economy and Trade

- *Begin negotiations with Russia and Georgia on parallel tracks in order for the two parties to come to an accord on the terms of accession*
- *The U.S. should first form a commission tantamount to the United States–China Joint Commission on Commerce and Trade (JCCT) in order to facilitate IPR implementation.*
- *Jackson-Vanik graduation of Russia upon Russian accession to the WTO.*
- *U.S. should encourage Europe to explore alternative sources of energy, moving it away from dependence on Russia, removing potential political conflicts.*
- *the Obama administration should re-submit the U.S.-Russian Civilian Nuclear*

Commerce and Cooperation Agreement to Congress for approval

- *the Obama administration should encourage U.S. energy companies to increase investment in natural gas and oil production in Kazakhstan*
- *Target foreign aid specifically to shore up Russia's social safety net in order to offset the short run losses to households—including transitional unemployment, relocation, and retraining—resulting from economic liberalization for WTO accession*

Human Rights

- *A multilateral approach to dealing with Russian human rights violations as well as developing a relationship with Russia that Russia cannot refuse to maintain.*
- *The Obama administration must be consistent with US-Russian foreign policy and regain lost credibility from its own human rights violations.*
- *The Obama administration should reiterate that though the US appreciates Russian cooperation with the War on Terror, but disapproves of the human rights abuses that have occurred as a direct result of the dismantling of democratic checks and balances. The Obama administration should suggest that if the 2006 NGO Law is amended and/or repealed to coincide with international codes then the US would increase its support on the issue of Russian WTO accession.*
- *The Obama administration should push the graduation of Russia from the Jackson-Vanik amendment if Russia amends the NGO law to coincide with international codes, and ensure that all religious organizations have equal freedoms. In addition, the US should encourage the creation of a national monitoring body to ensure religious freedoms are applied equally.*

Regional Issues

- *Signal change in our approach towards Moscow by putting a temporary moratorium on the construction missile defense systems currently being installed in Poland and the Czech Republic, thus easing Russian concerns. However, ABM construction and research can be resumed if Russia does not pressure Iran to abandon nuclear weapons*

or, if Iran does not comply with Russian requests. This will also make Russia less willing to cause trouble for the United States in Latin America.

- *Maintain dialogue with both Russia and Iran and avoid unilateral hard line stances.*
- *Pressure Georgia to not block Russian admission into the World Trade Organization*
- *The United States should work with Western Europe on diminishing dependence on Russian energy; however, we should encourage reduced dependence in methods which will not threaten Russian authority in the region, nor damage their economy.*
- *Initiate diplomatic discussions on the Georgia conflict involving international organizations, such as the European Union, United Nations, and cautiously NATO; however, the United States should take on a listening and mediating role rather than a leadership role in these discussions.*
- *US should only promise support of Georgian sovereignty only so long as Georgia agrees to implement evaluation of human rights issues, as well as agree to commit no further human rights violations.*
- *The U.S. must invest money and resources to stabilizing democracies in the region and reinvigorating the economy of South America.*
- *The U.S. should increase the transparency of NATO and slow its rate of acceptance of member states to decrease tension with Russia.*
- *The U.S. and Russia should make agreements on joint measures to address the challenges of terrorism (FARC), regional rivalries (Colombia and Venezuela), financial, commercial and economic issues that affect the South American region.*
- *The U.S. should engage the Organization of American States (OAS) in order to create a regional forum in which the dangers of an arms buildup in the region could be addressed.*

Despite the challenges that lay ahead, the Commission remains both hopeful and confident that US-Russia relations can and will improve in the future. With the hope that our recommendations can contribute to such a development, we would like to submit this report.

Arms Control

Tony Bohorfoush, AJ Hartman, Andrea Swenson

Introduction

In April of 2009, newly elected President Barack Obama will have his first meeting with Russian Prime Minister Dmitri Medvedev. Relations between the two countries soured considerably under the Bush administration, especially his second term. In these tumultuous times, all efforts should be made to alleviate the tensions between the United States and Russia. One way this can be done is by engaging in new and mutually pleasing arms agreements with Russia. The United States and Russia possess the largest stockpiles of nuclear weapons in the world, and pose an immense threat to one another. Some would claim that even the existence of such large stockpiles serve as a destabilizing force in the world. However, with such large arsenals comes great influence: Russia and the United States are in a unique position allowing them to establish precedents that will influence nuclear weapons policy worldwide.

Both the United States and Russia have vested interests in arms control policy, as it affects financial, security, and geopolitical concerns. Most pertinent are the nearing expiration of the START Treaty, the dispute over the United States' withdrawal from the ABM Treaty, the

development of the Eurasian missile shield, and finally Russia's sharing of nuclear technology with Iran. In this report we will propose the following:

- *START I: Extend START I until December of 2010. April 2009 to December of 2010 will serve as a negotiating period, during which time the United States and Russia can establish the terms of a new treaty. The treaty should be known as the Strategic Arms Reduction and Prevention Treaty (STARPT). STARPT should demand greater reductions of actively deployed nuclear weapons, inactive stockpiles, and tactical nuclear weapons. Furthermore, it should reaffirm the United States and Russia's commitment to the NPT and should provide provisions for further weapons preventions.*
- *ABM/ Missile Shield: The United States should enact an indefinite moratorium on the missile shield in Europe, and should enter into multilateral discussions with Russia and other concerned nations in order to address regional security issues. The negotiations should focus on the ultimate goal of reentry into a new ABM treaty.*
- *Russia/Iran Nuclear Weapons: In order to improve relations with Russia, the US should engage directly and diplomatically with Iran in order to diffuse escalating tensions between Russia and the United States over the proposed missile shield.*

Creating a new Arms Reduction Treaty: STARPT

In 1991 the Presidents of Russia and United States entered into the first Strategic Arms Reduction Treaty (START I). START I outlines a plan for significant reductions of deployed nuclear warheads and delivery systems for the United States and Russia, reducing both countries strategic arsenals by fifty percent². In 1993, Russia and the United States entered into a second

² Graham, Thomas Jr., *Common Sense on Weapons of Mass Destruction* (Seattle: University of Washington Press: 2004), 43.

START agreement (START II), which called for further reductions of strategic nuclear weapons. However, this treaty was not ratified by the DUMA, and thus was never implemented. Consequently, the process of dual arms reduction beyond START I was put on hold until 2002.

At this point the United States and Russia entered into the Moscow Treaty (also known as the Strategic Offensive Reductions Treaty (SORT)). SORT has been referred to as the “treaty with no teeth.” While it calls for further reductions of operationally deployed warheads, it depends entirely on the existence of START I for enforcement. The intention of the SORT and START agreements were to construct a climate where both the United States and Russia felt secure enough to reduce their supplies of nuclear weapons. Therefore, the approaching expiration of START I in December of 2009 make both parties uneasy. Though Russia and the United States are still signatories to the Nuclear Non-Proliferation Treaty, the START and SORT agreements are the only agreements that actually limit the number of actively deployed strategic nuclear weapons that each country may possess.

This table shows the maximum limits for operationally deployed warheads and delivery vehicles under the START I, START II, and SORT agreements. The data was collected from the Arms Control Association’s Country Profiles.

Weapons Agreements		Operationally Deployed Warheads	Delivery Vehicles
Under START I	Russia	6,000	1,600

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	United States	6,000	1,600
Under START II (Never Enacted, by 2007)	Russia	3,000-3,500	933
	United States	3,000-3,500	933
Under SORT (By 2012)	Russia	1700-2200	/
	United States	1700-2200	/

While Russia's nuclear capabilities represent the greatest physical threat to the United States, it is very unlikely that Russia would ever use those weapons, especially against the United States. Furthermore, Russia has been very clear that it desires to engage in more rigorous arms reduction agreements with the United States. Russians would like to engage in such agreements in order to reduce the costs associated with proper storage, maintenance, and development of nuclear weapons³. As a result, weapons have been left in inadequate storage facilities, posing a threat to the people living near them, and even worse, getting into the hands of foreign and domestic terrorists⁴. Therefore, it is imperative that the United States take action now, to establish an enforceable agreement with Russia to ensure that these risks do not become realities.

³ As stated by Sergey Ivanov at the 2009 Munich Security Conference. Munich Security Conference, "Non-proliferation of WMD. The case for joint effort," http://www.securityconference.de/konferenzen/rede.php?menu_2009=&menu_konferenzen=&sprache=en&id=232 & (accessed Feb. 23, 2009).

⁴ Thomas, 16.

At his April 2009 meeting with Dmitri Medvedev, President Barack Obama should renew the United States' commitment to the reduction of nuclear weapons in the form of a new START agreement. This agreement should be known as the Strategic Arms Reductions and Prevention Treaty (STARPT). Engaging in a new strategic arms reduction treaty that employs a smaller and more secure arsenal of nuclear weapons will provide for a more secure, but also a more financially viable future for both Russia and the United States. Similarly, more stringent limits on actively deployed strategic nuclear weapons will reduce the level of tensions resulting from nuclear suspicion. The United States and Russia are in a position to set the tone for a new era of bilateral and multilateral weapons policy, and should take advantage of this opportunity for progress.

To begin, the United States and Russia should agree to extend the terms of START I to December of 2010. The twenty months between April 2009 and the extended expiration of START I will be used to negotiate the terms of the anticipated STARPT agreement, which would become active in December of 2010. In the event that a new agreement is not negotiated by December 2010, arrangements should be made possible for additional extensions of START I. STARPT should be a legally binding treaty that calls for the following:

- Reductions in all the categories of strategic nuclear weapons covered in START I and START II
- In addition to actively deployed weapons, STARPT should limit inactive weapons as well
- Reduce arsenals of tactical nuclear weapons
- Outline proper weapons storage and protection; if the country cannot guarantee adequate protection of nuclear weapons, the weapons should be destroyed in a timely manner
- Renewal of commitment to NPT and CTBT

- Pledge to engage in bilateral diplomatic efforts in order to prevent the spread of nuclear weapons

The numbers of actively deployed strategic nuclear weapons should begin with an initial reduction to at least fifty percent of current levels, and should provide for further reductions within the next ten years. The United States needs to make clear their desire to reduce, if not eliminate, the existence of strategic and tactical nuclear weapons.

The Issue of ABM Defense

The Treaty on the Limitation of Anti-Ballistic Missile Systems (ABM Treaty) was signed and entered into force in 1972, as a mutual agreement between the United States and the Soviet Union, to each substantially limit their own anti-ballistic missile capacities. It was amended in 1974, whereupon each party to the treaty was permitted only one ABM deployment area to shield either the capital or an inter-continental ballistic missile (ICBM) field, housing no more than 100 interceptor missiles and 100 launchers.⁵ This was seen as a key step in preventing a potential arms race between both powers, as neither side would feel compelled to increase arms production in order to maintain the capability to overwhelm the other's defenses. The agreement was to be of unlimited duration.

⁵Under Secretary for Arms Control and International Security, Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, May 26, 1972, <http://www.state.gov/t/vci/trty/101888.htm#protocolabm>. (accessed Jan. 27, 2009)

In December 2001, President Bush gave Russia six months notice that the United States would remove itself from the ABM Treaty, much to the chagrin of the Russian government. On June 13, 2002, the US officially withdrew from the accord, with the intention to pursue a comprehensive ballistic missile defense system (BMDS).⁶ President Bush cited the threat of rogue nations with the potential to build and employ ICBMs outfitted with nuclear warheads, such as Iran and North Korea, to justify construction of such a ‘missile shield’. He also implied that the treaty itself was obsolete and thus inapplicable in today’s global climate, referring to it as a “relic” of the Cold War years, serving only to sustain the notion of ‘mutually assured destruction’.⁷

Resulting from the US disengagement from the Treaty and its obligations, President Bush took various steps towards building a robust ABM system. In late 2004, the US Department of Defense began to position long-range missile interceptors in Alaska and California to address the prospective threat of ICBMs from North Korea, and has more recently implemented various mobile radar and interceptor systems in Japan for the same reason.⁸ In the past year, the US has finalized plans to employ ABM facilities in Central Europe, intended to protect both itself and its European allies from a possible ICBM launch from Iran. This is due to be completed in 2013,

⁶ “U.S. Withdraws from ABM Treaty; Global Response Muted,” *Arms Control Association*, http://www.armscontrol.org/act/2002_07-08/abmjul_aug02 (accessed Jan. 27, 2009).

⁷ Kimball, Daryl G, 2001, “ABM Treaty Withdrawal: Neither Necessary Nor Prudent,” Arms Control Association Press Conference, December 13, http://www.armscontrol.org/act/2002_01-02/pressconjanfeb02 (accessed Jan. 25, 2009).

⁸ Hildreth, Steven A., and Carl Ek, “Long Range Ballistic Missile Defense in Europe,” *Congressional Research Service* (January 2009), <http://fas.org/sgp/crs/weapons/RL34051.pdf> (accessed Feb. 4, 2009) (page 6).

and involves installing up to 10 silo-based interceptors in Poland and an X-band radar in the Czech Republic.⁹

The decision to withdraw from the ABM Treaty and begin construction of ballistic missile defenses in Central Europe has elicited a decidedly negative response from Russia, and has potentially dangerous implications for US-Russian relations. This judgment was short-sighted on the part of former President Bush, and must be critically reassessed and corrected for by the Obama administration. This plan will not only be costly (at an estimated \$4 billion)¹⁰, but it has also served to both undermine the credibility of US efforts to curb the global proliferation of WMD, and to significantly heighten tensions between Russia and the US. Russia considers the prospect of ABM installations being built in nearby Central Europe an imminent threat, and it has prompted comments from Russian officials regarding the potential for a new arms race. For example, in 2007 Russia suspended their commitment to the Conventional Armed Forces in Europe (CFE) Treaty, citing frustrations with US plans to continue with the missile shield. The CFE Treaty limits the number of heavy weapons between the Atlantic and Ural Mountains, which is important to the United States because it ensures security for NATO allies.¹¹ It is likely that Russian would consider reentry into this treaty, should the United States cease construction of the missile shield. President Dmitry Medvedev has already warned that Russia may deploy

⁹ US Department of Defense. Missile Defense Agency, *Proposed U.S. Missile Defense Assets in Europe*, June 15, 2007, <http://www.mda.mil/mdalink/pdf/euroassets.pdf> (accessed Jan. 27, 2009).

¹⁰ Hildreth and Ek, 2.

¹¹ "Russia suspends arms control pact," *BBC News*, <http://news.bbc.co.uk/2/hi/europe/6898690.stm> (accessed Feb. 4, 2009).

Iksander tactical missiles to Kaliningrad, a Russian enclave that borders Poland, unless the US reverses its plan to install ABM facilities in Poland and the Czech Republic.¹²

For what they deliver, such ballistic missile defenses are neither worth the monetary cost nor the potential diplomatic repercussions. Instead, the Obama Administration must employ ‘soft-power’ tactics, and present an incentives-based proposal to Russia that will benefit and appeal to both parties. We propose a multifaceted package deal that decrees:

- The US will guarantee to freeze all existing plans to construct ABM facilities in Central Europe and vow not to initiate any new projects of the same nature in Europe as a whole;
- Russia will use all means necessary to bring Iran into full compliance with IAEA safeguards and inspections;
- Russia and the US will jointly establish restrictions on the types and amounts of nuclear-related materials Russia trades to Iran, to ensure that Russia is not providing Iran with ample supplies to develop nuclear weapons;
- The US will be obligated to reenter a bilateral discussion with Russia regarding the revival or revision of the ABM Treaty, whereby both parties are required to establish a single, mutually satisfactory solution by December of 2010;
- Russia will recommit to the CFE Treaty, which is of paramount concern to the US NATO allies in Europe.

Such an accord will foster discussion, transparency, and accountability on multiple fronts, thereby necessarily improving relations with Russia while simultaneously bolstering US security. Ultimately, a moratorium on all ABM-related construction in Europe will play a crucial role in reducing US-Russian tensions, and Russia’s ability to leverage Iran into greater international

¹² Hildreth and Ek, 2.

compliance could eliminate the original need for a European ABM system altogether. Formally reconciling with Russia on the ABM treaty will promote trust and collaboration, which will have implications for both regional and global stability. Moreover, in the context of this agreement, Russia will not likely resist reentering the CFE Treaty, as its departure was essentially a direct response to stubborn unilateralism on the part of the US.

For a New US Policy towards Iran and Russia

The last eight years in particular have seen a substantial deterioration in relations between the United States and Russia. The drift towards confrontation must be reigned in and diplomatic energies re-applied in order to ameliorate relations between the two countries. Of particular concern here is the aforementioned Central European missile shield that is backed by the US and which is ostensibly necessary in order to deter a nuclear Iran or Iranian based missile strike directed at European allies. In order to diffuse the escalating situation between the US and Russia, the Obama administration should adopt a more diplomatic strategy with regards to Iran. In order to confront the mutual problems posed by nuclear as well as conventional arms in the world today, the Obama administration should revamp, review and discard certain polemical policies that have escalated arms development and overall mistrust over the last eight years. Our proposed changes in policy towards Russia are outlined below.

The Iranian nuclear threat has yet to materialize beyond bellicose rhetoric mainly from the departing US administration, but in order to combat this threat, real or perceived, the Obama

administration needs to embrace a new philosophy towards disarmament. The outright elimination of nuclear weapons should be sought, and steps toward this goal must originate in US foreign policy. In order to promote better relations with Russia, and Eurasia as a whole, the Obama administration needs to reach out to Iran diplomatically, seeking reconciliation between the two countries. Beyond rhetorical guarantees of improved relations, this new strategy would also include a return to the terms of the Nuclear Nonproliferation Treaty, with strict adherence an important requisite of future relations. Russia and China could be asked to help bring Iran back to the negotiating table, and once there the Iranian nuclear program would be more easily monitored and stopped short of weaponization. Most importantly however, by pursuing détente with Iran, the Obama administration would be sending a strong signal to Russia that its plans for a missile shield would no longer be needed if diplomacy is used as opposed to threats. As long as there are diplomatic efforts being employed to reign in the Iranian threat, then the missile shield will become unnecessary and US/Russian relations will improve dramatically.

Pursuing a mutually beneficial agenda with regards to the missile shield is advisable. Other positive steps in the future should include reductions in strategic nuclear weapons levels, accounting and documentation of nuclear weapons, decreasing threat/alert levels and increased transparency. In pursuing an even broader goal of a world free of nuclear weapons, the Obama administration should also work toward agreeing on a Comprehensive Test Ban Treaty, halting the production of fissile material globally, and securing the materials used to manufacture nuclear weapons. If steps like these are pursued alongside an Obama Eurasian policy that negates the need for the missile shield, the chances are much greater for the success of the

nonproliferation movement. International trust and cooperation are necessary, as are measures designed to verify and enforce any new treaties or agreements.

During the early presidential campaign, Obama stated that making the world free of nuclear weapons would be a central tenet of his foreign policy platform. He called for securing, within four years, all nuclear materials in the countries that hold them, and phasing out the high-level enrichment of uranium currently used in the civilian fuel cycle. He also suggested dramatic reductions in US and Russian nuclear stockpiles as a first step towards total disarmament, and even went so far as to propose a global ban on all intermediate-range missiles. Increased funding for IAEA inspections and safeguards, along with a new global nuclear energy infrastructure that would regulate and control the production of fissile materials are concomitant with Obama's vision. Obama should implement the aforementioned moratorium on the missile shield and engage directly with Iran in the short term without preconditions or unrealistic demands. The US, mired in its worst economic collapse in recent memory, simply cannot afford an escalation of tensions with Russia. In order to combat the further proliferation of nuclear weapons and materials, the Obama administration will have to demonstrate patience, temerity and an understanding that the US is not "the country which stands taller than other nations, and therefore sees further" as Madeline Albright has famously stated.

Conclusion

In summary, the Obama administration should operate under a policy that emphasizes cooperation, accountability and transparency. The US should focus more on why there is a

demand for nuclear weapons, and truly rethink the deterrence argument. This is particularly so when considering the Iranian nuclear program, which could be argued is pursuing nuclear weapons in order to have their own deterrent capability. In order to stop the proliferation of nuclear weapons, we therefore need to debunk deterrence theory and find new ways to solve common problems of security. We can start by becoming a leader in nonproliferation talks with Russia in particular. It is in the United States' best interest to pursue bi-lateral treaties with Russia that will ensure future dual nuclear disarmament.

The thoughts generated here are grounded in the premise that US-Russia relations are at a historic low but can be substantially improved with fresh diplomacy and new thinking. Russian policy of the last eight years has been for the most part reactive to belligerent rhetoric espoused by the former Bush administration. Operating from this standpoint, we believe that the Obama administration must capitalize on this moment and truly lead bi-lateral – indeed global – discussions that will decrease the supply of armaments and ensure a world free of nuclear weapons for our posterity.

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Economy and Trade

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Introduction

While the 1990s was a decade of malaise for the Russian economy, the last ten years have generally been a period of amazing boom. Russia is now referred to as one of the BRIC countries, whose combined economies will predictably be, by mid-century, larger than that of the U.S. and Europe. Moreover, the U.S. and Russia currently have an active trading relationship. In 2007 the U.S. exported \$7.4 billion to Russia and imported \$19.4 billion, making Russia the 20th largest export market for the U.S. The U.S. exports primarily machinery, vehicles, poultry, and aircrafts to Russia, importing primarily fuel oil, inorganic chemicals, aluminum, and precious stones from Russia.¹³ Because of its growth and its economic linkage to the U.S., it is important that the U.S. looks to increase economic ties with Russia as America enters an era under new presidential leadership. Yet, there are a number of roadblocks that lie in the way of closer U.S.-Russian economic relations.

The most important issue remains that of Russia's accession to the WTO. Negotiations

¹³ U.S. Department of State. 2008. Russia. Available online at: <http://www.state.gov/r/pa/ei/bgn/3183.htm>, accessed on February 20, 2009.

have continued since the mid-1990's, yet there is still much progress that remains to be made despite a U.S.-Russian bilateral trade agreement having been reached in 2006. Russia remains the second largest violator of Intellectual Property Rights (IPR) in the world. To make matters more complex, Georgia has renewed its vow to block Russia's WTO accession since the brief conflict between the two countries in August 2008. This report recommends the U.S. take an active role in furthering Russia's WTO accession.

Russia also maintains a large degree of state influence in the energy sector and is not at all uncomfortable with using its massive oil and natural gas reserves for political purposes, as evidenced by the recent cut of supply to Ukraine in January 2009. The continual politicization of its energy sector has threatened to derail WTO talks once more. Even though the U.S. does not rely heavily on Russian energy exports, Europe's reliance has the potential to create political discord in the international arena. This paper also argues that the U.S. should take an active role in countering Russia's energy monopolization.

Overall, this report takes the position that the U.S. should do everything it can to support increased economic relations between the U.S. and Russia. Continued support for WTO accession, especially in regards to defusing the Georgia situation, is the most important priority. Most other economic issues, from IPR to corporate governance to sector reform, will follow from advancing the goals of WTO accession. Increased trade will allow the U.S. to benefit from the increasing economic potential of Russia throughout the 21st century, as well as help partially diffuse other political problems that might arise between the former Cold War rivals. The U.S. should also consider what role strategic foreign aid can play in helping smooth economic

relations between the U.S. and Russia.

Overall, the following policy recommendations will be made

- *Begin negotiations with Russia and Georgia on parallel tracks in order for the two parties to come to an accord on the terms of accession*
- *The U.S. should first form a commission tantamount to the United States–China Joint Commission on Commerce and Trade (JCCT) in order to facilitate IPR implementation.*
- *Jackson-Vanik graduation of Russia upon Russian accession to the WTO.*
- *U.S. should encourage Europe to explore alternative sources of energy, moving it away from dependence on Russia, removing potential political conflicts.*
- *the Obama administration should re-submit the U.S.-Russian Civilian Nuclear Commerce and Cooperation Agreement to Congress for approval*
- *the Obama administration should encourage U.S. energy companies to increase investment in natural gas and oil production in Kazakhstan*
- *Target foreign aid specifically to shore up Russia’s social safety net in order to offset the short run losses to households—including transitional unemployment, relocation, and retraining—resulting from economic liberalization for WTO accession*

Russian Accession to the WTO

After sixteen years of negotiating its terms of accession, Russia is still the largest country in the world not yet a member of the WTO. Membership in the WTO is crucial for Russia in ensuring integration into the world economy because more than 95% of world trade is completed

among WTO members.¹⁴ Although much headway has been made in Working Party negotiations, several hang-ups, such as intellectual property rights, energy politicization, and the Georgia conflict, remain. The current global economic crisis has presented additional challenges to accession in the form of protectionist proclivities on the part of the Russian leadership. Bearing all these challenges in mind, it is at this critical juncture that the U.S. should continue to pledge its support for Russia's accession to the WTO.

The key benefit that the United States will derive from Russia's accession to the WTO is that a rigorous, rule-based institution will henceforth bind and prevent Russia from backtracking on its agreements. And unlike its predecessor, GATT, and other international organizations, the WTO has teeth. The WTO Dispute Settlement Body serves as a trade-dispute arbiter in order to resolve disagreements within a legal framework. If Russia, once a WTO member, chooses to not eliminate an illegal subsidy or not comply with a panel ruling, under the Subsidies and Countervailing Measures Agreement and the Understanding on Rules and Procedures Governing the Settlement of Disputes, the United States and other members can implement legally-sanctioned measures in order to offset the trade-distorting effects of a given Russian action.¹⁵

Entrance into the WTO will also serve to lock-in economic reforms in Russia so that successive regimes cannot rollback advances in liberalization made by previous regimes.¹⁶ This lock-in effect will provide stability and continuity to Russia's economic policies. In 2007, U.S.

¹⁴ Åslund, Anders. 2007. "Russia's Accession to the World Trade Organization". *Eurasian Geography and Economics*. 290

¹⁵ See WTO, Agreement On Subsidies and Countermeasures. Esp. Article 19, and Understanding on Rules and Procedures Governing the Settlement of Disputes, Esp. Article 22.

¹⁶ Wegren, Steven K. 2007. "Russian Agriculture and the WTO." *Problems of Post Communism*, 46

FDI in Russia amounted to a mere seven billion dollars—far below its potential level when compared to the 22 billion dollars of U.S. FDI in China.¹⁷ Locking-in WTO reforms will provide predictability and coordination in Russia’s economic governance, which will undoubtedly increase FDI in Russia in the long run. Such an outcome is mutually beneficial for both the U.S. and Russia.

The foremost impediment to Russia’s accession, at this point in time, is Georgia. Following the brief Russian-Georgian war in August 2008, Georgia renewed its pledge to block all meetings the accession Working Party needs to finalize multilateral and bilateral negotiations. Accession will remain in a deadlock unless actions are taken on this issue. The U.S. should, therefore, take the initiative in beginning negotiations with Russia and Georgia on parallel tracks in order for the two parties to come to an accord on the terms of accession. On the Georgia track, the U.S. should collaborate with Georgia in compiling a list of conditions for Russia’s accession. On the Russia track, the U.S. should ask Russia what concessions it would willingly make to Georgia in exchange for accession talks to move forward. During this process, it is crucial that the U.S. act as a third-party mediator and liaison between Georgia and Russia in order to facilitate the give-and-take dynamic necessary to reach an accord. While the compromises needed to complete this process will inevitably take time, such a strategy will be an important step in the right direction for Russia and Georgia because it will allow both parties to define their prerogatives and priorities vis-à-vis one another in terms of the accession process.

¹⁷ Pifer, Steven. 2009. “Reversing the Decline An Agenda for U.S.-Russian Relations in 2009.” 15

The Regional Issues section of this report argues that the U.S. should be wary of acting as mediator between Russia and Georgia. In acknowledgment of this view, this section additionally contends that if, after attempts at mediation, Russia expresses its wish for the U.S to not mediate between itself and Georgia, the U.S. should encourage the U.N. or the EU to act as the main vehicle for resolving Georgia's blockage of WTO accession. Following this transfer, the U.S should still maintain an active role under the auspices of this new vehicle.

Although Georgia is the biggest short run obstacle to Russia's accession, Russia's honoring of Intellectual Property Rights (IPR) is a major long run concern for many members in the accession Working Party, including the U.S. According to a 2008 U.S. Trade Representative report, "the U.S. copyright industries estimate that they lost in excess of \$1.4 billion in 2007 due to copyright piracy in Russia."¹⁸ A lack of IPR legal regulations is not the main source of Russia's poor track record. In fact, Russia has since brought much of its legal regime into compliance with international IPR standards as mandated by its bilateral agreement signed with the U.S. in November 2006. The problem, rather, is a lack of IPR enforcement.¹⁹ According to the same USTR report, "prosecutions and adjudications of IP cases remain sporadic and inadequate."²⁰ This time around, Working Party members are demanding even greater action from Russia in the area of IPR protections after learning its lessons from the Chinese experience, where, despite promises made during the accession process, China remains the number one purveyor of pirated products in the world. Therefore, it is imperative that the U.S. assists Russia

¹⁸ United States Trade Representative. 2008. 2008 Special 301 Report. Washington D.C. 34

¹⁹ Åslund, Anders. 2007. "Russia's Accession to the World Trade Organization". *Eurasian Geography and Economics*. 297

²⁰ Ibid.

in meeting the high expectations for its IPR regime.

In order to assist Russia in conforming to the WTO's Trade-Related Aspects of Intellectual Property Rights (TRIPS) standards, the U.S. should first form a commission tantamount to the United States–China Joint Commission on Commerce and Trade (JCCT) in order to facilitate IPR implementation. The JCCT has been effective in gradually reducing the number of IPR infringements following China's accession by constructing clear annual action plans.²¹ The U.S. should work with Russia to construct similar action plans so that each party will know Russia's yearly goals for IPR enforcement. Equally important is the presence of monitoring mechanisms for IPR enforcement. The United States should continue to conduct "Out-of-Cycle Reviews" of Russia's IPR standards while encouraging other countries to follow suit. In order to strengthen the Out-of-Cycle reviews, the U.S. should implement a "case referral mechanism" directed through the Department of Commerce and increase its U.S. Patent and Trademark Office and State Department staff in piracy hot spots such as Moscow and St. Petersburg.²²

The last hurdle to Russia's accession is the continual politicization of its natural gas flows to Europe. Natural gas has a history as a contentious subject between the EU and Russia. Currently, Europe imports 42% of its natural gas supplies from Russia, and that number has been

²¹ Katz, Sherman & Ocheltree, Matthew. 2006. "Intellectual Property Rights As A Key Obstacle to Russia's WTO accession." Washington, D.C.: Carnegie Endowment for International Peace. http://www.carnegieendowment.org/files/cp73&5fkatz_final.pdf. 27

²² Ibid. 28

projected to reach 84% by 2030.²³ EU interlocutors argue that Russia has proven itself to be an unreliable gas provider after twice suspending the flow of natural gas to Europe through Ukraine in January 2006 and January 2009, due to deep-seated disputes rooted in Ukraine's turn towards the West during and following the "Orange Revolution" of 2004.²⁴ Moreover, the EU contends that—with one-third of the world's natural gas reserves controlled by the Russian state-controlled, gas juggernaut Gazprom—Russia's pricing of natural gas is inflicting economic damage on the EU.²⁵ The EU demanded that Russia end its dual pricing system by unifying its domestic and foreign gas prices until it recently dropped its demand after determining that mandatory dual prices went beyond the requirements of the WTO.²⁶

Energy politicization is an area that the U.S. can take up an active role. On the EU track, the U.S. should encourage Europe to explore alternative sources of energy, some of which are listed below in the energy section of this report. There is evidence the EU is taking an initiative towards this end. In November 2008, EU leaders stressed the importance of "connect[ing] the three post-Soviet Baltic states of Lithuania, Latvia and Estonia to European power grids and to

²³ Cohen, Ariel & Szaszdi, Lajos. 2009. "Russia's Drive for Global Economic Power: A Challenge for the Obama Administration." Washington D.C.: Heritage Foundation. 2

²⁴ Kramer, Andrew. 2009, January 19. Gas Dispute Runs Deeper Than Pipes, Experts Say. *The New York Times*. Accessed online at: http://www.nytimes.com/2009/01/14/world/europe/14gazprom.html?_r=1&scp=4&sq=natural%20gas%20and%20russia&st=cse

²⁵ Economist Intelligence Unit (Great Britain). 2008. Country report: Russia. 26

²⁶ Tarr, David. 2007. "Russian WTO Accession What Has Been Accomplished, What Can Be Expected." Policy research working papers, 4428. Washington D.C.: The World Bank. 9

forge ahead with the so-called "southern gas corridor"...bypassing the world's two biggest gas producers, Russia and Iran."²⁷

On the Russia track, the U.S. should emphasize that using energy as a foreign policy tool does not conform to WTO standards and encourage the introduction of market competition into Russia's natural gas markets. While the prospect of breaking down the political nexus between Gazprom and the Russian government is a chimera in the short run, the U.S. should nonetheless continue to seek a medium run solution by emphasizing the economic gains from introducing market competition for natural gas. A World Bank paper estimates economic gains from market competition at 1.24 billion dollars per year—a hefty and attractive sum for a government with growing annual public debt.²⁸ In addition, the U.S. should emphasize that reducing Gazprom's market power may allow the Russian government to sidestep potentially lengthy accession discussions on the role of non-conforming state-trading enterprises in the final multilateral stages of accession.²⁹

The Jackson-Vanik Amendment

The Jackson-Vanik amendment enacted in 1975 stipulated that the U.S. would not grant normal trade relations (NTR) status to any communist country restricting their citizens' right to

²⁷ Taylor, Ian. 2008, November 13. EU Unveils Energy Plan to Reduce Dependence on Russia. *The Guardian*.

²⁸ Tarr, David G. 2004. "The Merits of Dual Pricing of Russian Natural Gas." *World Economy*. 27 (8), 1174.

²⁹ Members can raise several objections to Russia's state-trading enterprises under GATT 1947, Article XVII.

freedom of immigration.³⁰ Despite the ending of the Cold War, Jackson-Vanik remains active and in order to accord NTR status to former-communist nations, the president must sign a yearly waiver acknowledging that such countries do not restrict the flow of immigration. In practice, the U.S. has accorded Russia with NTR status under the annual full compliance waiver since 1994, so the existence of the amendment does little to limit trade between the U.S. and Russia.³¹ Nevertheless, the Russian leadership objects to the existence of Jackson-Vanik on the grounds that the amendment is an anachronistic Cold War relic that serves as a symbolic impediment to cordial U.S.-Russian relations.

Under the WTO system, the U.S. must accord Russia with Most-Favored Nation (MFN) status upon accession, which would entail the removal of all residual barriers to trade, including Jackson-Vanik. There is, however, an escape clause. Under Article XIII of the WTO agreement (the non-applicability provision), the U.S. can opt to maintain the existence of Jackson-Vanik “prior to the decisions of the General Council to...open the Protocol of Accession for acceptance”.³² Ultimately, Congress will vote to decide whether to graduate Russia from Jackson-Vanik or invoke the non-applicability provision. Most spectators are optimistic that graduation will take place. In May 2008, the U.S. ambassador to Russia said “the Jackson-Vanik amendment would be canceled for Russia only after it joins the WTO.”³³

³⁰ Pregelj, Vladimir N. 2005. “The Jackson-Vanik Amendment: A Survey.” CRS report for Congress, 98-545. Washington, D.C.: Congressional Research Service, Library of Congress. 1

³¹ Cooper, W. H. (2005). “Permanent Normal Trade Relations (PNTR) Status for Russia and U.S.-Russian Economic Ties.” 2

³² World Trade Organization. (2005). Technical Note on The Accession Process. 37.

³³ Bush, Keith. 2009. “Russian Economic Survey January 2009.” Washington, D.C.: U.S.-Russia Business Council.

This commission also advocates Jackson-Vanik graduation upon Russia's accession to the WTO for three reasons. First, Moldova is the only country to which the U.S. applies the non-applicability provision, making it an outlandish WTO practice that would send the wrong message to Russia following years of joint cooperative efforts to make accession a reality.³⁴ Second, if the U.S. invokes the non-applicability provision, it will not have access to the concessions made with Russia as part of the accession agreement. The U.S. would not be bound by WTO agreements in its trade relations with Russia, nor would Russia be bound in its trade relations with the U.S.³⁵ And, most importantly, neither party would have access to the WTO Dispute Settlement Body—one of the main aforementioned benefits of Russian accession to the WTO.³⁶ Third, linking graduation from Jackson-Vanik to WTO accession will provide an additional incentive for the Russian leadership to bring its practices into compliance with WTO standards.

Energy

As the second largest oil exporter following Saudi Arabia and the largest natural gas producer and exporter, Russia has significant influence on its neighboring countries and Western

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³⁴ Tarr, David. 2007. "Russian WTO Accession What Has Been Accomplished, What Can Be Expected." Policy research working papers, 4428. Washington D.C.: The World Bank. 11

³⁵ Cooper, William H. 2006. "The Jackson-Vanik Amendment and Candidate Countries for WTO Accession Issues for Congress." [Washington, D.C.]: Congressional Research Service, Library of Congress. 5-6

³⁶ Pregelj, V. N. 2005. "The Jackson-Vanik Amendment: A Survey." 6

Europe in terms of energy security.³⁷ The Russian energy sector merits special attention in a discussion of Russia's economic and foreign relations for several reasons. First, Russia recently signed the largest ever \$25 billion deal with China to provide 15 million tons—300,000 barrels a day—of oil annually for the next 20 years to China.³⁸ The deal is demonstrative of Russia's effort to diversify its exports away from the West and target emerging markets in Asia, such as China and India. Second, in January 2009, as a result of the Russia-Ukraine gas dispute, eighteen countries ranging from Germany to Moldova had their gas supplies temporarily suspended.³⁹ As the Russian energy sector has been renationalized, supplies of oil and gas have become not only global commodities, but also political tools causing regional instability. Third, although the United States does not rely on an energy supply from Russia, Russia's energy monopoly threatens NATO stability and undermines U.S. interests in central Asia.⁴⁰ This report presents two recommendations: first, the Obama administration should re-submit the U.S.-Russian Civilian Nuclear Commerce and Cooperation Agreement to Congress for approval and, second, the Obama administration should encourage U.S. energy companies to increase investment in natural gas and oil production in Kazakhstan. These recommendations are in line with U.S. interests to strengthen its relations with NATO allies as well as to create large profits for U.S. companies.

³⁷ Energy Information Administration. 2009. Country Analysis Briefs: Russia. <http://www.eia.doe.gov>, accessed February 8, 2009.

³⁸ Financial Post. 2009, February 17. Russia, China sign US\$25B oil loan deal: Reuter <http://www.financialpost.com/money/taxes/story.html?id=1297784>, accessed on February 8, 2009.

³⁹ Reuters, FactBox. (2009, January 7). 18 countries affected by Russia-Ukraine Gas Row.

⁴⁰ Energy Information Administration. 2009, February 18. Official Energy Statistics from the US government. http://www.eia.doe.gov/pub/oil_gas/petroleum/data_publications/company_level_imports/current/import.html, accessed on February 10, 2009.

The Civilian Nuclear Commerce and Cooperation Agreement provides for a regulatory framework for commercial nuclear trade between the U.S. and Russia allowing for a boost to their nuclear trade. In September 2008, former-president George W. Bush withdrew from this Agreement after it had been submitted for Congressional approval.⁴¹ The action was in large part a protest to Russia's invasion of Georgia. This report contends that withdrawing from the CNCC agreement was a mistake because it has the potential to help open up the booming U.S. nuclear market, provide green-collar jobs, and help revitalize the bilateral trade between U.S. and Russia. A commercial nuclear cooperation will relieve political tensions between the two countries and facilitate the research and development of civilian nuclear reactors that can be exported to many developing countries that are competing for scarce global oil resources.

The Obama Administration should additionally encourage US energy companies to increase foreign direct investment in Kazakhstan, a nearby country, with more liberal foreign investment policies than Russia. Kazakhstan—as the holder of the Caspian Sea region's largest recoverable crude oil reserves—is currently contributing over half of the total regional production, amounting to roughly 2.8 million barrels per day (bbl/d), which is substantially more than regional oil producers Azerbaijan, Uzbekistan, and Turkmenistan. Moreover, according to several studies, the oil production in Kazakhstan will more than double to 3,600,00 barrels a day

⁴¹ America.gov. 2008, September 08. White House Withdraws Russian Nuclear Agreement from Congress. http://www.america.gov/st/peacesec-english/2008/September/20080908175454i_dybeekcm0.6636316.html, accessed on February 15, 2009.

by 2020, with potentially more than 80% of production being exported.⁴² Kazakhstan oil exports play a crucial role in the country's economy, which have ensured an average real GDP growth above 9 percent for the last 6 years.⁴³ An increase of oil and gas production in Kazakhstan will provide an alternative source of supply to countries in the region, thereby reducing the leverage of Russia's energy clout in the region. Currently, Chevron has less than 20% ownership vested in Kazakhstan's CPC pipelines, which is one of the country's most important oil pipelines.⁴⁴ However, Chevron is competing with China National Petroleum Corporation (CNPC), who owns a much larger stake in Kazakhstan's oil and has been investing there since 1997.⁴⁵

There are several channels through which the U.S. can increase its energy investment in Kazakhstan. An increase of state financial aid in terms of lowering corporate taxes, providing credits for US energy companies or loans for research and development in oil and gas exploration would facilitate investment in Kazakhstan. These policies would also encourage energy companies to increase their employment of engineers and construction workers to export technology to emerging markets, potentially generating billions of dollars. Consequently these policies will diversify the energy supply to the Western Europe and Asia and revitalize the U.S. domestic economy.

⁴² Kalicki, Jan H., & Goldwyn, David L. 2005. *Energy and security: Toward a New Foreign Policy Strategy*. Washington, D.C.: Woodrow Wilson Center Press.

⁴³ Energy Information Administration. 2007. Country analysis, Kazakhstan. <http://www.eia.doe.gov/cabs/Kazakhstan/Background.html>, accessed on February 16, 2009.

⁴⁴ Chevron. 2008, July. Kazakhstan: Expanding Robust Operations While Promoting Progress. <http://www.chevron.com/countries/kazakhstan>, accessed on February 3, 2009.

⁴⁵ Xinhua News. 2008, April 9. Kazakhstan Vows to Further Energy Co-op. http://news.xinhuanet.com/english/2008-04/09/content_7949757.htm, accessed on February 10, 2009.

Foreign Aid

Foreign aid from the U.S. to Russia deserves a quick reference because of its controversial nature over the past few decades. Since the fall of the Soviet Union, the U.S. has given nearly \$16 billion in aid to Russia.⁴⁶ However, the per annum amount has decreased substantially in recent years compared to the early nineties. The total budget in 2008 was roughly \$77 million.⁴⁷ This money has been spent on a variety of different issues from humanitarian assistance to mortgage lending to cooperative threat reduction. One prominent controversy over foreign aid has arisen because of the questionable policy of providing handouts to a country that is, at times, hostile towards U.S. interests, the most recent example that reinvigorated the debate being the 2008 Georgian incident.

This report takes the stance that foreign aid to Russia should be continued, but in a more strategic fashion to further previously recommended policies in the sections above. One of the main reasons why foreign aid was cut back for Russia in recent years was the poorly defined strategy of USAID in determining how to spend funds. Factors such as the Harvard Institute for International Development aid scandal⁴⁸ and ineffective aid for democracy building left many observers skeptical about U.S. financial assistance in Russia as well, particularly during the 1990s. This paper recommends that foreign aid be targeted specifically to shore up Russia's

⁴⁶ Lecture. Professor Robert Huber. 01/22/2009

⁴⁷ USAID-Russia. 2008. <http://russia.usaid.gov/>, accessed February 15, 2009.

⁴⁸ According to Goldgeier and McFaul (2003), The Harvard Institute for International Development scandal was a major blow to U.S. aid efforts because the agency's director and one of the chief economic advisors to the Russian government were caught misusing government funds to acquire profits for family members and friends.

social safety net in order to offset the short run losses to households—including transitional unemployment, relocation, and retraining—resulting from economic liberalization for WTO accession, especially given the deteriorating economic climate in Russia.⁴⁹ By routing aid to shore up Russia’s social safety net, perhaps the U.S. can retroactively redeem itself for the lack of social services aid provided in the wake of the 1998 Russian economic crisis. As Goldgeiger and McFaul put it, aid “aimed at assisting Russia’s most needy would have done wonders to change Russian attitudes about Western aid”⁵⁰ after the crisis, and now the U.S. has a chance to send a powerful, symbolic message to Russia once more by providing for Russia’s poor and unemployed through aid targeted at the social safety net.

While President Obama and the Congress will likely encounter significant resistance to Russian aid given the dire needs of the U.S. domestic economy in the current economic crisis, this report contends that both parties must make the case to the American people that this aid is being carefully targeted in order to offset short term losses from and speed up the process for Russia’s accession to the WTO. In the end, as stated above, Russia’s accession will be mutually beneficial for American consumers and businesses as well as the Russian economy. Moreover, if the U.S. delivers aid at this important juncture, Russia will have less incentive to commit protectionist actions, which threaten its accession to the WTO, such as its recent hike in the tariff

⁴⁹ Rutherford, Thomas. & Tarr, David. 2005. “Russia’s WTO Accession: What Are the Macroeconomic, Sector, Labor Market and Household Effects?”. Washington D.C.: The World Bank. 2

⁵⁰ Goldgeiger, James M., and Michael McFaul. 2003. *Power and Purpose: U.S. Policy Toward Russia after the Cold War*. Washington, D.C.: Brookings Institution Press. 346

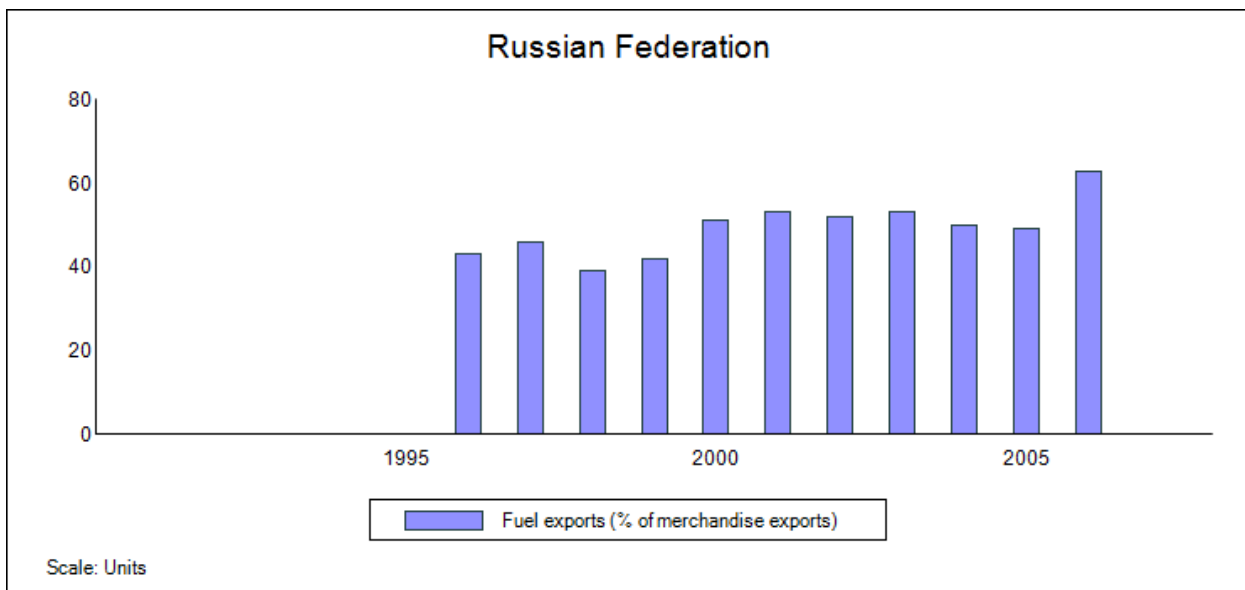
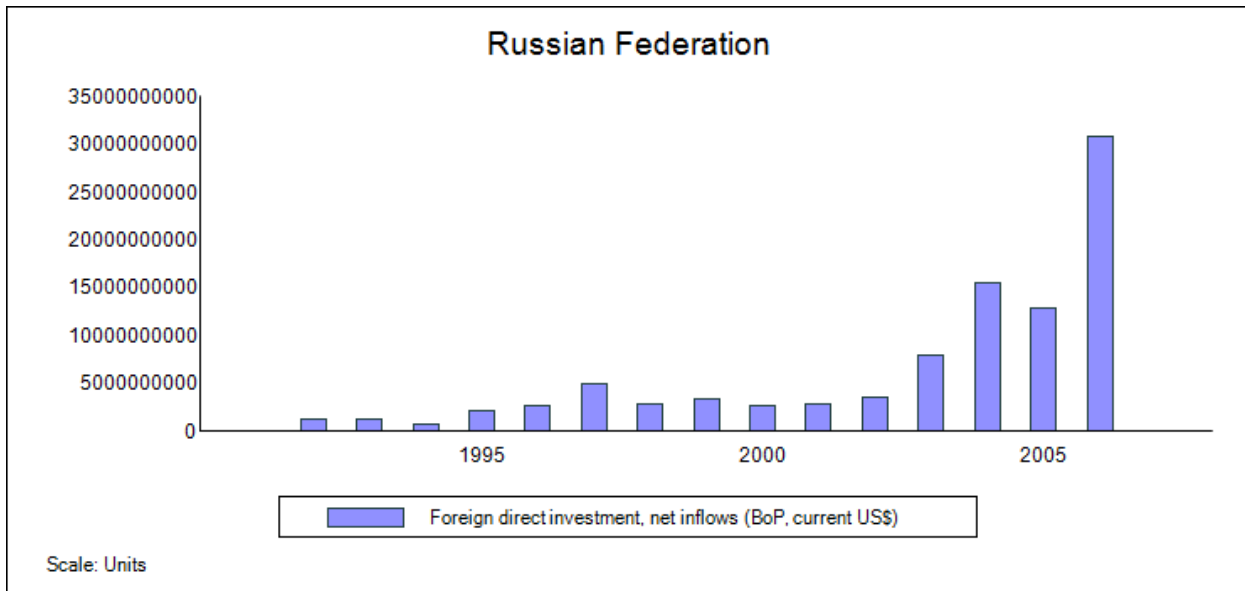
rates on automobiles to protect its fledgling auto industry⁵¹, because the U.S. will have provided aid to help protect the Russian unemployed.

Conclusion

This reports supports that the US should pursue further economic integration between the US and Russia. The most important aspect of this process is WTO accession for Russia, which is currently stalled. The U.S. needs to take a proactive role in arbitration between Russia and Georgia in order to expedite an accord. In addition, the U.S. needs to pay careful attention to Russia's IPR violations, taking note of the lessons from the Chinese example. On the energy side, the U.S. needs to encourage energy diversification in the region by increasing investment in Kazakhstan due to their large oil reserves and more favorable foreign investment regulations. The U.S. should also resubmit the U.S.-Russian Civilian Nuclear Commerce and Cooperation Agreement for Congressional approval in order to increase U.S.-Russian nuclear trade cooperation. Finally, the U.S. should explore what opportunities exist to use foreign aid as a tool to grease the wheels of these negotiations processes and increase the Russian social safety net, being wary to learn from past mistakes of aid giving in Russia during the 1990s.

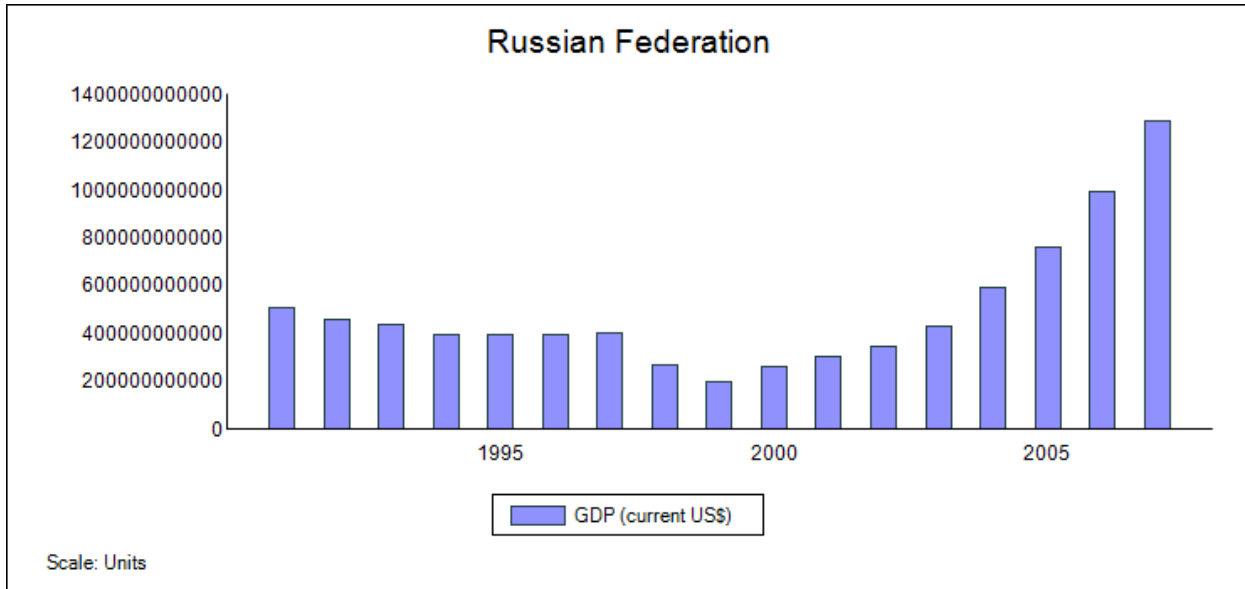
Appendix

⁵¹ Schwirtz, Michael & Levy, Clifford. 2009, February 9. As Economy Sinks, Russians Stage Protests Against the Kremlin. *The New York Times*.
<http://query.nytimes.com/gst/fullpage.html?res=9C04E0D8123AF932A35751C0A96F9C8B63>, accessed on February 10, 2009.



Report of the Commission on United States Relations with Russia

2009



U.S. Merchandise Trade With Russia, 1992-2007 (In Billions of Dollars)

Year	U.S. Exports	U.S. Imports	U.S. Trade Balances	Year	U.S. Exports	U.S. Imports	U.S. Trade Balances
1992	2.1	0.5	1.6	2000	2.1	7.7	-5.6
1993	3.0	1.7	1.3	2001	2.7	6.3	-3.5
1994	2.6	3.2	-0.6	2002	2.4	6.8	-4.4
1995	2.8	4.0	-1.2	2003	2.4	8.6	-6.2
1996	3.3	3.6	-0.3	2004	3.0	11.9	-8.9
1997	3.4	4.3	-0.9	2005	3.9	15.3	-11.3
1998	3.6	5.7	-2.1	2006	4.7	19.8	-15.1
1999	2.1	5.9	-3.8	2007	7.4	19.4	-12.0

Major U.S. exports: machinery; vehicles; meat; aircraft. Major U.S. imports: mineral fuels; inorganic chemicals aluminum; steel.

Source: Cooper, W. H. (2008). Russia's Economic Performance and Policies and Their Implications for the United States. CRS report for Congress, RL34512. [Washington, D.C.]:

Congressional Research Service. <http://www.fas.org/sgp/crs/row/RL34512.pdf>.

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Human Rights

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Introduction

The Obama administration today inherits many human rights concerns involving Russia from the previous administration. The Bush administration tended to approach foreign policy within Russia, not as an end in itself, but as a card in international policy games, which proved convoluted at times. There has been a greater US interest in using Russian foreign policy to achieve international aims, than true changes within the Russian Federation. The US policy on Russian human rights lacks consistency as the US has pressured for the humane treatment of dissidents, while at other times allowed Russia to use harsh treatment under the guise of “combating terrorism”.⁵² Thus, over the last eight years Russia has increasingly been allowed by the White House to pursue its human rights policy as it has deemed fit.⁵³ While cooperation with Russia for the goal of international security remains important, the time has come for US policy on Russian human rights to focus on compliance with international human rights standards, while striving for other objectives.

⁵² Pifer, Steven. "Reversing the Decline: An Agenda for U.S. - Russian Relations in 2009." *Foreign Policy at Brookings*. Brookings Institute.
http://www.brookings.edu/~media/Files/rc/papers/2009/01_us_russia_relations_pifer/01_us_russia_relations_pifer.pdf. pg 13.

⁵³ Goldgeiger, James M., and Michael McFaul. *Power and Purpose: US Foreign Policy Toward Russia After the Cold War*. Washington D.C: Brookings Institution Press, 2003. pg. 317.

The beginning of the Obama administration presents an opportunity for American foreign policy on human rights in Russia to be re-designed. The unilateral attempts in the past by the US to pressure Russia in the field of human rights have largely proven futile.⁵⁴ Russia still identifies with its past status as an international superpower, thus resenting any semblance of outside meddling in its internal affairs.⁵⁵ In order to achieve change in Russia's human rights practices, the US must create a relationship with Russia that will cause Russia to weight its actions against their potential impact on this relationship.⁵⁶ Improving relations with Moscow and assistance with conformity to international human rights standards within Russia will require financial commitments. With this in consideration, the US is currently unable to singularly finance human rights promotion in Russia, which necessitates a new approach. The US should encourage human rights reform within Russia from an international platform.⁵⁷ An international approach will not only diversify strategies used to promote human rights, but will strengthen Russia's connection to the international community, and thus international norms on human rights.⁵⁸

In particular, the United States should pursue the four following general policies.

- *A multilateral approach to dealing with Russian human rights violations as well as developing a relationship with Russia that Russia cannot refuse to maintain.*
- *The Obama administration must be consistent with US-Russian foreign policy and regain lost credibility from its own human rights violations.*

⁵⁴ Pifer, 13.

⁵⁵ Ibid. 16.

⁵⁶ Ibid. 13.

⁵⁷ Ibid. 13.

⁵⁸ Ibid. 9.

- *The Obama administration should reiterate that though the US appreciates Russian cooperation with the War on Terror, but disapproves of the human rights abuses that have occurred as a direct result of the dismantling of democratic checks and balances. The Obama administration should suggest that if the 2006 NGO Law is amended and/or repealed to coincide with international codes then the US would increase its support on the issue of Russian WTO accession.*
- *The Obama administration should push the graduation of Russia from the Jackson-Vanik amendment if Russia amends the NGO law to coincide with international codes, and ensure that all religious organizations have equal freedoms. In addition, the US should encourage the creation of a national monitoring body to ensure religious freedoms are applied equally.*

Human Rights Abuses in Chechnya

In 1999, the Second Chechen War erupted with a military invasion by Moscow into Chechnya and the reclamation of the separatist region from the Chechen rebels. The onslaught of the Second War was a response to the Russian apartment bombings, which Russia blamed on Chechen separatists.⁵⁹ The military campaign has reversed the accomplishments accrued at the end of the First War with the retraction of the de facto independence gained by the Chechen Republic.⁶⁰ Violence in the region, initially marked by large-scale fighting quickly escalated to guerilla warfare and bombings targeting federal troops, forces of the regional government,

⁵⁹ "Justice for Chechnya: The European Court of Human Rights Rules against Russia." *Human Rights Watch* (2007): 1-20. pg 3

⁶⁰ "Justice for Chechnya: The European Court of Human Rights Rules against Russia." *Human Rights Watch* (2007): 1-20. pg 3.

civilians, and innocent bystanders in adjacent regions.⁶¹ The violence has resulted in serious human rights abuses including disappearances, abductions, tortures, killings, arbitrary detention, ill-treatment in prison colonies, and racist attacks.⁶²

While the armed conflict has come to a stand-still, and the political situation has, to some degree, stabilized, reconstruction is far from complete and the mass human rights abuses perpetrated have yet to be confronted.⁶³ The Bush Administration approached human rights issues with laxity and inattention, resulting in the erosion of the credibility and effectiveness of the US in combating these abuses.⁶⁴ It is of paramount necessity that the Obama Administration reverses the damage of the Bush Administration by restoring faith in the U.S. government's ability to make decisions and hold offenders responsible for human rights abuse. This objective should focus primarily on ensuring that United States counterterrorism efforts comply with international human rights and humanitarian law, rejoining the international human rights community, and establishing human rights as a central pillar of US foreign policy.⁶⁵

In order to influence the internal policies of Russia, the Obama Administration is advised to aid Russia in creating a multilateral relationship with the following international communities and entities: NATO, EU, OSCE, OECD, WTO, and the United States.

⁶¹ Amnesty International USA. "2006 Annual Report for Russian Federation." *Amnesty International USA*.
<http://www.amnestyusa.org/annualreport.php?id=ar&yr=2006&c=RUS>.

⁶² Ibid.

⁶³ Pifer, Steven. "Reversing the Decline: An Agenda for U.S. - Russian Relations in 2009." *Foreign Policy at Brookings*. Brookings Institute.
http://www.brookings.edu/~media/Files/rc/papers/2009/01_us_russia_relations_pifer/01_us_russia_relations_pifer.pdf. pg 16.

⁶⁴ "Bush-Putin Summit: Human Rights and U.S.-Russia Relations." *Human Rights Watch* (2001): 1.
<http://www.hrw.org/en/news/2001/06/07/bush-putin-summit-human-rights-and-us-russia-relations>

⁶⁵ Ibid.

NATO

- Since the fall of the Soviet Union in 1991, Russia has continued to perceive the actions and presence of NATO in the Far East as a threat to their national security and status as a regional power.⁶⁶ Russian integration with NATO would potentially allow for NATO, and thus international human rights norms, to become involved in Chechen peacekeeping efforts and stability campaigns. Such a proposed collaboration occurred in Yugoslavia in the 1990s, which allowed for Russia to feel that it was an important partner in the NATO community, while retaining its sense of control in the Near Abroad.⁶⁷ Incorporating Russia in devising a security solution for the protection of trade from current Somali Pirate attacks can be a starting point for a renewed positive relationship between NATO and Russia.

EU

- A partnership between the EU and Russia is vital due to the current inability of the U.S. to finance reconstruction and political stabilization in Chechnya. The Obama administration should maximize on the reality that as Russia's largest trading partner, the EU has optimal leverage with Russia in terms of applying pressure to encourage it to conform to specific human rights criteria.⁶⁸ The Administration should perpetuate this leverage point by encouraging increased trade, cooperation and partnerships between the EU and Russia. As a start, the Russia and the EU have initiated a partnership that has called for increased relations in encouraging economic justice, freedom, security, HIV/AIDS, and regional conflict.⁶⁹ Since there is currently an open dialogue concerning regional conflict between the EU and Russia, the opportunity exists to further European involvement in Chechnya and to help find a solution for the present human rights abuses; all while promoting consistency and an ethical means for Russia to employ in its Chechen policy.

OSCE (Organization for Security and Cooperation in Europe)

⁶⁶ Ibid. 26.

⁶⁷ NATO. "NATO and Russia: Partners in Peacekeeping." <http://www.nato.int/docu/presskit/010219/brocheng.pdf>.

⁶⁸ European Union. "Bilateral Trade Relations: Russia." *Trade Issues*.
http://ec.europa.eu/trade/issues/bilateral/countries/russia/index_en.htm.

⁶⁹ Legvold, Robert, ed. *Russian Foreign Policy in the 21st Century and The Shadow of the Past*. New York: Columbia University Press, 2007. pg. 430.

- The OSCE is vital to promotion of peace in the Chechen region because of its function as a regulatory body that supports the creation of mechanisms guaranteeing the rule of law, public safety, and law and order. The close relationship with the EU provides the OSCE with political legitimacy and more accessibility to the Chechen region.⁷⁰
- The US should encourage the Russian Federation to allow reentrance of the OSCE Assistant Group into the Chechen region to resume investigation of human rights abuses. The Group was launched in 1995 to promote respect for human rights and fundamental freedoms, but was unable to maintain a consistent presence in the Chechen region due to continually deteriorating conditions. In 2003 the Assistant Group was completely closed down by Moscow for reasons not disclosed.⁷¹
- Prior to the beginning of the Russian-Georgian conflict in August 2008, the OSCE provided unarmed monitoring along the Russian-Georgian border. The OSCE's Georgian border missions began in 1999 when Moscow charged that armed Chechen fighters were traveling back and forth across the border with Georgia.⁷² It is advised that Russia establish an additional extension to the consensus reached by the OSCE decision-making body, the Participants to the Permanent Council for the Organization for Security and Cooperation in Europe, until June 30, 2014. An extended time frame will allow for more progress on reconstructing the Chechen region and stabilizing the political situation. These accomplishments are precursors that must be in place before ending the border monitoring mission. Once these precursors are in place, the need for border monitoring and Russia's concern over the movement of armed Chechen fighters across the border should be substantially alleviated. With this point of concern lessened, Russian resources can be directed toward monitoring the ethical nature of its troop's actions within the Chechen region.

OECD (Organization for Economic Cooperation and Development)

- The mission of the OECD is to support members in creating sustainable economic growth, increasing living standards, establishing financial stability, and creating economic development.⁷³ Russia has expressed interest in joining this group and in 2007 was invited into open discussion on membership.⁷⁴ As an established member of the OECD,

⁷⁰ European Union. "The European Commission's Delegation to the International Organizations in Vienna." *Europa*. http://www.delvie.ec.europa.eu/en/eu_osce/overview.htm.

⁷¹ OSCE. "The OSCE Assistance Group to Chechnya." <http://www.osce.org/item/15721.html>.

⁷² Eggleston, Roland. "Russia/Georgia: Moscow Vetoes OSCE Border-Monitoring Mission." *Radio Free Europe Radio Liberty*. RFERL. <http://www.rferl.org/content/article/1056632.html>.

⁷³ *Organization for Economic Co-operation and Development*. Organization for Economic Co-operation and Development. http://www.oecd.org/pages/0,3417,en_36734052_36761800_1_1_1_1_1,00.html.

⁷⁴ Pifer, Steven. "Reversing the Decline: An Agenda for U.S. - Russian Relations in 2009." *Foreign Policy at Brookings*. Brookings Institute. http://www.brookings.edu/~media/Files/rc/papers/2009/01_us_russia_relations_pifer/01_us_russia_relations_pifer.pdf. pg 19.

the US can assist Russia in gaining membership and through this can aid Russia in addressing the underlying causes of Chechen instability.

WTO

- Russia has long desired WTO membership and as a core member of the organization, the US has the ability to facilitate Russian accession.⁷⁵ WTO membership would aid Russian economic stability and increase profitable trade opportunities for all Russian regions, as well as create goodwill for the relationship between the US and Russia. With increased trade throughout Russia, a primary factor of instability in Chechnya, poverty, can hopefully be alleviated.⁷⁶

US

- It is of primary importance to create a relationship between Russia and the US. Russia believes the US to be contradictory and ever changing in its human rights policy; and thus the Obama Administration must ensure that its human rights policies concerning Russia coincide with its policies for other nations around the world.⁷⁷ If the US requests that Russia adhere to its own and international human rights sentiments, the US should pacify current Russian concerns about human rights. An example of this is the Russian apprehension for the human rights for Russian speakers in Latvia and Estonia.⁷⁸ To foster a base for a human rights consensus between the US and Russia, the US should pressure the EU to pay attention to this particular issue. In essence, this will allow the US and Russia to meet “in the middle” creating a positive foundation for negotiations and increased relations.
- Russia’s focus on its economic health over its human rights record has been a pattern of past Russian policy.⁷⁹ The Russian economy has been hard hit by the worldwide economic down turn, especially in the decrease of oil and gas prices, it is essential that the US relationship with Russia focus on bolstering the Russian economy. Economic stability is currently at the forefront of Russian concerns. Along with increased

⁷⁵ Legvold, Robert, ed. *Russian Foreign Policy in the 21st Century and The Shadow of the Past*. New York: Columbia University Press, 2007. pg. 430.

⁷⁶ Hill, Fiona, Anatol Lieven, and Tomas de Waal. "A Spreading Danger: Time for a New Policy Toward Chechnya." *Carnegie Endowment for International Peace*.
<https://wp32.webpine.washington.edu/pub/getach.tcl/PB35.lieven.FINAL.pdf?h=Lz5yCkYkZSt1QywnZBtv4pdAEuhDsxwEV43N5rGXUc0a1ry4444RhvRKvcM12IAJ>. pg. 2.

⁷⁷ Ibid. 28.

⁷⁸ Legvold, Robert, ed. *Russian Foreign Policy in the 21st Century and The Shadow of the Past*. New York: Columbia University Press, 2007. pg. 432.

⁷⁹ Pifer, Steven. "Reversing the Decline: An Agenda for U.S. - Russian Relations in 2009." *Foreign Policy at Brookings*. Brookings Institute.
http://www.brookings.edu/~media/Files/rc/papers/2009/01_us_russia_relations_pifer/01_us_russia_relations_pifer.pdf. pg 16.

international trade, WTO membership, and EU integration, Russia is unfulfilled by the current status of US-Russia trade relations. Russia has long felt that the US has treated it unfairly with the continuance of the Jackson-Vanik agreement and this has been a thorn in the two nation's relationship.⁸⁰ In the 1990s Russia fulfilled the stipulations of the agreement by allowing emigration, but has yet to be freed from the constraints.⁸¹ It is advisable that the US continue to recognize the Jackson-Vanik amendment until WTO membership is confirmed. This will provide the US leverage with Russia in terms of adherence to human rights conditions within Chechnya.

- Russia has long desired expanded nuclear cooperation with the US and by allowing this the US can promote goodwill and leverage in Russian human rights.⁸² The 123 agreement specifies that the US will allow Russia, through RosAtom, to process spent nuclear fuel that is of US origin.⁸³ This agreement was introduced to Congress in 2008, but was dismissed due to the recent Russian efforts in Georgia. The US should reintroduce this agreement upon the next opportunity and with congressional approval; the US will have the ability to individually approve every transfer of spent US nuclear fuel to Russia from a third party country. Additionally, the transfers should be contingent on Russian cooperation with international standards of human rights, enabling the US to monitor Russian compliance to such norms within Chechnya.

Political Solutions

- The Chechen crisis has been used by Putin to stir nationalism at home, which Russian people have largely bought into.⁸⁴ Thus any solution to the Chechen conflict must incorporate Putin and allow him to maintain legitimacy of rule. The US needs to convince Putin that using the Chechen conflict to stir nationalist sentiments is ultimately self-defeating, as it precludes the solution of integration of Chechen rebels into the motherland. In addition, the US needs to focus on cooperation with Russia's new president Medvedev, and thus be able to benefit from his pro-Western political stance.⁸⁵

⁸⁰ Ibid 25.

⁸¹ Pifer, Steven. "Reversing the Decline: An Agenda for U.S. - Russian Relations in 2009." *Foreign Policy at Brookings*. Brookings Institute.

http://www.brookings.edu/~media/Files/rc/papers/2009/01_us_russia_relations_pifer/01_us_russia_relations_pifer.pdf. pg 25.

⁸² Ibid. pg 10.

⁸³ Ibid. 24; Atom Nergo Prom. *Rosatom State Nuclear Power Corporation*. Rosatom State Nuclear Power Corporation. <http://www.atomenergoprom.ru/en/corp/rosatom/>.

⁸⁴ Goldgeiger, James M., and Michael McFaul. *Power and Purpose: US Foreign Policy Toward Russia After the Cold War*. Washington D.C: Brookings Institution Press, 2003. pg. 348.

⁸⁵ Dannreuther, Ronald, and Luke March. "Chechnya: Has Moscow Won?" *Survival* 50, no. 4 (2008): 97-112. http://pdfserve.informaworld.com.offcampus.lib.washington.edu/324464_731447148_901427191.pdf . pg 13.

- The Russian identity needs to be redefined to include Chechnya. Part of this issue can be addressed through a G8 Working Group for peace.⁸⁶ Such a group can work with the political situation in Chechnya and help blend the interests of both Russia and the Chechens in the region.⁸⁷ This will counter nationalism and deal with the identity issue that precludes Chechen's from feeling they have a stake in their political destiny under Russian rule.
- The establishment of political legitimacy in Chechnya must be a priority of the US and the international community. The current Chechen president Ramzan Kadyrov has been able to tie rebel forces into his legitimacy, which has contributed to an extension of power and a somewhat united Chechen front for Moscow to negotiate with.⁸⁸ There is a need for free and fair elections that are politically independent from Moscow. The OSCE should provide election monitors to ensure that the election is fair and legitimate. In accordance with the election and arrival of a new president, it is imperative that the Chechen government writes a new constitution. While the political process launched by Moscow in 2003 consisted of a new constitution, amnesty, and the election of a new president, the results were not satisfactory. The constitution, which was written in Moscow, was adopted through a highly controversial referendum and declared Chechnya a secular state and an inalienable part of the Russian Federation.⁸⁹ In harmony with the election, a new constitution must be written on Chechnya's own terms and under its leadership, thus ensuring adherence to it in the future.
- There is a major absence of human rights advocates and NGOs in the Chechen region due to severe regulations enacted by the Russian government. The US needs to pressure the Russian government to repeal the 2006 NGO Law which gave the Russian government the ability to intervene in the activities of NGOs, selectively implement laws and regulations. The Russian Chechen Friendship Society (RFCFS) is the primary NGO that monitors situations concerning human rights in Chechnya, but was closed down due to allegations of promoting terrorism.⁹⁰ This NGO is essential to increase transparency in regards to human rights violations within Chechnya. In accordance with the removal of the 2006 NGO Law, the RFCFS needs to regain permission to participate in international human rights consortiums.⁹¹

⁸⁶ Hill, Fiona, Anatol Lieven, and Tomas de Waal. "A Spreading Danger: Time for a New Policy Toward Chechnya." *Carnegie Endowment for International Peace*.
<https://wp32.webpine.washington.edu/pub/getach.tcl/PB35.lieven.FINAL.pdf?h=Lz5yCkYkZSt1QywnZBtv4pdAEuhDsxwEV43N5rGXUc0a1ry4444RhvRKvcM12IAJ>. pg. 7.

⁸⁷ Ibid.

⁸⁸ Dannreuther, 3.

⁸⁹ Wilhelmssen, Julie. "Between a Rock and a Hard Place: The Islamisation of the Chechen Separatist Movement." *Europe-Asia Studies* 57, no. 1 (2005): 34-59. <http://www.jstor.org/pss/30043851>. p 51.

⁹⁰ Eggleston, Roland. "Russia/Georgia: Moscow Vetoes OSCE Border-Monitoring Mission." *Radio Free Europe Radio Liberty*. RFERL. <http://www.rferl.org/content/article/1056632.html>.

⁹¹ Ibid.

- The implementation of EU Court of Human Rights rulings on Russian military atrocities in Chechnya requires the attention of the EU and the US. The court's judgments provide a platform for the EU to engage with Russia to make the necessary changes in policy and practice in order for Russia to completely comply with the court's rulings.⁹² The EU should use the continued acknowledgement of the Partnership and Cooperation Agreement, which outlines the trade relationship between the EU and Russia, as a stipulation for Chechnya conforming to human rights laws. The US, likewise, should insist upon the creation of a Human Rights Investigation Commission, spearheaded by the EU Court of Human Rights, to carry out meaningful investigations in the region and prosecute the perpetrators of the crimes. A thorough investigation will only be achieved with full and unrestricted access to the region.
- As accession to Russian sensibilities, the US and the international community should establish a parallel commission to investigate alleged atrocities committed by Chechen rebels.

Terrorism

- In 1999 Chechen's invaded Dagestan with the aim of establishing an Islamic state in the North Caucasus. The Second Chechen war was a direct response to this act and to the September 1999 explosions in Moscow, which gained the war the label of an anti-terrorist operation.⁹³
- While US-Russian coordination in the pursuit of the suppression of international terrorism is important, the Obama administration needs to establish the precedence that international human rights norms must be maintained in all anti-terrorist operations in Chechnya.
- The Muslim world has long supported Russian sovereignty over Chechnya and holds the potential to influence to Islamic Chechen rebels for alleviation of tensions.⁹⁴
- Radical Chechen warlords in alliance with international Islamist forces and uncompromising Russian policies have worked together to trap the Chechen moderates in the separatist movement.⁹⁵ The US needs to promote dialogue between the Russian government and Kadyrov to prevent the further tilting of balance of power between moderates and radicals within the republic.⁹⁶ There needs to be separation between

⁹² "EU-Russia Human Rights Consultations Human Rights Watch Recommendations 2008." *Human Rights Watch* (2008): 1-14. <http://www.hrw.org>. pg 7.

⁹³ Wilhelmsen, Julie. "Between a Rock and a Hard Place: The Islamisation of the Chechen Separatist Movement." *Europe-Asia Studies* 57, no. 1 (2005): 34-59. <http://www.jstor.org/pss/30043851>. pg 36.

⁹⁴ Goldgeiger, James M., and Michael McFaul. *Power and Purpose: US Foreign Policy Toward Russia After the Cold War*. Washington D.C: Brookings Institution Press, 2003. pg. 350.

⁹⁵ Wilhelmsen, Julie. "Between a Rock and a Hard Place: The Islamisation of the Chechen Separatist Movement." *Europe-Asia Studies* 57, no. 1 (2005): 34-59. <http://www.jstor.org/pss/30043851>. pg 35.

⁹⁶ *Ibid.* 52.

warlords and Islamic radicals, along with reconfiguration of Russian policy to allow the moderate forces in Chechnya to prevail.

- Moderates in the Muslim world can play an important role in using familiarity with Islamic ideology to promote support for the moderate movement in Chechnya. Additionally, the Muslim world can work to reinforce Muslim identity within Russia and thus fundamentally undercut the radical separatist movement that Russia will not tolerate.

Reconstruction

- Rebuilding efforts in Chechnya are vital to ensuring that terrorism loses its appeal among the populace.⁹⁷ Likewise infrastructure rebuilding will remedy other socioeconomic problems that are causing instability in Chechnya. Before the current international economic downturn, Russia was using money from oil and gas to fund its reconstruction, but now is in need of alternative sources of funding.⁹⁸ The IMF, World Bank and EU Bank for Development are most capable of providing the needed funds due to their international constituency.
- The EU has a particular interest in seeing that Chechnya is rebuilt, as they are currently dealing with an influx of Chechen refugees. Estimates from 2008 put the Chechen refugee population in European countries at 350,000 to 400,000 and rising.⁹⁹ Reconstruction will allow for refugees to leave the dangerous camps where they face constant harassment from Russian forces in pursuit of rebel factions. The international community needs to comprehensively address the refugee crisis, realizing that the return of refugees to Chechnya is dependent on the reconstruction of basic infrastructure and a feeling of safety in their homeland.¹⁰⁰

⁹⁷ Hill, Fiona, Anatol Lieven, and Tomas de Waal. "A Spreading Danger: Time for a New Policy Toward Chechnya." *Carnegie Endowment for International Peace*.
<https://wp32.webpine.washington.edu/pub/getach.tcl/PB35.lieven.FINAL.pdf?h=Lz5yCkYkZSt1QywnZBtv4pdAEuhDsxwEV43N5rGXUc0a1ry4444RhvRKvcM12IAJ>. pg. 3.

⁹⁸ Dannreuther, Ronald, and Luke March. "Chechnya: Has Moscow Won?" *Survival* 50, no. 4 (2008): 97- 112.
http://pdfserve.informaworld.com.offcampus.lib.washington.edu/324464_731447148_901427191.pdf.pg 7.

Legvold, Robert, ed. *Russian Foreign Policy in the 21st Century and The Shadow of the Past*. New York: Columbia University Press, 2007. pg. 9.

⁹⁹ Central and Eastern European Online Library. "Sarmatian Review Data." www.ceeol.com.

¹⁰⁰ Chivers, C J. "Guerrilla Raids Force Chechen Refugees to Flee Again." *New York Times*, 28 June 2004.
<http://query.nytimes.com/gst/fullpage.html?res=9507E2DF1438F93BA15755C0A9629C8B63>.

Democratic Human Rights in the Russian Federation:

The past eight years has marked a period of control on all media and parliamentary opposition that has compromised the democratic ideals of freedom of speech and representative government. The most recent and alarming development is the implementation of the 2006 NGO Law.¹⁰¹ The literary ambiguity of the 2006 NGO Law has allowed the Kremlin to target human rights and politically vocal NGOs, often resulting in dissolution of the organization. This abuse of power has sent a message to all opposition that independent activism will be silenced and unaccepted under the Kremlin.

Establishment of Kremlin Control:

The “dismantling of checks and balances on central executive control” in the years preceding the NGO 2006 Law set the path for this law to be inducted.¹⁰² The Kremlin established control over the televised and printed media, thereby suppressing dissenting voices. By 2003 “all television stations with national reach had been placed under the firm control of the Kremlin or its supporters, as had most radio stations.” In the year following, the Kremlin reduced liberal opposition in the parliament and changed the process from direct elections of regional governors to appointments by the Kremlin. By autumn 2004 new election rules for the State

¹⁰¹ The 2006 NGO Law refers to the following laws put into action on April 18, 2006: The Federal Law on Introducing Amendments to Certain Legislative Acts of the Russian Federation No. 18-FZ, 2006; Law on Public Associations No. 82-FZ, 1995; Law on Non-Commercial Organizations No. 7-FZ, 1996; and article 61 of the Russian Federation Civil Code.

¹⁰² Choking on Bureaucracy: State Curbs on Independent Civil Society Activism by Human Rights Watch. Page 10.

Duma¹⁰³ made the election of opposition members more difficult. Lastly, the Kremlin has severely compromised judicial independence by exerting political pressure on the courts. This unchecked degradation of democratic ideals is not only illegal under the European Convention but has also set the scene for the weakening of Russian civil society by Kremlin influence.

2006 NGO Law in Practice:

The vague language of the 2006 NGO Law has allowed the state to assert control over NGOs as well as harass the organizations and their staff. The founders cannot be anyone whose presence in Russia is “undesirable.” The application for registration can be rejected if it is prepared inappropriately in any way. Minor formatting mistakes can be means for rejection.¹⁰⁴ The law also states that extremist actions by any member or staff will result in dissolution of the organization, which gives unchecked power to the Kremlin to target oppositional NGOs or staff and harass or threaten them. The unlawful kidnappings and harassment of prominent NGO activists have sent the word that oppositional voices will be silenced.¹⁰⁵

The Kremlin justifies this law by claiming that it is necessary for a democratic society to protect itself from foreign governments’ interference with Russian internal affairs. Putin’s allegations against NGOs for being “instruments of foreign states to carry out [their] policies” on

¹⁰³ The State Dumas equates the lower house of parliament.

¹⁰⁴ The Foundation for Ecological and Social Justice was rejected on the basis that their foundation title was not typed in the header.

Choking on Bureaucracy: State Curbs on Independent Civil Society Activism by Human Rights Watch. Page 35.

¹⁰⁵ Ibid. 68., In November of 2007 3 journalists and the chair of Memorial Human Rights Center who were reporting on a demonstration against the government sponsored disappearances and abductions were kidnapped, beaten and released. Although Kremlin involvement has not been proven the assailants spoke unaccented Russian, which is very rare in the area and suggest the kidnappers were Russian.

Russia have been the basis for denying foreign funding NGOs to operate in Russia. Recently there has been a drop in foreign funding for NGOs, and in response the Russian state has increased NGO funding, however human rights organizations very rarely receive any of those funds.

The vagueness of the legal language, dismantling of checks and balances on the Kremlin, and the targeting of human rights NGOs has severely weakened Russian civil society. These actions are illegal under the European Convention and must be discouraged if Russia will remain a partner of the United States of America in the War on Terror.

Policy Recommendations:

US policy on Russian human rights violations to change should include:

- Encourage the Russian government to develop and enforce steps that will ensure that the Russian civil society can operate free from unnecessary government intervention.
- Refuse to agree with the Russian government's claims that the restrictive nature of the 2006 NGO law is necessary for democratic societies to protect their citizens.
- Urge the Russian government to maintain freedom of expression and association by legislating laws that ensure the government's cooperation with the European Convention requirements.
- Express dissatisfaction that the Kremlin has allowed instances of unlawful interference and harassment of NGOs and their staff. Furthermore, reiterate that the USA promotes democracy and requests that a thorough investigation of such cases be conducted and dealt with promptly.
- Remind the Russian government that the failure to act on the aforementioned suggestions could result in litigation at the European Court of Human Rights as well as expulsion of favorable alliances and trade agreements.
- Further remind Russia that their partnership is valued in the War on Terror, and the adoption of such suggestions could result in the US encouraging the WTO community to reconsider their stance on trade with Russia.

Religious Freedom in the Russian Federation

Under the leadership of Mikhail Gorbachev, the Soviet Union followed a new direction of political and economic liberalization. Individuals were released from the religious restrictions of communist rule and were able to establish and practice religion more freely than before.¹⁰⁶ The uplifting of religious limitations and state-led atheism stimulated a growth in the domestic practice of religion, in addition to attracting the attention of international religious organizations.¹⁰⁷ Representatives from many denominations began to enter the country, encouraging the acceptance of new faith. Western missionaries were perceived as threats to the traditional churches, which had been suppressed during the communist regime, thus leaving them weak and ill-equipped to deal with the renewal of open religious sentiments in the post-Soviet population.¹⁰⁸ This influx of new religions challenged the democratic ideals and developments in religious freedom that had begun to flourish in the early 1990s.

In 1990, a law on the freedom of religious confession was instated giving equal rights to all religious communities, suggesting that the Russian Orthodox Church (ROC) would not regain

¹⁰⁶ Feodorov, Vladimir. "Religious Freedom in Russia Today," *Ecumenical Review*, 50 no. 4 (1998), 449.

¹⁰⁷ Daniel, Wallace and Christopher Marsh. "Russia's 1997 Law on Freedom of Conscience in Context and Retrospect," *Journal of Church and State*, 49 no. 1 (2007), 5.

¹⁰⁸ Plokyh, Serhii. "State Politics and Religious Pluralism in Russia and Ukraine: A Comparative Perspective," in Peter G. Danchin and Elizabeth A. Cole, Eds., *Protecting the Human Rights of Religious Minorities in Eastern Europe* (New York: Columbia UP, 2003), 310-311.

its entitled position prior to the Soviet era.¹⁰⁹ Younger generations identified with being Christian, but not necessarily Orthodox¹¹⁰ indicating the precarious position of the ROC within society. The freedom of religion and conscience was strengthened further in the 1993 constitution of the Russian Federation. The separation of church and state is a fundamental of the constitutional system (Article 14), as well as the right to freedom of conscience and religious worship (Article 28), the freedom of public association (Article 30), and equality before the law for all people (Article 19).¹¹¹ Despite the shift towards greater religious freedom, the past decade has witnessed a decline in religious rights and freedom of conscience.

Religious Groups in the Russian Federation

The legacy of the Soviet Union fractured the religious population of the country, giving Russia a secularized population and a highly diversified religious community. Although Russia maintains religious diversity, the end of the Soviet Union and redefinition of Russian territory altered the religious composition of society. The Orthodox community now comprised a larger percentage of the population, while there were fewer Muslims, Protestants and Catholics.¹¹² It is estimated that 15-20% of practicing believers are Orthodox, 10-15% Muslim, and 2% are other Christian.¹¹³

¹⁰⁹ Feodorov, 450.

¹¹⁰ Billington, James H. "Orthodoxy and Democracy," *Journal of Church and State*, 49 no. 1 (2007), 23.

¹¹¹ President of Russia: Official Web Portal, "The Constitution of Russia,"

<http://www.kremlin.ru/eng/articles/ConstMain.shtml>, Accessed 17 February 2009.

¹¹² Krindatch, Alexey D. "Changing relationships between Religion, the State, and Society in Russia," *GeoJournal* 67 no. 4, 272.

¹¹³ The World Factbook, "Russia," Central Intelligence Agency, <https://www.cia.gov/library/publications/the-world-factbook/geos/rs.html>, Accessed 17 February 2009.

Summary of Religious Abuses in the Russian Federation

1997 Law on Freedom of Conscience and Religious Associations

Under the Russian Constitution the multiplicity of religions within Russia are guaranteed equal rights, but minority groups have increasingly been under attack and marginalized from society. The passing of Federal Law No. 125-FZ on September 26, 1997 on the Freedom of Conscience and Religious Associations replacing the earlier 1990 law, demonstrated a significant tightening of religious practice. Yeltsin vetoed the first draft of this bill on the grounds that the law would contradict the fundamentals of the Constitution of the Russian Federation and other international norms, but the ROC and nationalist groups applied pressure to ensure its success in 1997.¹¹⁴

In stark contrast to earlier legislation on the freedom of religion, the 1997 law distinguishes between “traditional religions”: Orthodox Christianity, Islam, Judaism, and Buddhism and the more recently developed “non-traditional” religions. This legal difference imparts preferential treatment on the traditional religions, especially Orthodox Christianity, regardless of the Russian Constitution. According to the law, an organization must be active for no less than fifteen years to obtain full legal rights.⁶⁶ Unlike other traditional religions with full legal rights, the Orthodox Church is the only organization able to utilize the name “Russian” and receive financial assistance from the state for the preservation and restoration of historical

¹¹⁴ Daniel, Wallace and Christopher Marsh. “Russia’s 1997 Law on Freedom of Conscience in Context and Retrospect,” *Journal of Church and State*, 49 no. 1 (2007), 7.

⁶⁶ *Ibid.* 8.

monuments.¹¹⁵ Prior to taking office after the resignation of Boris Yeltsin, Vladimir Putin sought the blessing of the head of the ROC in his term establishing his relationship with the church.¹¹⁶ Recently the ROC has gained more explicit status as the favored church within Russia, becoming the de facto official religion in some regions of the country.¹¹⁷ The 1997 law afforded the ROC special privilege and historical status from which other religions are excluded.

Adherence to Rule of Law

The deterioration of religious rights is especially notable at the regional and local levels, due to the lack of clear guidelines on religious rights from the Kremlin, and the arbitrary interpretation and inconsistent application of the law based on personal relationships between members of authority and the leaders of religious organizations.¹¹⁸ These inconsistencies and discriminatory practices have resulted in the denial of registration for certain organizations, refusal to rent or sell land for places of worship, and assault by the state-controlled media.¹¹⁹ An example of a discrepancy between the local and federal authority was the expulsion of Jehovah's Witnesses from Moscow city territory, while maintaining nationwide registration at the federal level.¹²⁰

Land and Rental Policy

¹¹⁵ Ibid. 8.

¹¹⁶ Krindatch, Alexey D. "Changing relationships between Religion, the State, and Society in Russia," *Geojournal* 67 no. 4, 272.

¹¹⁷ Levy, Clifford J. "Kremlin Rules – At Expense of All Others, Putin Picks a Church," *New York Times*, 08 December 2008.

¹¹⁸ U.S. Commission on International Religious Freedom, *Other Countries Closely Monitored: The Russian Federation*, (2008), 1.

¹¹⁹ Ibid. 1.

¹²⁰ Krindatch, 276.

Religious associations have a legal right to a house of worship, but in the recent years the ability to obtain an area for this purpose has become an issue. Various administrative regions across the country have refused to respond to requests, denied building or renting permits, and/or seized property from “non-traditional” religious communities.¹²¹

NGO Law and Passport Restrictions

Under the 2006 NGO Law, “Non-traditional” religions are subject to lengthy and costly registration processes at both the local and federal levels. Failure to meet reporting requirements in 2007 resulted in the refusal to renew legal status to a number of religious institutions. Foreign religious workers are faced with passport restrictions, which hinder the fluidity of work within Russia. In 2007, a ninety-day limit was placed on visas for religious workers and to obtain a longer-stay-visa requires a more lengthy process.¹²²

Policy Recommendations

United States policy towards the Russian Federation on the issue of religious rights and liberties should:

- Recognize the different social-political role of religion in Russian history and respect the national culture. As the ROC has a longstanding legacy in Russia it is important for the US to emphasize that if it selected as the de facto official religion of the country, it should not be at the expense of the rights and freedoms of other religions. Assert that under the Russian Constitution all religious groups are granted equal treatment.

¹²¹ U.S. Commission on International Religious Freedom, *Other Countries Closely Monitored: The Russian Federation*, (2008), 2.

¹²² *Ibid.* 7.

- It is necessary for the US to withhold Russia's graduation from the Jackson-Vanik Amendment until religious freedoms have been expanded. This would entail amending or repealing the 1997 Law on Freedom of Conscience and Religious Associations. Urge Russia to grant full legal rights to all religious organizations and remove the complex process of re-registration each year.
- In addition, withhold graduation until the 2006 NGO Law has been amended or repealed. Passport restrictions should not target specific religious groups and should not be issued without cause.
- Emphasize the importance of the Kremlin establishing and funding a national monitoring body that will supervise religious affairs and promulgate a clear policy on religious rights that will be administered uniformly throughout the country. This is necessary to combat the discriminatory practices that target religious minorities at the regional and local levels.
- Investigate each allegation of discrimination consistently, and properly document and report each incident to the aforementioned monitoring organization. Maintain statistics on these acts of intolerance, make information available to the international community, and allow visits from the UN to areas that have reported abuses of religious rights. Failure to take action will result in further investigation and hinder the creation of beneficial relations with the US.
- Reiterate that Russia is subject to the international conventions on human rights to which they are signatories and that failure to comply could result in litigation at the European Court of Human Rights as well as expulsion from favorable alliances and trade agreements.

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Regional Issues

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Introduction

Following the collapse of the Soviet Union the U.S. attempted to warm relations with Russia by supporting Russian Democracy and increasing U.S. and Russian economic integration. Since then the U.S. has supplied 14 billion dollars in aid to Russia to support their fledgling democracy, market reform and secure Russia's vast nuclear arsenal. However, the U.S. has since implemented economic sanctions due to Russia exportation of military hardware and nuclear technology to Iran. Tensions have further escalated between the two nations due to NATO expansion and the construction of U.S. missile defense system in Czech and Polish territory. Russia's recent economic surge provided mainly by its oil and gas resources has provided the Kremlin with the ability to reassert itself on the national stage. US-Russian cooperation on regional security issues has disintegrated with recent developments in Iran, Georgia and Latin America. The Obama administration faces some difficult decisions on how to counter Russia more assertive international stance. U.S. national security interest must be carefully assessed while still encouraging cooperation and economic integration with Russia.

Iran Introduction

Before 1979, the USSR had few ties with Iran. This relationship began to change following the Islamic revolution and the deposition of the US backed Shah. The new government had poor relations with the United States from its inception and was not initially on good terms with the Soviets but Moscow worked to find ways to cooperate with Tehran and by the end of the Gorbachev period Russia began selling weapons to Iran. This relationship was beneficial to the Soviets for two major reasons; the first was that the USSR was in a budgetary crisis and needed the hard currency it could get by selling weapons and military technology to Iran. The second reason the USSR saw this relationship as beneficial was that it saw avoiding hostile relations with Iran as important for security reasons since an unfriendly Iran could have a destabilizing effect on Soviet Republics with Muslim populations.

Sales to Iran of arms and technology continued after the breakup of the Soviet Union, and beginning in the 1990s under Boris Yeltsin, the Russian Federation began to sell nuclear power technology to the Iranians. The United States objected to what was perceived as a veil for a clandestine nuclear weapons program, and pressured Russia to cease assistance to Iran. Evidence is building that Iran is drawing closer developing a nuclear arsenal as well as a capable delivery system. The rocket launch in recent weeks of Iran's first satellite punctuating the progress it has made in delivery systems. It is of crucial importance for the Obama administration to tactfully engage Iran and Russia to avoid the prospect of a hostile nuclear power in the Middle East. Russian cooperation is vital in this area, as the Russian Federation is the major supplier of weapons and nuclear technology to Iran and the U.S. will need to find ways to work with Moscow if it hopes to resolve this issue.

Georgia Introduction

In regards to Russia – Georgian conflict, two main ethnic regions, South Ossetia and Abkhazia, are at issue. Both regions contain only a small minority of ethnic Georgians. Both regions have operated virtually independent of the Georgian government since 1994 when pro-Western President Mikhail Saakashvili was elected and since his election he has become a vocal leader for the quest to make Georgia a member of NATO. The Russians see Georgian membership in NATO as a potential for increased Western military presence.¹²³ Due to the concerns of the Russian government and the preexisting desire for independence in South Ossetia and Abkhazia, Russia has provided financial support, military presence, and Russian passports in an attempt to promote South Ossetian and Abkhazian independence. Such actions have only escalated the tensions in the region and led to ensuing conflict in the recent year.

South Ossetia and Abkhazia both possess access to two of Georgia's most important commodities, gas and seaports. The Baku- Tbilisi-Ceyhan (BTC) gas line runs just south of the South Ossetia region, pumping nearly 1.2 million barrels of oil each day to Western markets¹²⁴. The BTC gas line is not only an asset to Georgia, but it also is a vital provider of gas to the Western European market, which has begun to diversify its energy sources in an attempt to relinquish its dependence on Russia for energy. The building of this pipeline was opposed by

¹²³ Flintoff, Corey. "Q&A: Russia-Georgia Conflict has Deep Roots". [NPR.org](http://www.npr.org/templates/story/story.php?storyId=93525210). 12 August 2008. NPR. <<http://www.npr.org/templates/story/story.php?storyId=93525210>>.

¹²⁴ Flintoff, Corey. "Q&A: Russia-Georgia Conflict has Deep Roots". [NPR.org](http://www.npr.org/templates/story/story.php?storyId=93525210). 12 August 2008. NPR. <<http://www.npr.org/templates/story/story.php?storyId=93525210>>.

Russia since it reduces Russian involvement in many of its former Soviet Republics¹²⁵, providing the theory that Russia feels threatened by increased involvement with the Western community, providing reason for its defense of these regions desire to become independent. In addition to the BTC gas line, Abkhazia, which lies along the Black Sea, includes more than half of Georgia's shoreline¹²⁶ and ports that are essential to the Georgian economy. In the past, Abkhazia has dealt with numerous human rights issues, primarily involving the expulsion of ethnic Georgians, often cited as a demonstration of ethnic cleansing. Georgia fears without repercussions for these atrocious actions by the ethnic Abkhazians, that ethnic Georgians in South Ossetia will face a similar fate, with financial and military support from Russia.

Tensions continue to rise in these two regions of Georgia, not only between ethnic Georgians and ethnic South Ossetians and Abkhazians, but also between Russian and Georgia as a result of the increased presence by Russian officials in these regions. In order to ensure stability in Eastern Europe, this issue must be addressed with priority using vigilant diplomatic measures.

Venezuela Introduction

In the past years Russian involvement in Latin America has increased considerably. The most alarming development is the mutually beneficial "Putin-Chavez Partnership" in which military and energy links between the two nations have rapidly increased. The beginnings of the

¹²⁵ Flintoff, Corey. "Q&A: Russia-Georgia Conflict has Deep Roots". [NPR.org](http://www.npr.org/templates/story/story.php?storyId=93525210). 12 August 2008. NPR. <<http://www.npr.org/templates/story/story.php?storyId=93525210>>.

¹²⁶ Flintoff, Corey. "Q&A: Russia-Georgia Conflict has Deep Roots". [NPR.org](http://www.npr.org/templates/story/story.php?storyId=93525210). 12 August 2008. NPR. <<http://www.npr.org/templates/story/story.php?storyId=93525210>>.

Russia involvement in Venezuela were enforced by an arms deal that occurred in 2006. The 3 billion dollar deal provided 24 Sukoi Su-30 fighter jets and 30 helicopters to Chavez's administration.¹²⁷ Also an additional 100,000 AK-103s were supplied along with plans to build a weapons manufacturing plant in Caracas. Russian arms sales could destabilize the region by starting an arms race between Venezuela and its immediate neighbors. It is also a possibility that Russian weapons could be used to arm radical groups such as FARC. The Venezuelan government has been implicated in the past to have funded and cooperated with FARC.

Perhaps even more disconcerting to U.S. security interests is Russia's ambitions in establishing a permanent Russian military presence in the Caribbean. In November 2008 a Russian flotilla led by the massive nuclear powered cruiser Pyotr Veliky arrived in a port near Caracas.¹²⁸ The naval deployment by Russia represents an escalation in tensions along with a response to U.S. involvement in the Georgia conflict. The Kremlin has expressed interest in establishing a naval base in Venezuela to establish a prolonged military presence in the area to counteract the U.S. 4th fleet. Hugo Chavez has also indicated that Russian long-range bombers would be welcomed to refuel on Venezuelan soil.¹²⁹

The economic dynamic of the Russian-Venezuelan cooperation of recent months cannot be denied. It has been speculated that Russia increased involvement in Latin America is a move to pressure the U.S. by securing energy resources. Russia and the Russian energy giant

¹²⁷ BBC News. "Russian arms arrive in Venezuela" Greg Morsbach. June 3rd 2006.

¹²⁸ Center for Strategic and International Studies. "Russia's Reengagement in the Western Hemisphere." Stephen J. Flanagan and Johanna Medelson Forman. November 25th 2008.

¹²⁹ Center for Strategic and International Studies. "Russia's Reengagement in the Western Hemisphere." Stephen J. Flanagan and Johanna Medelson Forman. November 25th 2008.

Gazprom has reached agreements to begin projects in two of its gas fields in the Caribbean Sea.¹³⁰ Gazprom is in the process of negotiating gas exploitation projects with Bolivia, Cuba and Nicaragua.

To help rectify these regional issues and defuse regional tensions the following policies should be pursued.

- *Signal change in our approach towards Moscow by putting a temporary moratorium on the construction missile defense systems currently being installed in Poland and the Czech Republic, thus easing Russian concerns. However, ABM construction and research can be resumed if Russia does not pressure Iran to abandon nuclear weapons or, if Iran does not comply with Russian requests. This will also make Russia less willing to cause trouble for the United States in Latin America.*
- *Maintain dialogue with both Russia and Iran and avoid unilateral hard line stances.*
- *Pressure Georgia to not block Russian admission into the World Trade Organization*
- *The United States should work with Western Europe on diminishing dependence on Russian energy; however, we should encourage reduced dependence in methods which will not threaten Russian authority in the region, nor damage their economy.*
- *Initiate diplomatic discussions on the Georgia conflict involving international organizations, such as the European Union, United Nations, and cautiously NATO; however, the United States should take on a listening and mediating role rather than a leadership role in these discussions.*

¹³⁰ World News. "Gazprom visits Venezuela for drilling talks." Feb 6th 2009

- *US should only promise support of Georgian sovereignty only so long as Georgia agrees to implement evaluation of human rights issues, as well as agree to commit no further human rights violations.*
- *The U.S. must invest money and resources to stabilizing democracies in the region and reinvigorating the economy of South America.*
- *The U.S. should increase the transparency of NATO and slow its rate of acceptance of member states to decrease tension with Russia.*
- *The U.S. and Russia should make agreements on joint measures to address the challenges of terrorism (FARC), regional rivalries (Colombia and Venezuela), financial, commercial and economic issues that affect the South American region.*
- *The U.S. should engage the Organization of American States (OAS) in order to create a regional forum in which the dangers of an arms buildup in the region could be addressed.*

Iran

As the situation currently stands, the United States faces a potentially dangerous situation in the Middle East; an Iran armed with nuclear weapons and the delivery systems for those weapons hostile to the United States and especially so against the US' strongest ally in the region, Israel. It is unclear exactly how near to a nuclear device Iran has come, but what is clear is that they are making progress in their delivery systems, as Iran has recently demonstrated its ability to launch a satellite into space using rocket technology which could be applied towards

developing an ICBM.¹³¹ What has also become apparent is the role the Russian Federation has played as a principal supplier of technology to Iran towards this end. Russia maintains that the sales of technology it has made to Iran have been within the bounds of the NPT, which allows for members to pursue peaceful nuclear power, but evidence has suggested otherwise. For example, in 1995 the US discovered that the Russian Ministry of Atomic Energy, Minatom, had concluded a secret deal with Iran to sell them fuel-cycle facilities and a uranium enrichment centrifuge plant.¹³² Yeltsin retracted this deal under pressure from the US, but by 1998 under Minister of Atomic Energy Yevgeny Adamov sales of technology had not only resumed, but were increased¹³³, and have shown no signs of being halted in the ensuing years.

Under the administration of George W. Bush there was little pressure put on Russia to halt these transfers of arms and technology to Iran, instead more emphasis was placed on US-Russian cooperation in the war on terror. In the Obama administration this issue will need to be given a more prominent place on the US-Russian agenda. If Iran succeeds in acquiring nuclear arms, it could lead to great instability and even conflict in the Middle East. Iran has tense relations with Israel, which already possesses nuclear weapons; if both of these states possessed them it would create a dangerous situation. Israel would be loathe to see Tehran with nuclear weapons, so there exists the risk that Israel could deem it necessary to carry out pre-emptive

¹³¹ Fathi, Nazila and William Broad. *New York Times*, February 3rd, 2009.

¹³² Einhorn, Robert and Gary Samore. (2002) Ending Russian Assistance to Iran's nuclear bomb. *Survival* 44: 53

¹³³ Einhorn, Robert and Gary Samore. (2002) Ending Russian Assistance to Iran's nuclear bomb. *Survival* 44: 53

strikes against Iran's nuclear facilities to halt Iran's acquisition of such a weapon.¹³⁴ Any such action would have the possibility of escalating into a larger conflict.

In order to avoid a new, hostile, nuclear power and to circumvent any of the conflicts, which would come with this reality, the United States needs to reconsider its approach towards both Russia and Iran. The hard-line approach the United States has taken towards Iran has had little effect but to encourage anti-American sentiments within the Iranian population. Instead, the Obama administration should follow a policy of trying to engage Iran to ease tensions. Coming to terms with Iran on halting its weapons program, which it officially denies the existence of, will be a difficult task, which the Obama administration may not be able to accomplish during its tenure, and if it is going to make any significant progress in terms of relations with Iran, the US will need the help of Russia.

Relations with Russia are currently at their lowest point since the collapse of the Soviet Union, but if the United States hopes to slow or stop the Iranian nuclear program, those relations will need to improve. A general rapprochement with Russia should be pursued not only through cooperation on the issue of Iran but also through greater cooperation on issues like trade and arms control in general. Creating a closer relationship overall with Russia will mean that the position of the US will exert more of an influence on future Russian actions because Moscow will have more to lose by souring relations. Finding more areas to work together to build our relationship with Russia could also help to lesson Russian concerns over the American presence

¹³⁴ Ghosh, Bobby. *Time Magazine*, February 13, 2009

in their perceived sphere of influence, a motivation, which may have been behind recent Russian pressure on Kyrgyzstan to close the US military base there.¹³⁵

One way the United States could signal such a change in our approach towards Moscow is by easing Russian concerns over the US anti-ballistic missile defense systems currently being installed in Poland and the Czech Republic. The US claims that these installations are precautionary measures taken to protect against a potential Iranian nuclear strike, but Russia has always seen them as being directed not at Tehran, but at Moscow in an effort to take away Russia's nuclear deterrent. Putting a temporary moratorium on the construction of these missile sites could have a number of positive effects for the United States.

- The moratorium would be an act of good faith on the part of the US, which should help to encourage a friendlier outlook from both Moscow and Tehran.
- If the United States makes it clear both to Russia and Iran that the moratorium on construction at these missile sites could be extended if the US deems that Iran is not continuing to move closer to nuclear weapons with Russian assistance, it would make clear that ABM sites are targeted specifically towards Iran and not Russia¹³⁶. This would help to ease tension with Moscow, making cooperation easier.
- Through the conditional extension of the moratorium, the US would encourage Russia to lean on Iran to come to the table with the US on issues like allowing IAEA weapons inspectors to visit sites throughout the country and to bring themselves more into compliance with the NPT. This is an area where Moscow has more influence than the US, but the US could offer more normal relations to Iran in return for increased compliance and cooperation.
- Russia currently has some lucrative contracts selling arms and technology to Iran, but security concerns around the US ABM installations could be enough to convince Russia

¹³⁵ Barry, Ellen and Michael Schwartz. *New York Times*, February 3, 2009

¹³⁶ Pifer, Steven. (2009) Reversing the Decline: An Agenda for U.S.-Russia Relations in 2009 *Brookings Foreign Policy Paper Series* no. 10 pg. 15

to slow or even halt the flow of dangerous technologies to Tehran, especially if the US does not insist that Russia cease sales of less dangerous technologies, such as for light water reactors like the ones under construction at Bushehr.

- Unilaterally pausing construction on ABM sites is a good bargaining tool because it shows that the US is serious about making progress, but allows for construction to continue in the future unless the United States' concerns are met, and theoretical research on ABM technology could still continue in the meantime if the Obama administration deems it cost effective to do so.

Cooperation with Russia is the most likely area for the United States to make any meaningful progress in slowing the Iranian nuclear program, but it remains important to include Iran in the dialogue. President Ahmadinejad recently indicated that Iran would be willing to conduct diplomacy with the United States,¹³⁷ which is a positive start. It is important that the US keep diplomatic channels open and try to look for ways it can come to agreements with Iran, or at the least to help minimize any chance of conflict. When the US engages Iran, dealing with the President will be important, but any sort of major agreement would have to be made with the consent of Supreme Leader Ali Khamenei. That being said, the political climate in Iran may become more conciliatory towards the United States after elections in June if former President Mohammad Khatami, who is more moderate than Ahmadinejad, is elected so the US may wish to wait to see who the Iranian president for the next term is before trying to engage in earnest with Tehran.

Georgia

¹³⁷ Fathi, Nazila and David Sanger. *New York Times*, February 10, 2009

Historically, the United States has always supported nations who are willing to promote and defend democratic principles. The government stance has always been to defend those nations and help them to establish a working government. As a result of this past policy, the United States and the Obama administration should be willing to provide diplomatic support to Georgian officials. This administration should offer to assist in negotiation processes, agree to work towards establishing a united position among international organizations and international communities, such as the United Nations and European Union.

While it is important that the United States provide such support, it is essential that the U.S. is extremely cautious in how military aid or support is offered. It has been made clear by Russian officials that they do not think the United States should be the sole determiner of international laws and regulations, nor should the United States assume the role of international policing. Thus, the administration should engage other allies to assume such roles, while still playing a role in supporting Georgia and working towards finding a peaceful solution.

The support of democracy has always been a founding principle of the United States government; however, the state of relations between the United States and Russia produces a sensitive situation where in order to ensure success, defined in these conditions as the recognition of Georgia's sovereignty and reduced tensions with Russia. The United States needs to minimize the consequences, from Russia, of supporting Georgia, while still sending the Russian government a firm message that it will not tolerate such actions of aggression towards another sovereign nation.

The escalating tensions between Russia and Georgia threaten to put the security of the United States at risk because maintaining stability in Eastern Europe is essential in order to minimize the power of Russia. A more powerful Russia could potentially endanger United States military operations in the Middle East, jeopardize the influence of the United States abroad, and in a worst case scenario, make the United States vulnerable to attack by further instigating Cold War era tensions.

In order to accomplish these goals, the United States should attempt to apply the following policies:

- Create an open dialogue with our allies in Western Europe, not only on an individual level, but also at the international level of the European Union
- Initiate diplomatic discussions involving international organizations, such as the European Union, United Nations, and cautiously NATO; however, the United States should take on a listening and mediating role rather than a leadership role in these discussions
- In these discussions the United States should encourage that the following policies are considered throughout negotiations:
 - Advise Georgia to not block Russian admission into the World Trade Organization. The World Trade Organization is an economic organization which strives to create fair, open markets and if Georgia were to attempt to block Russia from becoming a member, it would only further aggravate Russia rather than encourage them to back down. The economic arena is not the proper place to negotiate issues of sovereignty.
 - The United States should work with Western Europe on diminishing dependence on Russian energy; however, we should encourage reduced dependence in methods which will not threaten Russian authority in the region, nor damage their economy.

- The United States needs to openly support Georgia's right to sovereignty and strive to promote further stability in the region by working to reduce tensions among former Soviet bloc nations, Russia, and Western Europe.
- The United States must make it clear to Georgia that they will provide full support for their nation's sovereignty only so long as Georgia agrees to implement evaluation of human rights issues, as well as agree to commit no further human rights violations. Georgia must be willing to open their borders to United Nations scrutiny to ensure the well-being of all people within their borders.
- The United States needs to make a firm statement to Russia stating their disapproval for violation of sovereignty and that if further actions continue to take place the United States will support international involvement into the crisis zone in an effort to protect the citizens of Georgia from acts of war, as well as internationally imposed economic sanctions against Russia.

Venezuela

The first and most important aspect to understand about Russia's relationship with Venezuela is Russia's intentions. Dmitriy Medvedev has indicated that the time of American unilateralism is over and the U.S. must work in cooperation with other nations to resolve conflicting issues. Additionally, the actual strength and ability of the Russian Federation must be taken into account. When assessing Russia vulnerabilities it makes it clear that Russian posturing in Venezuela and the surrounding region is a political "tit-for-tat" response to NATO exercises in the Black Sea and aid delivered to Georgia following the brief Russian incursion

into South Ossetia and Abkhazia.¹³⁸ Though Russia may have serious energy ambitions in Latin America the actual ability of Russia to post a permanent military presence in the region are limited. Currently Venezuelan-Russian relationship is mutually beneficial but falling energy prices and the unpredictable and impulsive nature of Hugo Chavez make it unclear if a long-term partnership will be possible between the two nations. The U.S. needs to assess Russian involvement in Venezuela, due to the volatile nature of Chavez and potential for conflict in the region.

Overall, Russia's increasingly unstable political situation and declining economy may give the present Russian administration cause to create an enemy to distract the public from domestic political issues. The Obama administration should take due note of this reality and design a Foreign Policy that demonstrates to the international community and to Russia that the U.S. is not acting to provoke Russia. In other words the U.S. should not give the Russian administration the adversary it desires to rally its public and stay its internal political turmoil. Hugo Chavez has repeatedly used the same tactic to gain prestige by standing in opposition to U.S. policy. Thus intentionally taking a hard-line stance against both these countries will only simplify their domestic political strategies. The falling oil prices will only increase domestic turmoil for both Russia and Venezuela so the U.S. needs to exercise restraint and employ more diplomatic methods than those of the recent past.

¹³⁸ Institute for Global leadership, Tufts University. "Next Presidents Policies Toward Latin America." Sebastian Chaskel. October 28th, 2008.

Putin and Medvedev have already demonstrated the belief that only Russia should interfere in the relations of its former Soviet neighbors. Russia has responded to American interference in the Russian sphere or backyard by showing the U.S. that Russia too has the ability to exert its influence to the U.S. neighbors. If Russia continues to act in such a way an escalation of tension will only result with a strengthened Russian response. For example, if the U.S. missile shield is completed in Europe then Russia may chose to place missiles or station Russian bombers in Venezuela. If Russia feels threatened then Russia will want to respond by jeopardizing U.S. national security and regional stability. For this reason the U.S. must employ a multilateral effort to dealing with Russia and its immediate allies. In this fashion the stability of a region can be expressed by all the nations in a certain region such as South America so as to give credibility to U.S. claims and actions

The Obama administration needs to understand the impetus of recent Russian actions and respond accordingly. The U.S. cannot to lean to favorably to the left or right, using “sticks” or “carrots” but should strive instead to balance U.S. foreign policy. Isolating Russia will only reinforce the current Russian attitude that the U.S. and the west is its enemy but turning a blind eye on Russia’s naked aggression will only set a precedent that Russia is free to act in a belligerent manner. Additionally the U.S. must protect its allies and reaffirm a strong standing in regions such as South America.

- In conjunction with the Iranian recommendation, a moratorium should be put in place for the creation of the U.S.-European, missile shield. This would decrease the likelihood that Russia would escalate tensions in Latin America or attempt to insult and endanger the U.S. by placing strategic missiles in Venezuela to make the European missile shield obsolete. The action of the U.S. and Europe to halt the construction of the missile shield

would demonstrate a relaxation of tensions between the U.S. and Russia and perhaps allow for more amicable relations for the future.

- The U.S. should increase the transparency of NATO and slow its rate of acceptance of member states to decrease tension. Hopefully these actions would have the same effect as the moratorium of the missile shield and start to dispel the perpetuated thought that NATO is only in place to stand in opposition to Russia and allow for an overall relaxation of tensions.
- The current administration needs to reevaluate the U.S. role in South America. U.S. neglect of the region, following the 9/11 terrorist attacks. The U.S. must invest money and resources to stabilizing democracies in the region and reinvigorating the economy of South America, which should be beneficial to all parties involved. A renewed interest in South America along with an influx of capital would offset recent Russian investments and interest in energy resources in the area, which are key to the U.S. national security.
- The U.S. and Russia should make agreements on joint measures to address the challenges of terrorism (FARC), regional rivalries (Colombia and Venezuela), financial, commercial and economic issues that affect the region.
- The U.S. should engage the Organization of American States (OAS) in order to create a regional forum in which the dangers of an arms build up in the region could be addressed. The use of the OAS to instigate talks between Venezuela and its neighbors would also give credence to a change in U.S. unilateralist policy. The OAS could provide a stabilizing factor to diplomatic talks by virtue of the OAS bipartisan nature. During such talks limits to conventional arms could be set.
- Russia also must be engaged at a multilateral level to ensure stability in the region. Multi-party talks could be induced by inviting Russia to be involved in OAS negotiations on arms limits in the region as well as economic issues, which Russia has become more involved in recently.

Russian involvement in South America, particularly Venezuela, does not warrant an overbearing U.S. response. An increased U.S. military presence would only potentially aggravate the situation. The falling price of oil will only weaken the stance of Russia and Venezuela, thus Russia's increased presence in South America are dependent on the relative

stability of oil prices. The U.S. main objective at this juncture should be to reengage South American countries to reassert the U.S. economic and political presence in the region.

Conclusion

The current state of US-Russia relations is at a low point, which has not been seen since before the dissolution of the USSR. As the Obama administration begins to formulate its policy towards Russia, reducing tensions in order to steer away from the path of cold-war style confrontation and towards an environment in which the US is able to cooperate more with Russia should be a top priority. Rather than taking a hard-line approach towards the Russian Federation on regional issues, the United States would be better served to seek greater diplomatic engagement, and to show goodwill by cutting back on some of the US military presence near Russian borders. By seeking to work with, rather than against Russia, the United States would be acting in the interest of its national security by reducing tensions with a rival power; warming relations with Russia in this way could also help to make them less resentful of U.S. presence in areas which we cannot pull out of, and in which Russian support is important, such as Afghanistan. If the Obama administration can form a closer relationship with Russia, it should help to give the United States more influence over their future actions, helping to create greater stability in the regions around the former USSR.

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**INDIVIDUAL TASK FORCE PAPERS FROM
PARTICIPANTS IN THE COMMISSION ON UNITED
STATES RELATIONS WITH RUSSIA**

I. Arms Control

Tony Bohorfush, “Arms Control and the Obama Administration.”

Anthony Hartman, “Making or Breaking U.S.-Russia Relations: The Potential for American
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Arms Control

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New Opportunities for Progress in Arms Control

Listening to President Obama’s address to the American nation recently bolstered the arguments our group presented in our research for this class. Obama focused mainly on the dire economic situation within US borders, but briefly and broadly touched on foreign policy decisions he will be taking in the future. As called for during his campaign, the reduction and ultimate destruction of nuclear arms will be sought under his administration, reflecting world wide popular and think-tank opinion that suggests the concept of nuclear deterrence argument is dated at best, and the pursuit of a nuclear free world is advisable.

A dramatic reduction in US and Russian nuclear stockpiles is a first step towards total nuclear disarmament. An eventual ban on all intermediate-range missiles will hopefully follow as a second step. The US and Russia, comprising in totality the largest weapons stockpiles on the planet, bear the largest responsibility for reigning in nuclear programs, restricting access to fissile materials and preventing their spread. In the post Bush era, the US in particular should take the first step in pursuing diplomatic solutions to the problems posed by nuclear and to a lesser degree conventional arms.

Stopping the drift towards confrontation with Russia will be greatly increased if the Obama administration were to follow through on our Commission recommendations. Simply put however, the US cannot afford another geopolitical distraction of the magnitude that a fallout with Russia would entail. The US faces immense challenges elsewhere, especially in the Middle East and Central Asia, and needs Russia to be a willing and able partner, not a confrontational adversary. Russia can be a great help in pursuing détente with Iran, as they already have trade agreements and contacts in Tehran. Russian pressure and these contacts would be immensely valuable to the Obama administration when it decides to sit down and talk with Iranian leaders. Plans to deploy missile defenses in Central Europe in order to protect Europe against Iranian nuclear weapons are not necessary today and probably never will be. Therefore the missile shield should be immediately put on hold, as part of a larger new strategy toward Russia that seeks partnership rather than divisiveness.

US policy toward Russia has the added benefit in that Russian policy of the last eight years has been mostly reactive to the former Bush administration's policies. Thus, in order to achieve significant improvement in relations, the Obama administration really only has to stop doing certain things. Russian policy is not more aggressive or assertive than in the past, and contrary to mainstream media reports Russian policy is made up of responses to the actions of the West and especially the United States.

It is my assertion that in order to be effective in seeking new foreign policies in regard to Russia and arms control, the Obama administration actually has to do very little to reap significant concessions and rewards. Below is a summary of our group's focus areas, places

where we believe policy should be altered in favor of decreasing actual nuclear arms, decreasing hostilities and improving the multilateral framework espoused by the Obama administration.

Past Achievements and Future Challenges

In 1991 the Presidents of Russia and United States entered into the first Strategic Arms Reduction Treaty (START I). START I outlines a plan for significant reductions of deployed nuclear warheads and delivery systems for the United States and Russia, reducing both countries strategic arsenals by fifty percent.

Our recommendation for decreasing nuclear arsenals is contingent upon the extension of the original START I treaty at least for the foreseeable future, and until further cuts and signatories regarding nuclear arsenals can be included. We propose extending START I until December of 2010. April 2009 to December of 2010 will serve as a negotiating period, during which time the United States and Russia can establish the terms of a new treaty. The treaty should be known as the Strategic Arms Reduction and Prevention Treaty (STARPT). STARPT should demand greater reductions of actively deployed nuclear weapons, inactive stockpiles, and tactical nuclear weapons. Furthermore, it should reaffirm the United States and Russia's commitment to the NPT and should provide provisions for further weapons reductions.

While Russia's nuclear capabilities represent the greatest physical threat to the United States, it is very unlikely that Russia would ever use those weapons, especially against the United States. Furthermore, Russia has been very clear that it desires to engage in more rigorous arms reduction agreements with the United States. Russian would like to engage in such

agreements in order to reduce the costs associated with proper storage, maintenance, and development of nuclear weapons.

This policy will be effective as it will eventually include the freezing and phasing out of all development of nuclear weapons. As the US and Russia progress in their bi-lateral discussions, the enforcement mechanisms that keep each other in check will be necessarily strengthened and new tactics adopted in order to include other nuclear nations at disarmament table. The implicit power of suggestion seeing the US and Russia discussing disarmament once again, but this time under the Obama administration, amidst popular opinion which wishes to do away with nuclear weapons, will convince other nations to join in reducing their stockpiles and seek other options besides deterrence in order to protect their nations.

More specifically, the US and Russia will have to come to accord on the issue of ABM missiles and the treaty which the US abrogated. The Treaty on the Limitation of Anti-Ballistic Missile Systems (ABM Treaty) was signed and entered into force in 1972, as a mutual agreement between the United States and the Soviet Union to each substantially limit their own anti-ballistic missile capacities. This was seen as a key step in preventing a potential arms race between both powers, as neither side would feel compelled to increase arms production in order to maintain the capability to overwhelm the other's defenses. The agreement was to be of unlimited duration.

In December 2001, President Bush gave Russia six months notice that the United States would remove itself from the ABM Treaty, much to the chagrin of the Russian government. On June 13, 2002, the US officially withdrew from the accord, with the intention to pursue a

comprehensive ballistic missile defense system. In the past year, the US has finalized plans to employ ABM facilities in Central Europe, intended to protect both itself and its European allies from a possible ICBM launch from Iran. The decision to withdraw from the ABM Treaty and begin construction of ballistic missile defenses in Central Europe has elicited a decidedly negative response from Russia, and has potentially dangerous implications for US-Russian relations. This judgment was shortsighted on the part of former President Bush, and must be critically reassessed and corrected for by the Obama administration.

Russia, Iran, and U.S. Nonproliferation Policy

It is in regards to the missile shield that I believe the Obama administration will see the quickest positive impact. By freezing development of the missile shield, the US will set a definitive new tone that emphasizes diplomacy and multilateralism rather than a unilateralism based on vague threats posed by ‘rogue’ nations. In order to be the most effective, the Obama Administration must employ ‘soft-power’ tactics, and present an incentives-based proposal to Russia that will benefit and appeal to both parties.

Lastly is the issue of Iran, a complicated scenario that continues to play out as we speak. Regardless of whether Iran is or is not pursuing nuclear weapons within its legal nuclear energy program, the US must change its tone and actions if it is to lessen tensions in an already high-tension area. Encouraging the democratic removal of Iran’s hard-line president would be a great start, enticing the Iranians with the chance for diplomacy if a more moderate individual were to be elected.

But soft encouragement only! No actions of the sort perpetrated by Kermit Roosevelt and his cohorts that led to the coup in 1953. This legacy still lives on, and it would be wise for Obama to acknowledge this and perhaps even apologize for meddling with Iran's internal affairs. In order to diffuse tensions with Russia however, the Iranians need to be placated peacefully as this will send the right signal to Moscow that the US is ready to negotiate instead of demand.

The Iranian nuclear threat has yet to materialize beyond bellicose rhetoric mainly from the departing US administration, but in order to combat this threat, real or perceived, the Obama administration needs to embrace a new philosophy towards disarmament. The outright elimination of nuclear weapons should be sought, and steps toward this goal must originate in US foreign policy. In order to promote better relations with Russia, and Eurasia as a whole, the Obama administration needs to reach out to Iran diplomatically, seeking reconciliation between the two countries. Beyond rhetorical guarantees of improved relations, this new strategy would also include a return to the terms of the Nuclear Nonproliferation Treaty, with strict adherence to the Treaty an important requisite of future relations. Most importantly however, by pursuing détente with Iran, the Obama administration would be sending a strong signal to Russia that U.S. plans for a missile shield would no longer be needed if diplomacy is used as opposed to threats. As long as there are diplomatic efforts being employed to reign in the Iranian threat, then the missile shield will become unnecessary and US/Russian relations will improve dramatically.

Conclusion

During the early presidential campaign, Obama stated that making the world free of nuclear weapons would be a central tenet of his foreign policy platform. He called for securing,

within four years, all nuclear materials in the countries that hold them, and phasing out the high-level enrichment of uranium currently used in the civilian fuel cycle. He also suggested dramatic reductions in US and Russian nuclear stockpiles as a first step towards total disarmament, and even went so far as to propose a global ban on all intermediate-range missiles. Concomitant with Obama's vision, is increased funding for International Atomic Energy Agency (IAEA) inspections and safeguards, along with a new global nuclear energy infrastructure that would regulate and control the production of fissile materials are concomitant with Obama's vision. Obama should implement the aforementioned moratorium on the missile shield and engage directly with Iran in the short term without preconditions or unrealistic demands. The US, mired in its worst economic collapse in recent memory, simply cannot afford an escalation of tensions with Russia.

If the Obama administration pursues the set of policies described above, it will have to imagine the United States not as "the country which stands taller than other nations, and therefore sees further," in Madeline Albright's words but as a state among other states. Rather, the US does not have any unique mission of national superiority and leadership, rather we need to focus on the common responsibility to seek common solutions to common problems. Such a truly multilateral foreign policy will hopefully materialize within Obama's team, but the odds are stacked against him. Hillary Clinton is of the Albright school of diplomacy, from which Obama has drafted many of his top advisors. Clinton and others have a particularly bad record when it comes to Russian relations. Some, like Stephen Sestanovich, Strobe Talbott and Michael McFaul have actually contributed directly to a worsening of relations, most notably through their

guidance in drafting the 2006 Council on Foreign Relations report entitled “Russia’s Wrong Direction.”

In summary, the Obama administration should operate under a discourse that emphasizes cooperation, accountability and transparency. The US should focus more on why there is a demand for nuclear weapons, and truly rethink the deterrence argument. This is particularly so when considering the Iranian nuclear program. It could be argued that Iran is pursuing nuclear weapons in order to have their own deterrent capability. In order to stop the proliferation of nuclear weapons, we therefore need to debunk deterrence theory and find new ways to solve common problems of security. We can start by becoming a leader in nonproliferation talks with Russia in particular. It is in the United States’ best interest to pursue bi-lateral treaties with Russia that will ensure future dual nuclear disarmament. The thoughts generated here are grounded in the premise that US-Russia relations are at a historic low but can be substantially improved with fresh diplomacy and new thinking. Russian policy of the last eight years has been for the most part reactive to belligerent rhetoric espoused by the former Bush administration. Operating from this standpoint, we believe that the Obama administration must capitalize on this moment and truly lead bi-lateral – indeed global – discussions that will decrease the supply of armaments and ensure a future world free of nuclear weapons.

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Anthony Hartman, “Making or Breaking U.S.-Russia Relations: The Potential for American ABM Policy to Change the World Dynamic.”

Introduction

Recent years have witnessed a notable decline in relations between the United States and Russia, marked by an encompassing and fundamental corrosion of communication and diplomacy in a number of key areas. This divergence can be largely attributed to the realist-based, “go-it-alone” mentality followed by the Bush Administration for nearly a decade, up until its recent departure. One of the latest and most pressing challenges to US-Russian affairs is the former Bush Administration’s decision to install anti-ballistic missile (ABM) defense facilities in Central Europe as part of a prospective globe-spanning ballistic missile defense system. The nature of the project as well as its proximity to Russia have incited unease, anger and even direct threats from Moscow, which the US has essentially heretofore ignored. Arms control has always been a defining issue area for US-Russian relations, and accordingly, such contention must be taken seriously.

At the advent of the Obama Administration, this is a crucial time for Washington to thoroughly reassess its stance on the need for large-scale international missile defenses, as ABM policy alone has decisive and far-reaching economic and security implications for the US. Ultimately, placing ABM installations in Central Europe is costly, it fails to address the real threats to the US, and it undercuts American credibility in the area of regulating and curbing global arms proliferation. For these reasons, it is both unnecessary and impractical.

Instead, it is critical that the US capitalize on this period of transition to pursue a legitimate and comprehensive cooperation with Russia, and settling on the ABM issue is an indispensable first step. With this in mind, the US must halt construction of missile defenses in Europe and reengage in dialogue with Russia on a viable alternative, as the current plan is worth neither the monetary cost nor the diplomatic fallout with both Russia and the international community.

ABM Treaty: Background and Current Status

In 1972, the Treaty on the Limitation of Anti-Ballistic Missile Systems (ABM Treaty) was signed and entered into force as a mutual agreement between the United States and the Soviet Union to each limit substantially their own anti-ballistic missile capacities. It was seen as a key step in preventing a potential arms race between both powers. With each party restricted to a set number of anti-ballistic missiles which it could not exceed, neither side would feel compelled to increase arms production in order to maintain the capability to overwhelm the other's defenses. Upon being amended in 1974, the treaty limited each side to one ABM deployment area to shield either the capital or an ICBM field, housing no more than 100 interceptor missiles and 100 launchers. The Treaty was to be of unlimited duration.¹³⁹

In December 2001, President Bush gave Russia six months notice that the United States would remove itself from the ABM Treaty, much to the chagrin of the Russian government. On

¹³⁹ US Department of State, Under Secretary for Arms Control and International Security, *Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems*, May 26, 1972, <http://www.state.gov/t/vci/trty/101888.htm#protocolabm> (accessed Jan. 27, 2009).

June 13, 2002, the US officially withdrew from the accord, with the intent to pursue a comprehensive ballistic missile defense system (BMDS).¹⁴⁰ To justify construction of such a missile shield, former President Bush cited the threat of rogue nations with the potential to build and employ inter-continental ballistic missiles (ICBMs) outfitted with nuclear warheads, such as Iran and North Korea. He also implied that the treaty itself was obsolete and thus inapplicable in today's global climate, referring to it as a "relic" of the Cold War years, which only serves to sustain the notion of 'mutually assured destruction'.¹⁴¹

Resulting from the US disengagement from the treaty and its obligations, then-president Bush took various steps towards building a robust ABM system. In late 2004, the US Department of Defense began to position long-range missile interceptors in Alaska and California to address the prospective threat of ICBMs from North Korea, and has more recently implemented various mobile radar and interceptor systems in Japan for the same reason.¹⁴² In the past year, the US has finalized plans to deploy ABM facilities in Central Europe, which is due to be completed in 2013. The plan includes locating ten silo-based long-range interceptors in Poland and a Midcourse X-Band Radar in the Czech Republic, in order to monitor and react to a tactical ballistic missile launch from Iran targeting Western Europe or the US.¹⁴³

¹⁴⁰ "Ballistic Missile Defense System [2001-2008]," GlobalSecurity.org, <http://www.globalsecurity.org/space/systems/bmds.htm> (accessed February 4, 2009).

¹⁴¹ Kimball, Daryl G, 2001, "ABM Treaty Withdrawal: Neither Necessary Nor Prudent," Arms Control Association Press Conference, December 13, http://www.armscontrol.org/act/2002_01-02/pressconjanfeb02 (accessed Jan. 25, 2009).

¹⁴² Hildreth, Steven A., and Carl Ek, "Long Range Ballistic Missile Defense in Europe," *Congressional Research Service* (January 2009), <http://fas.org/spp/crs/weapons/RL34051.pdf> (accessed Feb. 4, 2009) (page 6).

¹⁴³ US Department of Defense. Missile Defense Agency, *Proposed U.S. Missile Defense Assets in Europe*, June 15, 2007, <http://www.mda.mil/mdalink/pdf/euroassets.pdf> (accessed Jan. 27, 2009) (page 5).

The decision to withdraw from the ABM Treaty and begin construction of ballistic missile defenses in Central Europe has elicited a decidedly negative response from Russia, and could bring about potentially dangerous repercussions for US-Russian relations. Russia considers the prospect of ABM installations being built in nearby Central Europe an imminent threat, and it has prompted comments from Russian officials regarding the potential for a new arms race. Considering its current arsenal, it is clear to all sides that Russia's ballistic missile launch capabilities would remain wholly unchallenged by the proposed maximum of 10 interceptors in Poland. Russia's primary concern, however, lies within the possibility of an eventual US augmentation of the system.¹⁴⁴ While the US has assured Russia no such thing would happen, the 2007 Missile Defense Agency (MDA) proposal for the project leaves room for discussion on the matter.

“U.S. PATRIOT, Aegis/SM-3, and Terminal High Altitude Area Defense (THAAD) could be made available to provide augmenting coverage for short- and medium-range threats. These assets could be used to support emerging NATO and national capabilities as needed to ensure layered coverage for all European nations requiring such protection.”¹⁴⁵

This sort of language serves to validate Russia's anxiety, as major construction on these facilities has not even begun and yet the MDA is already discussing the option of supplementing the region with additional, secondary systems.

¹⁴⁴ Boese, Wade, "Missile Defense Five Years After the ABM Treaty," http://www.armscontrol.org/act/2007_06/MissileDefense (accessed February 4, 2009).

¹⁴⁵ US Department of Defense, 7

Economic Implications

Construction of anti-ballistic missile defenses in Central Europe and throughout the world as a whole will bring about a wide-ranging set of economic consequences that will inevitably detract from, if not hamper US interests. Missile defense is an exceedingly costly proposition: the Central European facilities alone will cost at least \$4 billion,¹⁴⁶ and the comprehensive layered BMDS envisioned by the former Bush Administration could ultimately cost an estimated \$1.2 trillion.¹⁴⁷ Considering the sites already installed in Alaska and California, not to mention the US mobile defenses in Japan, the entire plan will require massive budget allocations for decades to come.

Additionally, many of these expense projections do not factor in regular maintenance and updates to the system, which will only increase with the size of the missile shield. Finally, new threats will appear over time from different places, which the system will need to adapt to, by way of further expansion, in order to address. Thus, it will be impossible to effectively establish a realistic project deadline, and in this way both the venture itself and the spending will be inexorably indefinite.

At a time when the US is undergoing one of the worst economic downturns in its history, investing in global missile defense is simply not practical, and initiating new projects such as that in Central Europe is entirely counterproductive. On top of the money the US will need to put

¹⁴⁶ Hildreth and Ek, 2

¹⁴⁷ Wurst, Jim, "Missile Defense Shield Could Cost \$1.2 Trillion, Report Says., In United Nations Foundation: UN Wire, http://www.unwire.org/unwire/20030211/31980_story.asp (accessed February 8, 2009).

forth to realize this plan, it is important to recognize the potential economic opportunity with Russia that will be undoubtedly lost if the missile shield is brought to fruition. Pursuing closer and more favorable ties with Russia, which will hinge on the outcome of this particular issue, needs to be a major priority for the US.

Behind Saudi Arabia, Russia is the second largest oil-exporting nation on Earth,¹⁴⁸ and yet its oil comprises a relatively insignificant percentage of the total US petroleum imports. In November of 2008, the US imported 450,000 barrels of petroleum per day from Russia. That same month, the US imported 1,236,000 barrels per day from Venezuela and 1,514,000 barrels per day from Saudi Arabia, two countries whose relationships with the US are, at best, quite tense.¹⁴⁹

In this way, the US stands to gain a great deal from cooperation with Russia. Economic collaboration between the two would substantially reduce American dependence on states and leaders that are known 'opponents' for vital resources. That said, given the way in which talks alone of ABM construction in Central Europe have upset Russia to such an extent, following through with the plan would surely derail any dialogue on expanding US-Russian trade possibilities. Thus, the opportunity is there, though as it stands it is entirely contingent upon the US deciding to freeze its ABM deployment in Central Europe.

¹⁴⁸ Kramer, Andrew E, "Russia Quietly Prepares to Switch Some Oil Trading from Dollars to Rubles," International Herald Tribune, <http://www.iht.com/articles/2008/02/25/business/place.php> (accessed January 27, 2009).

¹⁴⁹ "Crude Oil and Total Petroleum Imports Top 15 Countries," US Energy Information Administration, http://www.eia.doe.gov/pub/oil_gas/petroleum/data_publications/company_level_imports/current/import.html (accessed February 20, 2009).

Security Implications

Economics aside, there is a broad range of security implications associated with installing ABM components in Central Europe, as well as with pursuing a global missile shield, that the US must take into account. Although the prospective layered BMDS is designed to provide America uncompromising protection from 'rogue' nations, in reality it represents a gross misclassification of what the real threats are to the United States.

With thousands of strategic nuclear weapons alone, Russia poses the greatest physical threat to the US.¹⁵⁰ In response to the ABM plans for Poland and the Czech Republic, Russia has suspended its commitment to the 1990 Conventional Forces in Europe (CFE) Treaty, which provides added security for US NATO allies by restricting the number of heavy weapons deployed between the Ural Mountains and the Atlantic.¹⁵¹ On top of this, Moscow has discussed the possibility of withdrawing from the 1987 Intermediate-Range Nuclear Forces (INF) Treaty, under which the US and Russia committed to eliminate existing stocks of such missiles and cease production of all mid-range ballistic and cruise missiles.¹⁵² President Dmitry Medvedev has even warned that Russia may deploy Iskander tactical missiles to Kaliningrad, a Russian

¹⁵⁰ "Russia Profile," Nuclear Threat Initiative, http://www.nti.org/e_research/profiles/russia/index.html (accessed January 27, 2009).

¹⁵¹ "Russia Suspends Arms Control Pact," BBC News, <http://news.bbc.co.uk/2/hi/europe/6898690.stm> (accessed February 4, 2009).

¹⁵² "The Intermediate-Range Nuclear Forces (INF) Treaty at a Glance." Arms Control Association. <http://www.armscontrol.org/factsheets/INFtreaty> (accessed February 6, 2009).

enclave that borders Poland, unless the US reverses its plan to install ABM facilities in Central Europe ¹⁵³

Although Russia is not likely to mount an attack against the US or its allies any time in the foreseeable future, it makes little sense to pursue policies that breed tension between the two. Taking into account the extent of Russia's arsenal, it is still clearly in the best interest of Washington to push for discussion and transparency with the Kremlin on the matter. That being said, the most tangible and pressing threat to the US is irrefutably that of terrorism. Unlike concerns about Russia and international pariahs like Iran, which are speculative, the threat from terrorists is real and proven, having materialized on several occasions. An ABM system, both in Europe or worldwide, would do nothing to address terrorism, and therefore does not align with US defense priorities.

On the other hand, Russia would be a critical ally to the US both in the war on terror and in bringing Iran to the table regarding its nuclear weapons aspirations. A close partnership with Russia is vital to successfully combating terrorism for four key reasons. First, Russia is situated in a very strategic geographic location, as it has extensive borders with Europe and Asia, and can act as a gateway to the Middle East. An involved cooperation with Russia would give the US much easier access to parts of the world that have historically produced terrorists and disseminated intense anti-Americanism. Second, Russia will undoubtedly share a firm commitment to aggressively targeting terrorists, due to its own enduring struggle with terrorist

¹⁵³ Hildreth and Ek, 2

activity, primarily from Chechen separatist organizations. It has long been a concern for Moscow, and therefore enthusiasm for fighting terrorism on the part of the Russian government will likely match that of the US.

Third, the US has a vested interest in establishing an environment of transparency and open communication with Russia regarding its stockpiles of nuclear weapons. Russia has many borders to monitor, and the potential for nuclear weapons to be compromised and obtained by a third party, notably a terrorist organization, is not entirely far-fetched. This is a worst-case scenario for the US that would almost certainly bring about devastating consequences, but a close cooperation with Russia on the issue would grant Washington much more control in preventing it.

Finally, Russia recently became the world leader in the arms trade, and many of its primary customers are vociferously anti-American countries, including Iran and Venezuela. Of major concern here is how such trade facilitates the siphoning of arms from the state down to state-sponsored groups that, by 'Western' standards, carry out terrorist activities. For example, during its month-long war with Hezbollah in 2006, Israel discovered Russian-made anti-tank weapons that had been effectively employed against their tanks.¹⁵⁴ The US needs to engage with Russia closely, on friendly terms, so that it can work to curb such transactions, or at least better monitor them. If the Obama Administration continues with the construction of the projected

¹⁵⁴ Beehner, Lionel, "Russia-Iran Arms Trade," Council on Foreign Relations, http://www.cfr.org/publication/11869/russiairan_arms_trade.html (accessed February 2, 2009).

missile defenses in Central Europe, Russia will surely be disinclined to cooperate with the US on virtually any plan in the arena of arms control.

In this way, we can see how the future of the war on terror is inextricably, if indirectly linked to the US ABM policy. Of equal consequence, however, are the implications of an ABM system in Europe for potential future US policies towards Iran. To proceed with missile defenses, and in so doing anger Russia and wholly ostracizing Iran, demonstrates a lack of both foresight and judgment. This is an unprecedented opportunity for the US to secure a direct dialogue with Iran and yield real results by exploiting its dependence on Russia. Russia is Iran's chief arms supplier, having sold it hundreds of major weapons systems since the early 1990s worth billions of dollars, including tanks, air-to-air missiles, combat aircraft and more. In addition, Russia has recently built a nuclear reactor at Bushehr, in Iran.¹⁵⁵

Due to the nature of this relationship, Russia has significant economic leverage over Iran. The US, on the other hand, is hardly on speaking terms with Iran, and yet it is one of Washington's primary concerns: so much that the US is prepared to spend billions of dollars to defend against the possibility of an Iranian attack that may in fact never happen. To follow through and complete the ABM project in Europe would be to close the door on Russia and to end any chances at discourse with Iran. It would perpetuate a mindset of secrecy, unilateralism and militarism, thus breeding further opacity and mistrust, which is the last thing the US should encourage in this part of the world.

¹⁵⁵ Beehner

Instead, it is essential that the US take advantage of the current situation. It is exceedingly clear that Moscow does not want American ABM components in Central Europe, which gives Washington a degree of leverage. Considering this, the US can incentivize Russia to ‘coerce’ Iran, by economic means, into greater compliance with the world community. If it means the US will stall or cancel the ABM project in Europe, Russia will likely cooperate, and to prevent potential economic restrictions from Russia, Iran will likely cooperate. In this way, the US can demand a legitimate transparency from Iran with regards to its arms deals, missile production and its nuclear program, including full conformity to International Atomic Energy Agency (IAEA) inspections and safeguards. This will both address US regional concerns and save substantial amounts of money, as such an approach would eliminate the need for a European ABM system altogether. With this as motivation, Russia will be very inclined to commit time and resources in order to produce such results.

Finally, the construction of ABM defenses in Europe, in addition to the pursuit of a worldwide missile shield, will only further tarnish the US reputation in the global community. Given its hegemonic status, anything the US does is visible to the rest of the world and thereby subject to close scrutiny. Following through with the European missile defenses, considering the circumstances, is both contradictory to US rhetoric calling for global disarmament and counterproductive to the nonproliferation efforts it endorses. The US will undoubtedly lose substantial credibility in the realm of international arms control as a country that is genuinely pushing to curtail the spread of weapons.

In a time when the efficacy of international organizations and accords is frequently called into question, this would set a bad example for the rest of the world, further removing incentives for states to adhere to bilateral and multilateral agreements. Furthermore, the pursuit of comprehensive missile defenses to shield oneself from threats anywhere in the world serves to perpetuate a sense of paranoia in the international community, and promotes the notion of competition over cooperation.

Conclusions

In summary, it is essential that the United States halt construction of ABM facilities in Poland and the Czech Republic and instead engage with Russia on friendly terms. It is also advisable that it reconsider the idea of building a layered ballistic missile defense network altogether. Missile defense is an exceptionally costly endeavor, and given the indefinite nature of the US plan for a comprehensive system, it will come with an undeterminable, albeit unquestionably steep price tag. In a time of global recession, this is not a practical allocation of American funds from an already strapped federal budget. Conversely, the US stands to benefit greatly from more favorable economic ties with Russia considering its status as an oil exporter, though this will be unattainable if the plans for a European missile shield proceed.

On top of this, devoting such a significant portion of US defense capital, both monetary and intellectual, indicates an improper assessment of the threats that truly face America in the world today. Not only does the plan do nothing to address the problem of terrorism, it closes the door on what would be a pivotal alliance in the war on terror with Russia. Moreover, collaboration with Russia can be used as an effective means to bring Iran into greater compliance

with international regulatory regimes, and also to initiate a constructive dialogue between the US and Iranian leadership. Such an approach addresses a number of US concerns, and in an inexpensive and minimally confrontational manner, as it would negate the need for ABM defenses in Europe on the whole. Lastly, amidst recent controversy involving human rights and selective adherence to international accords, the remaining vestiges of the United States' reputation as a promoter of peace and cooperation would not likely survive the diplomatic fallout from such a project.

Given all this, it is clear that the only practical choice for the US is to abandon its ABM ambitions in Central Europe in favor of diplomacy. This will necessarily oblige the US to reenter discussions on ABM policy with Russia in order to come to an agreement that is mutually satisfactory. This is hardly a concession for the US, taking into account both the dire backlash that will inevitably surface if Washington's stance on the matter does not change, and the potential for economic and security gains that would accompany a more involved alliance with Russia. Ultimately the US has much to gain from closer ties and an all around healthier relationship with Russia, though for anything to materialize, it is imperative that the Obama Administration critically reassess ABM policy in Europe and worldwide.

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US Department of State. Under Secretary for Arms Control and International Security. *Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems*. May 26, 1972. <http://www.state.gov/t/vci/trty/101888.htm#protocolabm> (accessed Jan. 27, 2009).

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Andrea Swenson, “The Recent Decline in American Foreign Policy Towards Russia in Regards to Nuclear Arms Control.”

Background

The effectiveness of foreign policy can be measured in many ways. Most simply, one can consider whether the implemented policy achieved the intended outcome. At a more complex level, one should consider the quality and significance of the implemented policy and its final product.

Nuclear weapons are a particularly pressing issue between Russia and the United States, and the discussion of how to prevent the further proliferation of nuclear weapons, or even the implementation of complete global nuclear disarmament, is ongoing. This paper will argue that the effectiveness of American foreign policy toward Russia on the issue of nuclear weapons should be measured relative to the policies’ contribution to the process towards achieving a level of minimum nuclear deterrence.

Minimum nuclear deterrence can be understood as maintaining a nuclear arsenal large enough to resist an attack and to significantly damage the aggressors’ economy and territory¹⁵⁶. This paper acknowledges the leveraging and deterrent powers of nuclear weapons but argues that these benefits have become less rewarding and potentially detrimental as nuclear technology and

¹⁵⁶ “defense economics,” *Encyclopaedia Britannica Outline*, February 25, 2009 (<http://www.search.ed.com.offcampus.lib.washington.edu/eb/article-53493>).

weapons stockpiling to a point of maximum deterrence have become more apparent. In order to implement minimum deterrence, the most effective strategy for the United States toward Russia is to engage in bilateral and multilateral treaties that establish and acknowledge common objectives, curb the proliferation and sale of nuclear weapons and/or technology, and place limits on existing nuclear stockpiles.

In the case of nuclear weapons agreements affecting Russia and the United States, the Nuclear Nonproliferation Treaty (NPT), détente in the 1970s, and especially the first Strategic Arms Reduction Treaty (START I) were all contributors to the effort to curb global nuclear proliferation and to begin discussions of significant disarmament with Russia. Nevertheless, the effectiveness of American foreign policy in regards to reducing nuclear arsenals to a level of minimum deterrence has been in decline, beginning with the failure to implement the START II Treaty, and reached a low point under the second Bush Administration. This paper will attribute this decline to three factors: an apathetic post-Cold-War attitude in combination with remaining Cold War discourses that continue to influence and guide foreign policy decisions, the spread of nuclear weapons to countries such as India, Pakistan, North Korea, and Israel, and finally, the pursuit of missile shield technologies in place of nuclear disarmament that could potentially erupt into a new arms race.

One of the many consequences of nuclear weapons is that they produce a bandwagon effect. Once the United States had nuclear weapons, it was only a matter of time before other countries would pursue similar programs. As with any new, scarce, and powerful weapon: nuclear weapons undoubtedly wield the owner an enormous amount of power and influence

worldwide. As demonstrated by the United States' defeat of the Japanese in World War II, the potential for nuclear weapons to defend a country from attack is seemingly enormous.

Nuclear Proliferation or Non-Proliferation

Several countries began to pursue nuclear weapons programs in the 1950's and 60's. The prospect of possessing nuclear weapons became so popular that nuclear weapons were expected to one day become a staple of each state's arsenal. To help demonstrate the fervor surrounding the development of nuclear weapons, Thomas Graham writes, "there were reports issued in 1962 estimating that by the end of the 1970's there would be twenty-five to thirty states with nuclear weapons integrated into their national arsenals,"¹⁵⁷. However, very few countries ever succeeded in establishing nuclear weapons programs. The reason Graham argues is the signing and implementation of the Nuclear Non-Proliferation Treaty (NPT).

The Nuclear Non-Proliferation Treaty was signed in 1968. It states that signatory states should dismantle certain weapons programs, establishes an international law making it illegal for NPT countries to procure nuclear weapons, as well as to use weapons on another signatory state. Accordingly, one can draw a number of conclusions from the implementation of NPT. First, most countries that did not pursue nuclear weapons programs as a reaction to the growing threat of nuclear weapons from the United States and then Russia, and saw instead secure leveraging power in the global community. This was illuminated by states' willingness to engage in a treaty

¹⁵⁷ Graham, Thomas Jr., "Commonsense on Weapons of Mass Destruction," (Seattle & London: University of Washington Press, 2004) p 10.

that essentially barred them from the acquisition of the most detrimental weapon known to man¹⁵⁸.

The second conclusion is that the global community, as long ago as the 1960's, realized that nuclear weapons were a force that needed to be curbed and that only with solidarity could that occur. In short, though NPT did not call for the immediate eradication of nuclear weapons, it did establish a global precedent that acknowledged the need to challenge the spread of nuclear weapons. For this reason, the signing of the NPT is an example of effective American Foreign policy towards Russia in regards to nuclear weapons.

Between 1969 and 1979, the United States and Russia engaged in a series of talks, aptly named The Strategic Arms Limitation Talks. These were the first of many discussions between the United States and Russia to place limits and restraints on nuclear weapons. Though the Cold War still continued, President Nixon's willingness to engage in these discussions resulted in an easing of tensions between the two countries. As Steve Weber writes, "the U.S. and the Soviet leaders showed a willingness to conclude agreements that limited some of their most important military systems," and that this fact distinguished SALT from other post war agreements.¹⁵⁹

Accordingly, this outcome is significant to the ultimate goal of minimum nuclear deterrence. By establishing dual limits and restraints, the United States and Russia concluded that it was possible through bilateral treaties to reduce the demand for greater arsenals of weapons through bilateral treaties. Another consequence of détente between Russia and the

21 Weber, Steve, "Realism, Détente, and Nuclear Weapons," *International Organization* 44, no. 1 (1990): 56.

United States during this period was the signing of the Anti Ballistic Missile Treaty. This treaty limited each country's ballistic missile defenses to two deployment areas, and then later to only one. This was significant because both countries acknowledged the need to prevent a ballistic defense systems race in addition to an offensive arms race.

Though Russia and United States agreed to limit nuclear proliferation, both countries' arsenals climaxed in the late 1980's¹⁶⁰. Each member was a signatory to the NPT, but neither party demonstrated a commitment to curb their own proliferations of weapons seriously. It was not until President Reagan and Secretary of State James Baker aggressively pursued nuclear disarmament between Russia and the United States that either country stopped proliferating and began to seriously consider reducing its arsenals.

In the late 1980's and 1990's relations over nuclear weapons between the United States and Russia underwent two transformations. These transformations were a product of Gorbachev's rise to power in sync with Reagan's interest in eliminating nuclear weapons, and then American apathy towards the threat of Russian nuclear weapons after the collapse of the Soviet Union and implementation of START I.

Reagan's efforts to engage Russia in disarmament agreements was a pivotal moment in the history of U.S.-Russian relations. Though leading up to START I, Russia and the United States had engaged in arms agreements such as SALT, this was the first effort to completely

¹⁶⁰ Graham, 163, 164.

transform the role that nuclear weapons played in relations between the United States and Russia.

The negotiations of START I took several years, but were well worth the wait.

In 1991 the Presidents of Russia and United States entered into the first Strategic Arms Reduction Treaty (START I). START I outlines a plan for significant reductions of deployed nuclear warheads and delivery systems for the United States and Russia, reducing both countries' strategic arsenals by fifty percent¹⁶¹. In 1993, Russia and the United States entered into a second START agreement (START II), which called for further reductions of strategic nuclear weapons. However, this treaty was never implemented.

Nonetheless, START I has been the greatest contributor to the effort for achieving a minimum nuclear deterrence between the United States and Russia. Even today, ten years after the implementation of this treaty, as a part of his effort to encourage a global movement to eradicate nuclear weapons, Henry Kissinger cites START as an essential and monumental agreement¹⁶². Critics of START I cite the expenses associated with monitoring and implementing weapons reductions as drawbacks of bilateral weapons treaties¹⁶³. But ultimately, the cost of continuing with nuclear programs will be incredibly expensive and lead to additional costs associated with defending such a large arsenal and persuading other countries to curb their own proliferation as a reaction to increases in American arsenals.

¹⁶¹ Graham, 43

¹⁶² Schultz, George, et al, "Toward a Nuclear Free World," *The Wall Street Journal*, Jan. 15, 2008.

¹⁶³ Senate Committee on Foreign Relations, *Treaty Between the United States of America and The Russian Federation on Strategic Offensive Reductions, Signed at Moscow on May 24, 2002 ("The Moscow Treaty")*, 108th Cong., 1st sess., 2003.

The Decline in American Foreign Policy Interest About Russia

Following the collapse of the Soviet Union, the United States and Russia found that they were no longer enemies, and thus no longer posed such impending threats to one another. For this reason, the subject of further weapons reductions agreements was put on the back burner, as the American and Russians addressed seemingly more relevant issues, such as trade and the war on terror. To many American policy makers, the thought of devoting years to negotiating costly arms agreements seemed archaic¹⁶⁴. If the Americans and Russians were allies, what did the United States care if Russia had nuclear weapons? They certainly were not going to use them on any NATO countries.

Under President Bush, the American effort to work with Russia to achieve minimum nuclear deterrence virtually ceased. As President Bush told Russian President Putin, “We are going there [warhead reduction] unilaterally. Come with us or not,”¹⁶⁵. President Bush did not see the value in engaging in bilateral reductions. Bush did engage in an arms reductions treaty with Russia (the Strategic Offensive Reductions Treaty in 2002), but the treaty does not actually

¹⁶⁴ Senate Committee on Foreign Relations, *Treaty Between the United States of America and The Russian Federation on Strategic Offensive Reductions, Signed at Moscow on May 24, 2002 (“The Moscow Treaty”)*, 108th Cong., 1st sess., 2003.

¹⁶⁵ Senate Committee on Foreign Relations, *Treaty Between the United States of America and The Russian Federation on Strategic Offensive Reductions, Signed at Moscow on May 24, 2002 (“The Moscow Treaty”)*, 108th Cong., 1st sess., 2003: 3.

limit strategic weapons, nor curb proliferation, and he only agreed to a formal treaty did to appease Russian desires¹⁶⁶.

American arms control policy towards Russia, under the Bush Administration did not promote the possibility of minimum nuclear deterrence, nor any form of mutually assured destruction or bilateral disarmament. As Jon Wolfsthal writes, “The difference between the U.S. and Russian positions is that Moscow sees ongoing nuclear reductions as part of a binding process that provides confidence in the other side’s current and future capabilities.”¹⁶⁷ It is important that the United States realize in their foreign policy actions, that though Russia is no longer an enemy, their arsenal still poses a great physical threat to the United States. For this reason, the United States should not assume that Russian arsenals are completely secure and that they will never be used. Wolfsthal argues that, “given the weak security provided to Russia’s nuclear infrastructure—and the fact that terrorists are known to be targeting it—U.S. policy should instead aim to place Russian nuclear warheads and materials under adequate multilateral control and on the fast track to secure storage and elimination.”¹⁶⁸

The Bush Administration’s argument that strategic arms reduction agreements with Russia are unnecessary overlooks the security concerns that accompany the existence of such large arsenals. Considering that the Bush Administration was so concerned with national security

¹⁶⁶ Munich Security Conference, “Non-proliferation of WMD. The case for joint effort,” http://www.securityconference.de/konferenzen/rede.php?menu_2009=&menu_konferenzen=&sprache=en&id=232 & (accessed Feb., 25, 2009).

¹⁶⁷ Wolfsthal, Jon, “Nuclear Terrorism and Warhead Control in Russia,” *Arms Control Today* 32, no. 3 (2002).

¹⁶⁸ Wolfsthal, 1.

and the war on terrorism, it is surprising that they did not exercise more caution in securing nuclear weapons worldwide.

Finally, not only were the late 1990's and early 2000's an unfortunate era for the minimum nuclear deterrence effort, but the Bush Administration actually proposed implementing new nuclear weapons programs. This was not only an apathetic position towards minimum nuclear deterrence, but one of complete defiance. A 2002 Center for Defense Information report shows that the cost of maintaining the American nuclear arsenal and facilities is over \$27 billion.¹⁶⁹ It is interesting that the United States would want to pursue such expensive weapons programs in the absence of a Russian threat. Though the Cold War is over, under the Bush Administration's foreign policy still echoed certain Cold War rhetoric, namely an us versus them mentality, and a suspicion of other actors.

As Graham writes, "the December 2001 *Nuclear Posture Review* (NPR), which instead by raising the political value of nuclear weapons by suggesting their possible use not only against Russia and China, but also against North Korea, Iran, Iraq..." the Bush Administration went back on twenty years of efforts to reduce, if not eliminate nuclear weapons, and decided that it would be a good idea to pursue the proliferation of nuclear weapons.¹⁷⁰ Another example of Bush resorting to unilateral and suspicious activities was his decision to withdraw from the Anti Ballistic Missile Treaty. Given that the point of this treaty was to ensure that a so-called

¹⁶⁹ Center for Defense Information, "The Cost of Preparing to Fight," *Nuclear Proliferation*, http://www.cdi.org/program/document.cfm?DocumentID=171&StartRow=1&ListRows=10&appendURL=&Orderby=D.DateLastUpdated%20deSC&programID=32&IssueID=0&Issue=&Date_From=&Date_To=&Keywords=START%20I&ContentType=&Author=&from_page=documents.cfm (accessed Feb., 25, 2009).

¹⁷⁰ Graham, 67.

ABM arms race did not break out, the withdrawal is somewhat of a slippery slope, demonstrating a lack of American respect for international arms treaties, and the security of other nations.

The Case for Minimum Nuclear Deterrence

There are many reasons for choosing minimum nuclear deterrence as the ideal level of nuclear arsenals. Firstly, minimum nuclear deterrence can mean different things to different people. Simply put, minimum nuclear deterrence would be the lowest number of nuclear weapons necessary to deter aggressors from attacking American soil, and to allow for Americans to retaliate if necessary. Minimum nuclear deterrence is not having an arsenal that is capable of blowing up an entire continent or country.

Now of course, the argument can arise that if the Americans and Russians agree to reduce their arsenals to be incrementally larger than those of other nuclear countries, then the Americans and Russians will find themselves in yet another, perhaps slower, arms race, whereas they must increase their arsenals relative to each other countries' increase. But the likelihood of other countries increasing their arsenals is unlikely. According to the Arms Control Association, France, India, Israel, and the United Kingdom are the only countries that are known to have more than one hundred actively deployed nuclear weapons¹⁷¹. Of these countries, Israel and India are not signatories to the Nuclear Non-Proliferation Treaty, but both are on good terms with the United States, and for this reason, it is very unlikely that Russia, unless threatened in kind, would ever use nuclear weapons against them, unless threatened in kind.

¹⁷¹ Arms Control Association, "Country Resources," <http://armscontrol.org/country> (accessed Feb. 25, 2009).

Therefore, neither India, the United Kingdom, nor France have any incentive to put money into expanding their nuclear weapons programs. Israel may be the one exception to this conclusion, given her contested nature and tendency towards self-determination, but nonetheless, Israel is allied with the United States. As well, as discussed earlier in this paper, the global community as a whole would prefer to see the world devoid of nuclear weapons. Indeed, in 1986 Reagan and Gorbachev agreed that the complete elimination of nuclear weapons should be a goal and this was once again acknowledged at the recent Munich Security Conference¹⁷².

However, this paper does not argue for complete nuclear disarmament. Certainly one can make many arguments in favor of a world devoid of nuclear weapons. But given that so many parties now possess nuclear technology, the effort to rid the world of nuclear weapons at this point in time would require the cooperation of many countries, between many of who exist very serious and dividing tensions. Additionally, so many countries now possess nuclear technology, that complete eradication of nuclear weapons could increase American vulnerability. Instead, the United States should focus on the goal of minimum deterrence.

Minimum deterrence allows the United States to maintain a level of nuclear deterrence while also reducing the threat that the United States poses to the rest of the world. Empirical evidence shows that since the United States has had nuclear weapons, no state has attacked the United States. The United States does not need an arsenal of 20,000 nuclear warheads to ensure

¹⁷² Senate Subcommittee on Strategic Forces of the Committee on Armed Services, *Nuclear and Strategic Policy Options: Hearing before the Committee on Armed Services*, 110th Cong., 1st sess., 2007.

that states will not attack them. In fact, many scholars have argued that such large arsenals of weapons have served as a disadvantage politically and securely for the United States¹⁷³.

Conclusion: An Opportunity for Optimism

My ultimate conclusion is that while some policies have certainly been more effective than others (i.e., START and NPT), none have been so revolutionary that they have succeeded in completely eliminating nuclear weapons. Diplomacy is generally interpreted to mean compromise, but what is the value of compromise when the product does not produce change. Over the past sixty years we have clung too tightly to inertia, and with few exceptions, such as the START I agreement, have not allowed ourselves the opportunity to pursue truly transformative policy. With a new Presidency, the United States has an opportunity to challenge perceptions that favor large nuclear arsenals and unilateral policy as the key to national security and to consider alternative discourses.

The United States should make a case to the global community, and they should do this by acting in two ways. First, the United States should act multilaterally: demonstrate to Russia the American commitment to arms reduction, by significantly reducing actively deployed warheads and launchers for strategic and nuclear weapons. Second, the United States should renew its commitment to upholding the legitimacy of international treaties, and pledge to never withdraw from a treaty for reasons similar to those George W. Bush with regard to the ABM

¹⁷³ Senate Committee on Foreign Relations, *Treaty Between the United States of America and The Russian Federation on Strategic Offensive Reductions, Signed at Moscow on May 24, 2002 ("The Moscow Treaty")*, 108th Cong., 1st sess., 2003, 5.

Treaty. Moreover, the United States should pursue treaties aimed at transforming the significance of nuclear weapons: such that the hoarding of nuclear weapons is seen as detrimental to any nation and the global community.

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Economy and Trade

Zong Guo, “Diversification of Energy Supply to Counter Russia’s Monopolization.”

Introduction

While the world’s energy demand increases, exports of crude oil and natural gas become not only important revenue makers for the Russian government, but also political tools to advance Russia’s sphere of exclusive influence. There is a consensus among many scholars on the importance and urgency of reducing energy dependence. In a recent conference held by the American Foreign Policy Council, Steven Pifer of the Brookings Institutes presented his argument that Russia is “engaging in a policy which is meant to keep the West out of the former Soviet states, while reasserting its own power”.¹⁷⁴

According to Stephen Blank, a professor at the US Army War College, oil has become the principle tool for Russia to accomplish these goals. He said that the Russian government has monopolized its energy industry through protecting and subsidizing state-owned energy companies. He also argued that Russia’s control on pipelines and distribution centers is a policy

¹⁷⁴ Pifer, Steven (2008, September 11). What Does Russia Want?. Retrieved February 22, 2009, from Brookings Institute web site: http://www.brookings.edu/speeches/2008/0911_russia_pifer.aspx

to dominate Europe through forced dependence on Russia's oil and gas. He recommended that the U.S and the E.U. reduce their reliance on Russia's energy exports.¹⁷⁵

A balance between political influence, such as human rights and regional conflicts, and economic cooperation with Russia during the global market downturn needs to be addressed by the new Obama administration to deliberately look for middle grounds in steering its foreign policies. In this paper, first of all, I will examine how Russia politicized its energy power by reviewing changes in the Russian energy sector since former President Putin's first term in the office. Second, I will state my two recommendations on diversification of energy supply to the E.U. and emerging markets such as China, including developing policies that encourage US energy companies to increase investment in Kazakhstan, and re-submitting of the US-Russia Civilian Nuclear Commerce and Cooperation Agreement, also called 123 Agreement to the U.S. Congress for approval. Both recommendations will not only reduce Russia's monopolistic energy power, but also create multibillion-dollar worth of revenues for American companies.

Energy Developments in Russia: 1999-Present

Russia has increased its oil production since 1999 when Putin first took office as President. Before the collapse of the Soviet Union, Russia held a fairly high level of oil production above 10 million barrels/day, which peaked at 11 million barrels/day in 1989. However, it plummeted quickly to 6 million barrels/day by 1994. The production remained at

¹⁷⁵ Blank, Stephen (2008, March 19). Russia and Central Asian Gas: Recent Trends and Their Implications. Issue of CACI Analyst. Retrieved February 22, 2009 from CACI Analyst web site: <http://www.cacianalyst.org/?q=node/4817>

roughly that level until 1999. In the next five years, production was raised, almost reaching in 2006 the previous 1989 level at 10 million barrels/day. In other words, Russian's oil production has increased roughly 40% in the Putin era. The natural gas production had less dramatic change compared to oil production. During the 90s, the production fell from 58 billion feet/day in 1991 to 52 billion feet/day in 1997. Then it had little fluctuation from 1997-2001. Since 2001, the production increased steadily to 59 billion feet/day.¹⁷⁶

As a major contributor to the Russian economy, the energy sector has been re-nationalized by the Russian government. Many energy companies that were privatized during the Yeltsin regime and purchased by economic "oligarchs" via questionable transactions have been subject to the government's attacks. In 2003, after Yukos oil company's president, Mikhail Khodorkovsky was arrested and charged with tax evasion, the government seized the company's assets for tax penalties and sold them to a state-owned oil company, Rosneft, at well below market value prices. The arrest, because Khodorkovsky had proposed the construction of privately owned oil pipeline, symbolizes the government's attempt to reassert its control of oil sector.

In addition to directly taking control of assets, the Russian government has also acquired ownership indirectly through ostensibly private sector companies in which it holds substantial shares. For example, Gazprom, the state-controlled company that has monopoly on Russian gas exploration and production, bought Sibneft and Sakhalin Energy company in 2006. In the next year, Gazprom also acquired TNK-BP, a joint venture between BP and a group of private

¹⁷⁶ EIA: International Petroleum Monthly

Russian. The purchasing prices of these companies were significantly lower than their market values, because before the transaction occurred, the Russian government had accused the privately-owned companies of environmental regulation infringements and licensing issues. Through this series of acquisitions, the Russian government has increased its control of the oil industry from about 18% to over 50% in three years from 2004 to 2007.¹⁷⁷

As the second largest oil exporter, following Saudi Arabia, and the largest natural gas producer and exporter,¹⁷⁸ Russia has significant influence in its neighboring countries and Western Europe with regard to energy supply. Recently Russia signed the biggest ever \$25-billion deal with China to provide 15million tons- 300,000 barrels a day-of oil annually for 20 years.¹⁷⁹ Just a day after signing the oil supply agreement, Russia opened its first liquefied natural gas plant, on Sakhalin Island north of Japan and part of the \$22 billion Sakhalin 2 development to supply fuel to Asia.¹⁸⁰ These two deals are showing Russia's effort in diversifying its exports away from the West and targeting emerging markets in Asia such as China and India. In January 2009, as a result of the Russia-Ukraine gas dispute, eighteen countries ranging from large European Union members such as Germany to small Moldova experienced a drop in their gas supply.¹⁸¹

¹⁷⁷ Gazprom's Monopoly On Exports Backed by Duma by Stephen Boykewich, The Saint Petersburg Times July 7, 2006 http://www.sptimes.ru/index.php?action_id=2&story_id=18152

¹⁷⁸ EIA. Country Analysis Briefs: Russia. April 2007. <http://www.eia.doe.gov>

¹⁷⁹ Financial Post. Russia, China sign US\$25B oil deal: Reuter February 17, 2009 <http://www.financialpost.com/money/taxes/story.html?id=1297784>

¹⁸⁰ Kramer, Andrew. The New York Times. *Russia, Looking Eastward, Opens a Gas Plant to Supply Asian Market*. 19 February, 2009. Retrieved on 22 February, 2009.

http://www.nytimes.com/2009/02/19/business/worldbusiness/19ruble.html?_r=1&ref=business&pagewanted=print

¹⁸¹ Reuters. Factbox. *18 Countries Affected by Russia-Ukraine Gas Row*. 7 January, 2009. Retrieved on 22 February, 2009. <http://www.reuters.com/article/topNews/idUKTRE5062Q520090107>

Because the Russian energy sector has been re-nationalized, supplies of oil and gas become not simply global commodities, but instead became politicized and cause instability in the region. Russia's energy sector deserves special attention in a discussion of Russia's economy and foreign relations. Although the United States does not rely on Russia¹⁸² for its energy supply, Russia's energy monopoly threatens U.S. NATO allies in Europe. Therefore, in order to mitigate the threat, the United States should engage in commercial activities that diversify the energy supply to the region.

I have two recommendations: first, the Obama administration should re-submit the US-Russia Civilian Nuclear Commerce and Cooperation Agreement to the U.S. Congress for approval; second, the Obama administration should encourage US energy companies to increase investment in natural gas and oil production in the former Soviet country of Kazakhstan. My recommendations are in line with US interests to strengthen its relations with its NATO allies as well as to create opportunities for large potential revenues to US companies.

Oil Supply Alternative: Kazakhstan

Kazakhstan has the Caspian Sea region's largest recoverable crude oil reserves and is currently contributing over half of the total regional production that is roughly 2.8 million barrels per day (bbl/d). Kazakhstan experienced production growth in the late Soviet period, a drop in the early 90s, and finally significant annual increases every year since 1994. From 1985 levels of 466,000 barrels/day, production grew to 569,000 barrels/day in 1991. From 1991 to 1994,

¹⁸² Energy Information Administration, *Official Energy Statistics from the US Government*, updated on 18 February, 2009. Retrieved on 18 February, 2009.
http://www.eia.doe.gov/pub/oil_gas/petroleum/data_publications/company_level_imports/current/import.html

production dropped more than 20% to 430,000 barrels/day. Ever since 1994, oil production has been increasing at an astonishing rate. It has more than tripled in the past 12 years to 1,426,000 barrels/day in 2006. ¹⁸³

The Kazakh government has been the most stable in Central Asia and Kazakhstan is by far the wealthiest country in the region. Nursultan Nazarbayev is currently the first and the only president of Kazakhstan. Under his regime, internal political tensions have been kept under control and foreign investment has been welcome on very favorable terms to western companies. Nazarbayev became Kazakhstan's president at the time of creation of the Independent Republic of Kazakhstan in 1991. He has been the head of state ever since, ignoring the two-term legal restriction. ¹⁸⁴

Chevron, ExxonMobil, the Chinese National Petroleum Company and many more have a great deal of money invested in the Kazakhstan energy sector that is the backbone of Kazakh economy. Politically, Nazarbayev's government is very stable, and the standard of living in Kazakhstan in many times higher than any other former Soviet countries in Central Asia. Human rights violations are also less when compared to the rest of the region. Part of Nazarbayev's agenda has been to provide economic growth, while actually reducing harmful emissions and being friendly to the environment.

Kazakhstan has attracted many foreign energy companies for investment, because of its

¹⁸³ Energy Information Administration (2007). *Country Analysis, Kazakhstan*.

¹⁸⁴ Kazhegeldin, Akezhan (December 24, 2004). "The end of the "controlled" democracy" *"Respublika"*. International Eurasian Institute for Economic and Political Research. Retrieved on 22 February, 2009.

much more liberal foreign investment policies in the energy sector. Chevron is Kazakhstan's largest private oil producer with important stakes in Tenghiz and Karachaganak oil fields. In addition, Chevron owns about 20% of the most important oil pipeline leading from Kazakhstan, the CPC pipeline. Exxon Mobil is a major investor in various Kazakhstan oil fields, especially in the Tenghiz oil field. However, the company used illegal tactics to secure certain privileges from the Kazakh government.

As a consequence, several senior executives of Mobil were arrested and sentenced on bribery charges. Due to the particular political environment in Kazakhstan, that case was not unique. Chinese investment in the Kazakhstan is important due to close proximity of the two countries and China's expanding demand for energy. CNPC is an owner of the Aktobe oil field in Kazakhstan, as well as several smaller ones and a co-owner of the China-Kazakhstan oil pipeline, which currently goes from Aktobe to Northern Chinese provinces. By 2011, it is expected to extend all the way to the Caspian Sea and tap the Kashagan oil field.¹⁸⁵ A Kazakhstan-China oil pipeline is completed and several projects are ongoing to enlarge the pipeline to the Caspian Sea reserves. The Baku-Tbilisi-Ceyhan (BTC) pipeline is a major oil pipeline that allows for the Caspian oil to travel to Ceyhan in southern Turkey, bypassing Russia and Armenia, thus allowing for further diversification. The pipeline avoids Russia and will soon provide roughly one million barrel/day. Overall, the Caspian Sea will soon be one of the leading

¹⁸⁵ Energy Information Administration. Retrieved on 22 February, 2009.
<http://www.eia.doe.gov/emeu/cabs/kazaproj.html>

oil producing areas in the world, and more importantly, several non-Russia-controlled pipelines are going to provide diversification of oil from Russia's controlled pipelines.¹⁸⁶

However, due to increasing competition from Chinese oil companies every year, the Obama Administration should provide aid to American companies to increase investment. Kazakhstan increases its oil supply every year, and the CNPC has been investing in Kazakh oil since 1997. In 2005, CNPC completed the acquisition of PetroKazakhstan, one of the major oil companies in Kazakhstan, previously owned by Canadian investors. According to the Chinese Embassy, the \$4.18 billion acquisition was at the time the largest overseas takeover by a Chinese company. The Kazakhstan-China pipeline is a joint venture between CNPC and KazMunaiGaz, a Kazakhstan state-owned oil company. The construction on the 962-kilometer long pipeline was completed in 2005 and oil started being pumped in 2006.

This pipeline is a major step towards energy cooperation between the two neighboring countries. Currently, the pipeline transports around 200,000 barrels/day, but the construction has begun to connect this pipeline with Kazakh Caspian oil reserves. Construction is set to be complete by 2011 and will allow for the transport of both Kazakh Caspian oil and even Russia's West Siberian oil reserves. Chinese Sinopec has a 25% stake in the development of Sakhalin III. Sakhalin III is currently in the development, but it will have the largest oil and natural gas reserves of all of the Sakhalin projects. The estimates are at around 5 billion barrels of oil and over 30 trillion cubic feet of natural gas. Those oil and gas will very likely run to China, as

¹⁸⁶ IEA Outlook, 93

China's demand increases.

Overall, an increase of oil and gas production by American companies in Kazakhstan will provide an alternative source of supply to countries in the region, thereby reducing the leverage of Russia's energy clout. It will also provide multi-billion dollar business opportunities for American companies due to an increase of demand from the E.U and emerging markets in Asia. In addition, my second recommendation is to increase US-Russia cooperation in civil nuclear technology. The Civilian Nuclear Commerce and Cooperation Agreement, or the 123 Agreement will open up the booming U.S. nuclear market and Russia's vast uranium fields to firms from both countries by removing Cold War restrictions that prevented bilateral trade potentially worth billions of dollars.

Commercial nuclear cooperation will also relieve the political tension between the two countries and facilitate the research and development of civilian nuclear reactors that can be exported to many developing countries that are competing for scarce oil resource globally. First, The 123 Agreement would let U.S. companies engage in civil nuclear cooperation with Russia as their European competitors do. Second, the Agreement will provide leverage: the U.S. government would gain the ability to turn off a significant revenue-earner for a Russian state business. The Russian atomic energy agency, RosAtom, wants to store nuclear waste from third-country reactors, an activity that it sees as worth tens of billions of dollars in a world where most prefer not to have nuclear waste in their countries. Much of the waste would come from U.S.-origin nuclear fuel, provided under agreements by which the U.S. government must approve where the waste gets stored. The 123 Agreement would create a framework to ship nuclear waste

to RosAtom for storage.

In September 2008, former-president George Bush withdrew this Agreement that had previously been submitted for Congressional approval.¹⁸⁷ The action was in large part a protest to Russia's invasion of Georgia. A bad action-reaction cycle was the result of the withdrawal, and Russia immediately announced that they were going to not abide by several WTO accession requirements.¹⁸⁸ Although a careful review of Russia's application to WTO is necessary, the Civilian Nuclear Cooperation Agreement will help open up the booming US nuclear market, provide "green" jobs, and help revitalize the bilateral trade between US and Russia.

Conclusion

Russia has been increasing its state influence in the energy sector and is using its massive oil and natural gas reserves for political purposes. The US needs to encourage energy diversification in the region. I recommend increasing investment in Kazakhstan. American energy companies will enjoy their large oil reserves and more open foreign investment regulations. The US should also resubmit the US-Russia Civilian Nuclear Commerce and Cooperation Agreement to Congress for approval in order to increase US-Russian nuclear cooperation. These policies will generate billions dollars to revitalize the US domestic economy.

¹⁸⁷ America.gov. *White House Withdraws Russian Nuclear Agreement from Congress*. September 08, 2009

¹⁸⁸ Myers, Steven. *New York Times*. *U.S. Backs Off Civilian Pact with Russia* 8 September, 2008

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Appendix:

Russian Petroleum Balance (1992-2009F)

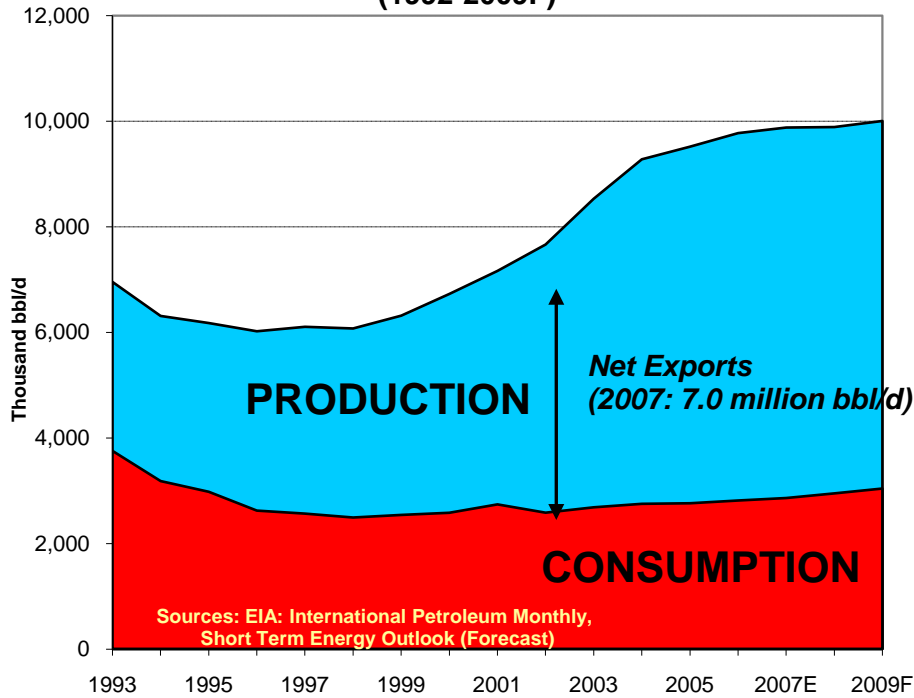
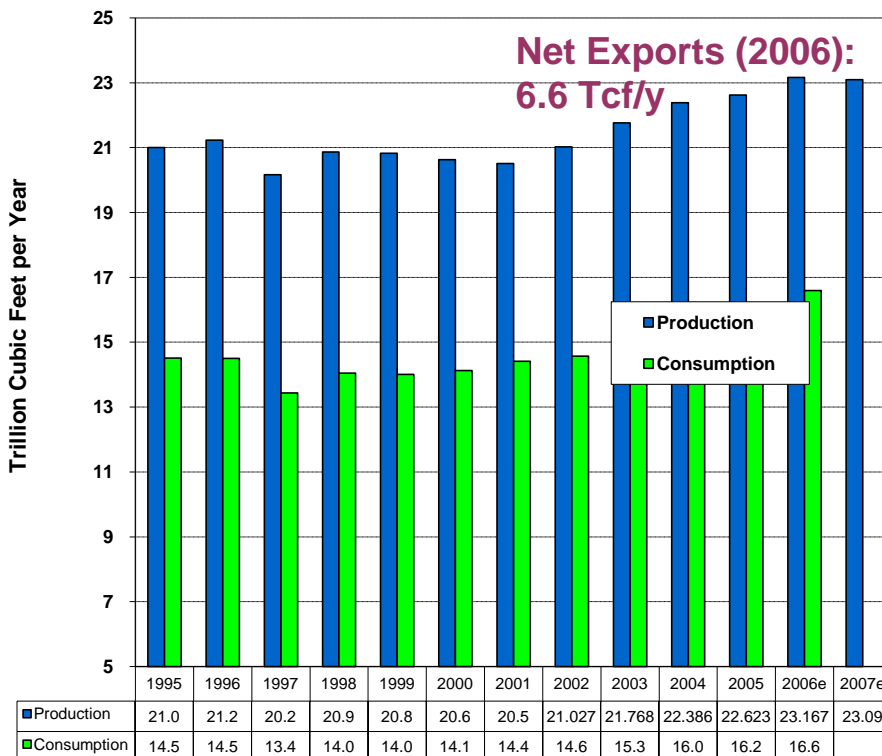


Fig. 5: Russian Natural Gas Production and Consumption 1992-2007



Source: 1992-2005: EIA International Energy Annual (2006).

**TABLE 4: Major Recipients
of Russian Natural Gas Exports, 2006-2007**

Rank	Country	2006 Exports (bcf/y)	2007 Exports (bcf/y)	2006 % of Domestic NG Consumption
1	Germany	1,339	1,378	37%
2	Turkey	703	828	64%
3	Italy	756	742	25%
4	France	353	346	20%
5	Czech Republic	261	247	79%
6	Poland	272	247	47%
7	Hungary	272	226	54%
8	Slovakia	240	223	100%
9	Austria	233	191	74%
10	Finland	173	166	100%
11	Romania	180	138	28%

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12	Bulgaria	113	120	96%
13	Greece	95	111	82%
14	Serbia & Montenegro	74	74	87%
15	Croatia	35	35	37%
16	Slovenia	25	18	64%
17	Switzerland	14	11	12%
18	Macedonia	4	4	100%
Total		5,145	5,105	
Sales to Baltic & CIS States				
1	Ukraine	2,085	2,240	66%
2	Belarus	724	763	98%
3	Lithuania	99	122	96%
4	Latvia	49	72	74%
5	Armenia	57	71	99%
6	Estonia	25	49	11%

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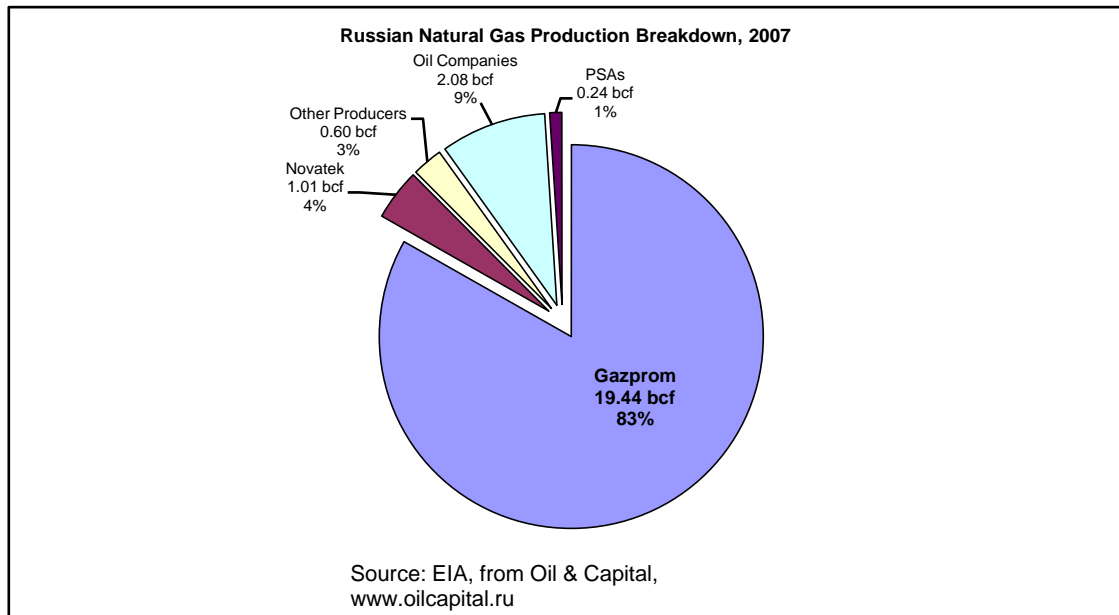
2009

7	Georgia	49	36	99%
8	Kazakhstan	28	32	3%
Total		3,117	3,385	

Sources: "Domestic Consumption" EIA International Energy Annual, 2007; "Exports 2006 and 2007"

Gazexport as cited by Energy Intelligence, March 2008, and 2008 Gazprom 1Q Quarterly Report; "Sales to Baltic and CIS States 2007", CIS and E. European Databook. 2006 from Gazprom Annual Report. **Note:**

Gazprom does not have a monopoly on sales to Baltic & CIS states.



Russian Domestic Gas Price Increases

	Price	
	\$/'000 cm	% Increase
2006	44	15%
2007	50.6	15%
2008	63.6	26%
2009	80.8	27%
2010	102.6	27%
2011	unregulated	
Source: Robert Price		

Russian Gas Sales Prices

(2008)

in \$/thousand cubic meters

Lithuania	\$ 280.00
Latvia	\$ 280.00

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2009

Estonia	\$ 280.00
Georgia	\$ 230.00
Moldova	\$ 191.25
Ukraine	\$ 179.50
Belarus (Q1)	\$ 119.00
Armenia	\$ 110.00

Note: Sales to other countries are occurring at European market prices (around \$370/mcm).

Source: EasternBloc Research Ltd.

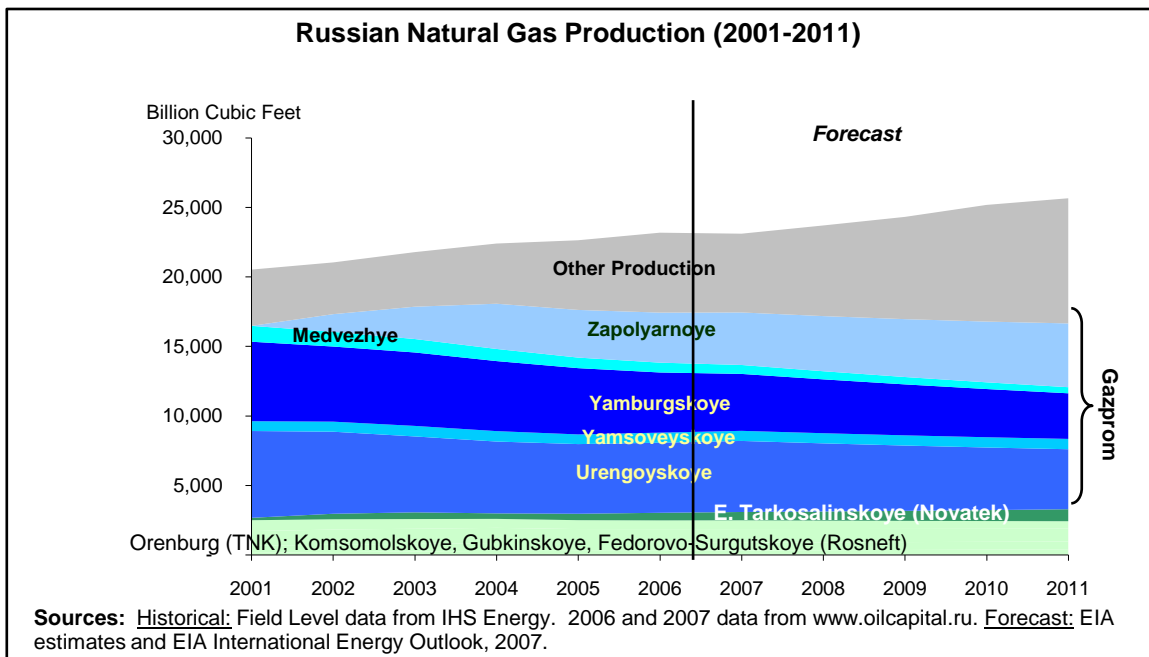
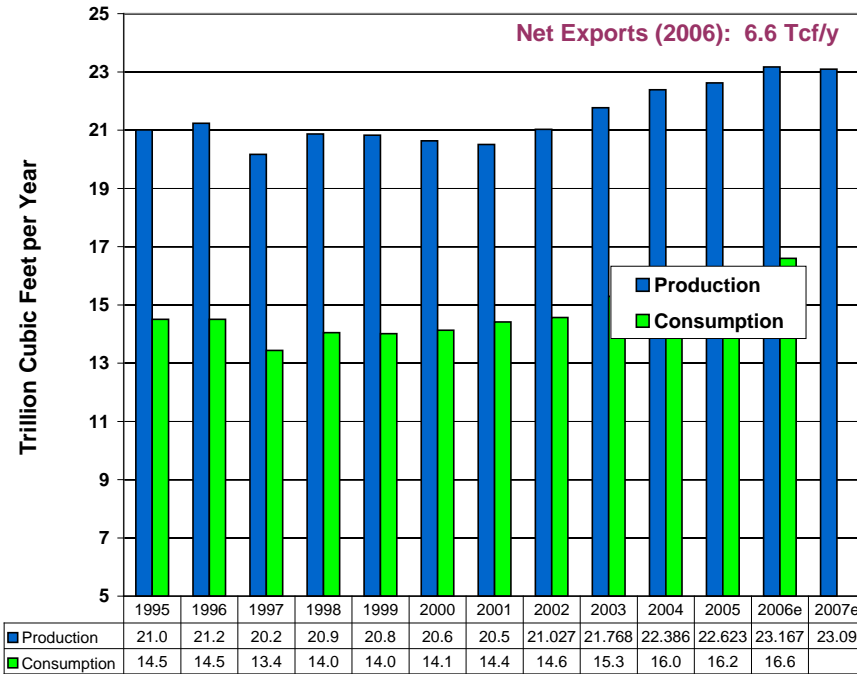


Fig. 5: Russian Natural Gas Production and Consumption 1992-2007



Source: 1992-2005: EIA International Energy Annual (2006). Gazprom (2007)

Russian Petroleum Balance (1992-2009F)

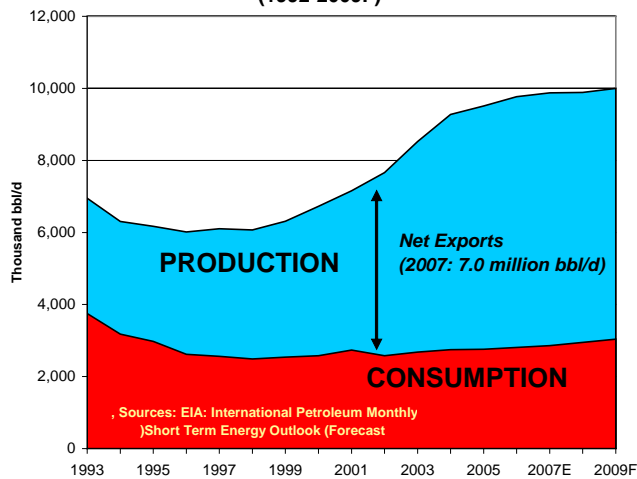
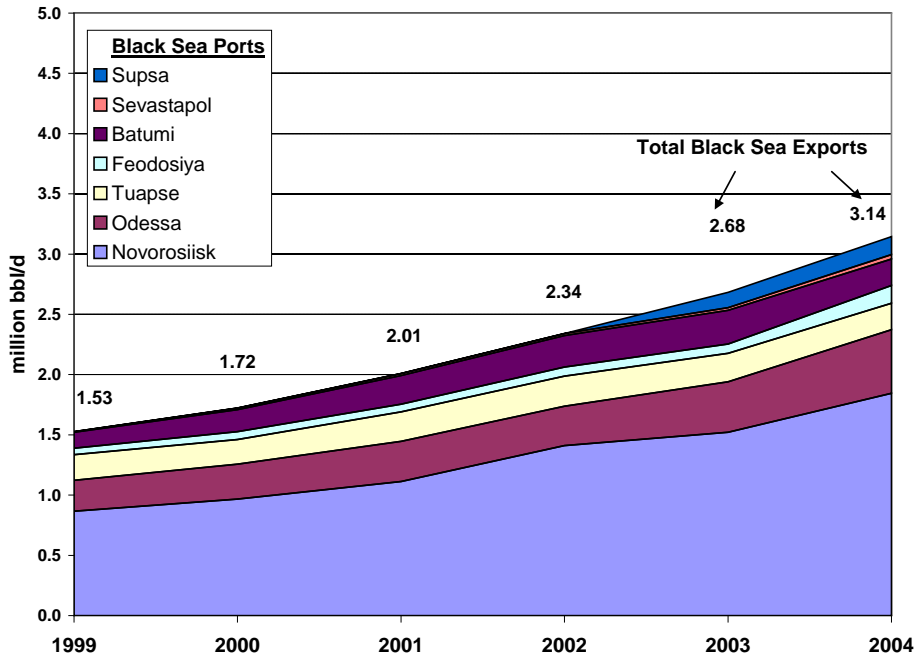
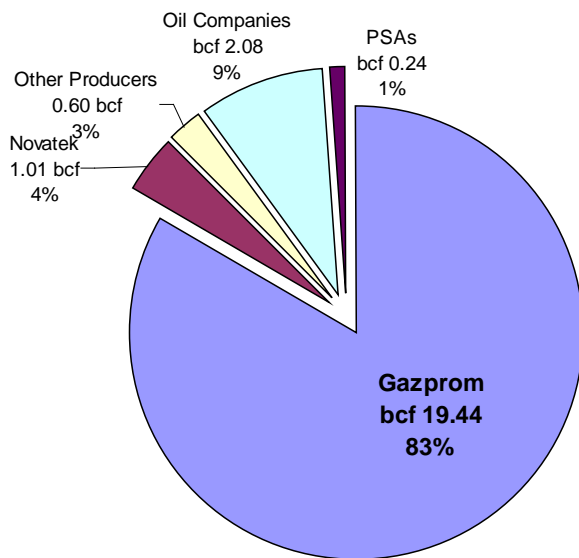


Figure 4: FSU Black Sea Exports by point of origin



Source: EIA, CIS & E. European Databook, using 89% capacity factor for shipping

Russian Natural Gas Production Breakdown, 2007



Source: EIA, from Oil & Capital, www.oilcapital.ru

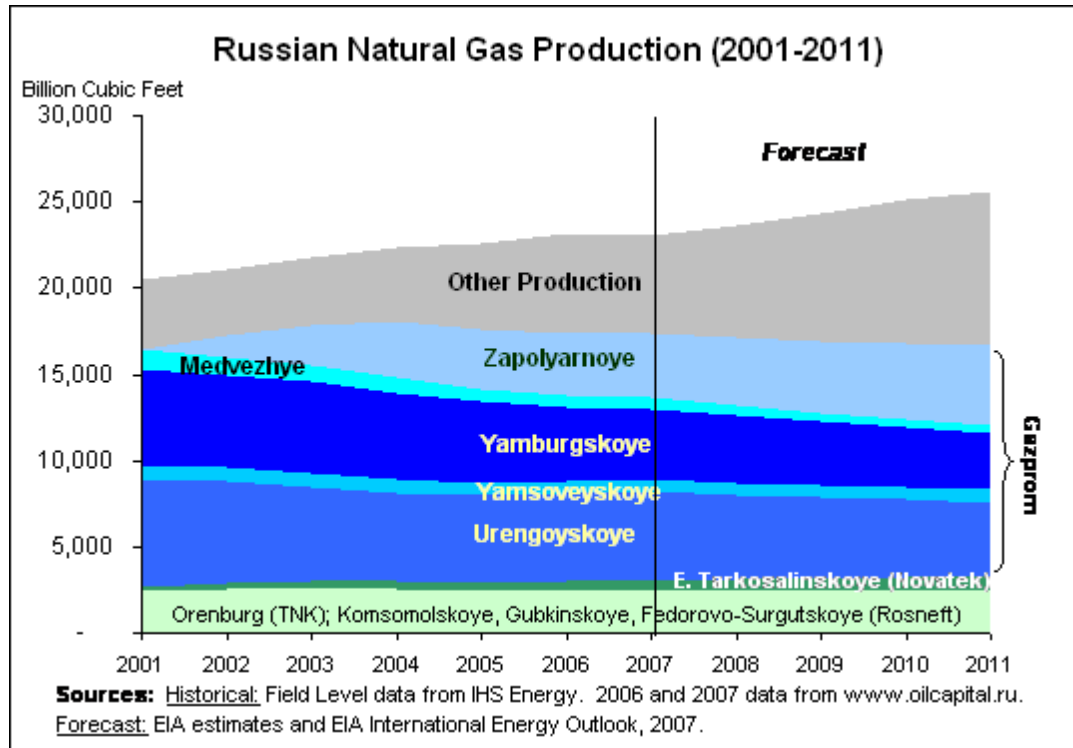
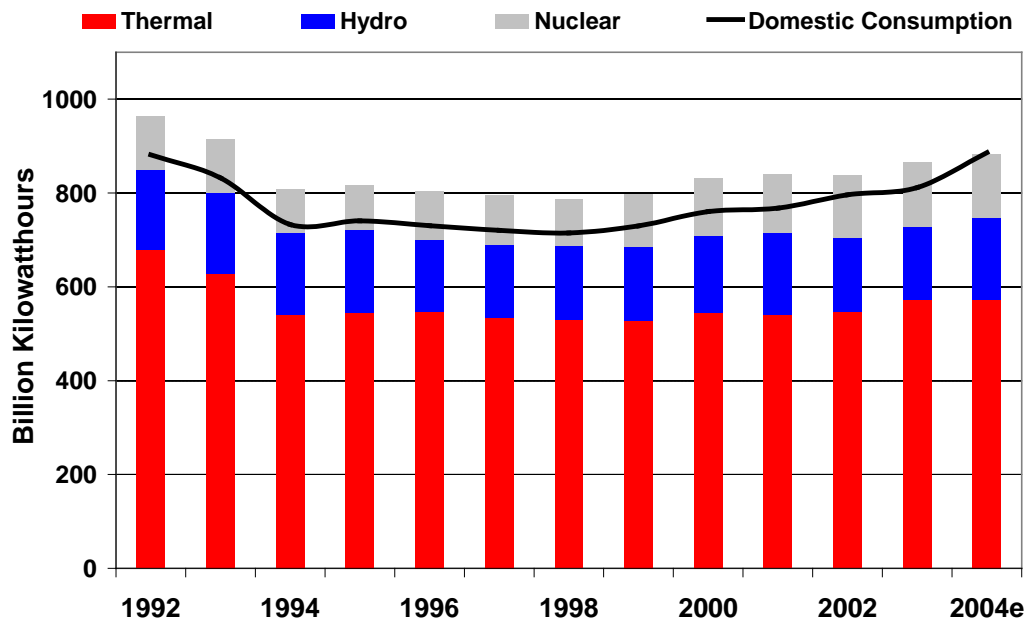


Fig. 5: Electricity Generation and Consumption in Russia: 1992-2004



Source: EIA, and CIS and E. European Energy Databook, 2005

Michael Jussaume, “Challenges to Russian WTO Accession: Inclinations towards Protectionism in the Wake of the Global Financial Crisis.”

The Global Financial Crisis and Russia’s Economy

The total economic effects of the recent global financial crisis will not become apparent for many years, if ever. However, it is apparent that all over the world both consumption and production are stagnating, if not dropping. According to the 2008 September 20th edition of the Economist, economic output is contracting in Japan, Germany, Spain, and Britain, and is barely positive in many other countries.¹⁸⁹

The Russian Federation is no exception. Indeed, the Russian Economy has been hit particularly hard from the financial crisis because the financial crisis has caused the price of oil to drop dramatically. This reality combined with Russia’s heavy dependence on energy and raw material exports, especially oil, and has caused turmoil in the Russian economy.

Unfortunately, such times of economic hardship put considerable pressure on nations to enact protectionist measures in order to maintain faltering industries and prop up domestic production. However, even though Russia has begun to engage in some protectionist measures,

¹⁸⁹ "The Financial Crisis: What Next?" 2008. *ECONOMIST -LONDON- ECONOMIST NEWSPAPER LIMITED-*. (8598): 13.

this development will not significantly alter Russia's chances of entering the WTO, provided that said protective measures are not extensive.

One of the most important reasons that the Russian economy has suffered over the course of the past several months is because the price of oil and other energy sources has plummeted. The price of crude oil has dropped from a peak of around 147¹⁹⁰ dollars a barrel during the summer of last year to 40.28 dollars on February 22nd, 2009.¹⁹¹ There are two likely reasons for the rapid decline in the price of oil over the past 6 months. First, the financial crisis has resulted in a credit crunch, so smaller players in the oil supply chain are increasingly unable to purchase oil, leaving oil majors and large retailers as the only purchasers. Indeed, Antoine Halff, deputy head of research at brokerage Fimat USA said, "Levels of credit are evaporating, so producers and refiners are having a hard time selling -they want to make sure their customers are good for the money."¹⁹² A smaller number of players reduces the overall buyer demand for oil, and allows the few organizations that remain to bargain for better prices from suppliers, further reducing the world market price for oil.

Second, as global demand for consumer goods has declined across the board, producers of various consumer goods have been forced to cut back production, leading to a lower demand for oil. Some, such as Business Monitor International, claim that in particular, it is declining

¹⁹⁰ Farrow, Paul. "Opportunity Knocks: Has the Oil Price Bottomed?" *The Telegraph*. 13 February 2009. Retrieved from <http://www.telegraph.co.uk/finance/personalfinance/investing/4609834/Opportunity-Knocks-Has-the-oil-price-bottomed.html>

¹⁹¹ NYMEX. "Market Data Overview," The New York Mercantile Exchange, <http://www.nymex.com/index.aspx>, Accessed 22 February, 2009.

¹⁹² Faucon, Benoit and Henshall, Angela. "Focus: Credit Woes Hit Oil Supply Chain, Push Prices Down," *Dow Jones Newswires*, 17 October, 2008.

Asian exports that have been responsible for the sudden plummet in the price of oil. BMI explained, “As demand for Asian goods has waned, so has economic growth; thus, demand for oil has moderated accordingly; this has exacerbated the decline in oil prices.”¹⁹³

The price drop in oil and other energy sources was particularly debilitating to the Russian economy because mineral fuels and mineral oils, section 27 of the 2007 Harmonized Tariff Schedule of the United States System, constitute by far the largest percentage of total Russian exports. According to the United Nations Comtrade Database, in 2007, mineral fuels, mineral oils and products of their distillation represented \$216,515,402,174 of Russia’s \$352,266,398,771 (measure in US dollars) worth of total exports, or roughly 61.46%. Of mineral fuels and mineral oils, the value of crude oil exports was \$114,268,452,855, roughly 32.44% of Russia’s total exports.¹⁹⁴

The decline in oil prices might be affecting Russia’s economy in the manner suggested by the Staples Theory. This economic theory suggests that if a large percentage of a country’s total exports are tied up in the export of only a few staple products, then that country will be especially vulnerable to fluctuations in the external market price for its staple products.¹⁹⁵ This is so because even if exports constitute only a relatively small percentage of total GDP in an economy, the existence of supporting industries, and the fact that exports bring in foreign

¹⁹³ Basu, Indrajit . “Asian Meltdown May Force Oil to Tank,” *UPI*. 17 October 2008, Retrieved from “http://www.upiasia.com/Economics/2008/10/17/asian_meltdown_may_force_oil_to_tank/8087/

¹⁹⁴ United Nations Comtrade Database. “2007 Russian Federation Snapshot,” and “Commodity 2709 Snapshot,” Retrieved from <http://comtrade.un.org/db/ce/ceSnapshot.aspx?r=643> and <http://comtrade.un.org/db/ce/ceSnapshot.aspx?px=H3&cc=2709>

¹⁹⁵ Stanford, Jim. 2008. "Forum on the Restructuring of the Canadian Economy - Staples, Deindustrialization, and Foreign Investment: Canada's Economic Journey Back to the Future". *Studies in Political Economy*. (82): 7.

reserves that stimulate domestic consumption mean that the performance of a staple product has a disproportionate amount of influence on the performance of the overall economy.

Of course oil, known as the lifeblood of modern nations, and other sources of energy are vital and necessary inputs for the proper functioning of any modern economy. As such, we might expect that there would be low or perhaps even nonexistent tariff rates for the importation of such goods. Indeed, if we examine the United States tariff rates for such imports, the general tariff rates are either free or nonexistent. For example, the general tariff rate for motor fuel is only 52.5¢ for every barrel (158.98 liters measured at 15.6EC).¹⁹⁶ This translates to only about a third of a cent for every liter imported.

Russia's Interest in WTO Accession

Interestingly, despite pre-existing low tariff rates for Russia's major exports, it has long been interested in WTO accession. Russia first applied for WTO accession in the June of 1993, almost 16 years ago.¹⁹⁷ We might expect that preexisting low tariff rates for Russia's main exports would reduce the incentive for Russia to join the WTO. In fact, low tariffs for such goods led many Russian leaders to initially trivialize WTO accession and liberalization.

According to Aslund, the Russians had for a time "underestimated the harm that protectionism

¹⁹⁶ Harmonized Tariff Schedule of the United States (2009). "Chapter 27: MINERAL FUELS, MINERAL OILS AND PRODUCTS OF THEIR DISTILLATION; BITUMINOUS SUBSTANCES; MINERAL WAXES," Retrieved from <http://hotdocs.usitc.gov/docs/tata/hts/bychapter/0901C27.pdf>

¹⁹⁷ Aslund, Anders. 1999. "Why has Russia's Economic Transition Been So Arduous?" *Annual World Bank Conference on Development Economics*.

could cause them, thinking of themselves as exporters of pure commodities, notably oil and natural gas, that encounter little protectionism.”¹⁹⁸

However, Russia later realized that exports have led most economic growth throughout world history, and that by joining the WTO, it would become easier to diversify the Russian economy and ultimately start to export larger quantities of a larger variety of goods, thereby stimulating economic growth.¹⁹⁹ According to 2006 World Bank Estimates, WTO accession could boost the Russian economy by 3.3 percent in the medium term and as much as 11 percent in the long term.²⁰⁰

Traditionally, the major challenge to Russia’s WTO accession has been negotiating outstanding trade disputes with current WTO members, a step necessary for accession of any applicant of the WTO. As stated on the WTO web site, “because each accession Working Party takes decisions by consensus, all interested WTO Members must be in agreement that their individual concerns have been met and that outstanding issues have been resolved in the course

¹⁹⁸ Åslund, Anders. 1999. "Why has Russia's Economic Transition Been So Arduous?" *Annual World Bank Conference on Development Economics*.

¹⁹⁹ Åslund, Anders. 1999. "Why has Russia's Economic Transition Been So Arduous?" *Annual World Bank Conference on Development Economics*.

²⁰⁰ Stokes, Bruce. 2006. "Time for Russia to Join the WTO?." *National Journal* 38, no. 7: 49-51. *Academic Search Complete*, EBSCOhost (accessed February 25, 2009).

²⁰⁰ “William Burns: U.S. Supports Russia’s Bid for WTO,” *Kyiv Post*, 13 February 2009. Retrieved from <http://www.kyivpost.com/world/35465>

of their bilateral and multilateral negotiations.”²⁰¹ For a long while, the United States was one of the last major countries with remaining trade disputes.²⁰²

But recent indications seem to indicate that Russia has gained the support of the United States. As recently as February 13th, 2009, William Burns the U.S. Under Secretary of State for Political Affairs, said the new U.S. administration supports Russia's aspirations to join the World Trade Organization.²⁰³ The Moscow Times reported on February 25th that one reason the United States supports Russia's accession is because it realizes that accession will improve bilateral trade relations. Since the United States accounts for only 4 percent of Russian trade and foreign direct investment, there is significant potential to expand bilateral economic relations for the benefit of both nations. In addition, the United States seems to want Russia to join the WTO because it would “promote rule-based international norms of economic behavior in Russia and thus help influence Kremlin policy in a constructive direction.”²⁰⁴

Though nations such as Ukraine and Georgia could still block Russia's WTO accession (the two nations have other, unrelated conflicts with Russia, and were attempting to use WTO accession as a bargaining chip), Ukraine has recently stated that it would not seek to block

²⁰¹ World Trade Organization. 2009 “How to Become a Member of the WTO,” Retrieved from http://www.wto.org/english/thewto_e/acc_e/acces_e.htm

²⁰² Stokes, Bruce. 2006. "Time for Russia to Join the WTO?." *National Journal* 38, no. 7: 49-51. *Academic Search Complete*, EBSCOhost (accessed February 25, 2009).

²⁰³ “William Burns: U.S. Supports Russia's bid for WTO,” *Kyiv Post*, 13 February 2009. Retrieved from <http://www.kyivpost.com/world/35465>

²⁰⁴ Ennis, Darren and John, Mark. “PREVIEW-EU, Russia Seeks to Mend Fences after Gas Row,” *Reuters*. 4 February 2009, Retrieved from <http://uk.reuters.com/article/oilRpt/idUKL415790720090204?pageNumber=3&virtualBrandChannel=0>

Russia's accession over gas debt,²⁰⁵ and Georgia seems to be backing off its strict stance on Russia's WTO accession. In fact, Georgia reportedly approved Russia's joining WTO in return for being allowed to jointly staff customs posts on Russia's border with Abkhazia and South Ossetia.²⁰⁶

Once Russia resolves outstanding issues with all the WTO member nations, and the terms of accession are agreed upon, it will be relatively simple for it to join the WTO. Basically, Russia would be accepted into the WTO if a two-thirds majority of the Members of the WTO approve the agreement on the terms of accession.²⁰⁷ Though a two-thirds majority may sound difficult, there is little chance Russia would be rejected if the accession process reached this stage because all outstanding issues would have all already been resolved, so there would not be any major issues, and therefore little incentive for member nations to reject Russia's application. In addition, there would be considerable pressure to accept the application, given that it would take years to renegotiate a different accession package.

Remaining Obstacles and Likely Outcomes

Due to the promising nature of accession negotiations that are occurring between Russia and various member states, it appears that the main obstacles in the way of Russian accession are being negotiated with some success. However, in the wake of the global financial crisis, a new

²⁰⁵ "Hosting Talks With Zubkov, Timoshenko Says Kiev Has Paid Off Gas Debt, Won't Block Russia's Path to WTO". 2008. *The Current Digest of the Post-Soviet Press*. 60 (17): 16.

²⁰⁶ "Tbilisi Reports Agreement to Give Its Okay to Russia's Joining WTO in Return for Being Allowed to Jointly Staff Customs Posts on Russia's Border With Abkhazia, South Ossetia". 2008. *CURRENT DIGEST OF THE POST SOVIET PRESS*. 60 (8): 11.

²⁰⁷ World Trade Organization. 2009. "Marrakesh Agreement Establishing the World Trade Organization," Retrieved from http://www.wto.org/english/docs_e/legal_e/04-wto_e.htm#articleXII

potential obstacle has arisen. Over the course of the past several months, there have been a growing number of protectionist measures implemented by both member and non-member states of the WTO. Russia, as a non-member state, is not currently bound to any to any of the WTO provisions, making it easier for it to Russia to pass trade restrictive legislation. Russia has not shown any qualms in doing so vigorously, as John Miller of the New York Times claims that “Russia has introduced 28 measures to raise tariffs on other countries' imports and subsidize its own exports since November, and plans six more.”²⁰⁸ In light of these recent events, the question is whether, after 16 years of negotiation, raising tariffs and implementing other barriers to trade will be detrimental towards Russia’s quest to join the WTO.

I believe that though new protectionist legislation on the part of Russia may serve as a challenge to Russia’s WTO accession, it will not significantly alter Russia’s prospects for membership, nor will it undermine the support Russia has built for its entry into the WTO. Undoubtedly, protectionist measures will slow down Russian accession because it will increase the amount of pre-accession negotiations, but the new tariffs, as they are not will not significantly undermine nor derail Russia’s quest for membership.

The current wave of protectionism is very problematic for the WTO and the advocates of liberalization and free trade. Unfortunately for the WTO, the protectionist tendencies are not isolated events. They are taking place all across the globe, and are being implemented by some of the largest economies, including the United States. For example, the European Union contends

²⁰⁸ Miller, John. “Nations Rush to Establish New Barriers to Trade,” *The Wall Street Journal*, 6 February 2009
Retrieved from http://online.wsj.com/article/SB123388103125654861.html?mod=googlenews_wsj

that the United States' "Buy American" provisions in the recently-enacted stimulus legislation could break trade rules. The United States has also placed new tariffs on some Chinese goods including mattress springs, and graphite electrodes. Though the United States is attempting to justify its actions against China under the auspices of the WTO by claiming that Chinese products are being dumped on the US market,²⁰⁹ it is possible that this is just an American excuse so it can provide protection to domestic US industries. It seems that like the United States, many other countries may also be using dumping as an excuse to raise tariff rates, as evidenced by the fact that the WTO's figures show that antidumping cases are up 40% since a year ago.²¹⁰ Antidumping may be a popular justification because it is a provision within the WTO which allows nations to set compensatory tariffs in the event that a foreign nation is selling products in the home country at less than their normal value.²¹¹ In addition, even if a nation fails to prove that the product in question is being dumped and they must repeal the compensatory tariff, the legal process inevitably takes time, so a nation is able to benefit from protection in the interim period, with minimal ramifications.

Since recent tendencies towards protectionism are so large in scope, and protectionist policies are now being conducted by almost all major economic powers, it is unlikely that Russia would be criticized extensively by any of the most influential and powerful members of the

²⁰⁹ Miller, John. "Nations Rush to Establish New Barriers to Trade," *The Wall Street Journal*, 6 February 2009 Retrieved from http://online.wsj.com/article/SB123388103125654861.html?mod=googlenews_wsj

²¹⁰ Miller, John. "Nations Rush to Establish New Barriers to Trade," *The Wall Street Journal*, 6 February 2009 Retrieved from http://online.wsj.com/article/SB123388103125654861.html?mod=googlenews_wsj

²¹¹ World Trade Organization. 2009. "Uruguay Round Agreement: Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994," Retrieved from http://www.wto.org/english/docs_e/legal_e/19-adp_01_e.htm#ArticleII

WTO. As the famous saying goes, “those who live in glass houses shouldn’t throw stones.” It would be both hypocritical and dangerous for nations to criticize the protectionist policies of others while they have their own firmly in place. At most, Russia will be “strongly encouraged” to abandon protectionist policies. This would then become a golden opportunity for Russia, because by scaling back its protectionist policies, it would be able to show its commitment to free trade and trade liberalization.

Another problem for trade liberalization is that under the current WTO Tariff ceilings, many nations can almost double their current tariff rates and still be consistent with WTO regulations.²¹² Most nations keep their tariffs lower than what is required under WTO law. As a result, member nations are capable of affording protection to their domestic industries, though only to a certain degree, by raising tariffs to their upper limits.

However, Russia, since it is not yet a member of the WTO, it can implement even higher tariffs. Since protectionism seems on the rise right now, this development gives Russia more bargaining power, and countries will pressure Russia to lower trade barriers for market access. Potentially, member nations could raise tariffs specifically against Russia in a form of a retaliatory tariff, but in doing so they would have to risk an angry response on the part of the Russians, and be prepared for a deterioration of relations. In addition, since Russia’s exports are mostly raw materials, especially oil, countervailing tariff measures likely would not have a very profound effect, or may be more detrimental to one’s own economy than to Russia. Ultimately,

²¹² World Trade Organization. 2009. “Lamy Urges Governments to Rebuild Confidence and Fight Protectionism.” Retrieved from http://www.wto.org/english/news_e/sppl_e/sppl115_e.htm

frustrated by new tariffs implemented by Russia, member nations will increasingly consider Russia's accession as a welcome development, because then it will be subject to the same tariff ceilings as every other nation in the WTO.

Due to the financial crisis and the stagnation of global economic growth over the past year, various nations have attempted to retreat back into their respective national economies and have increasingly tried to protect domestic industries at the expense of those of their neighbors. Of course, as one nation starts to increase tariffs, it tends to create a chain reaction in which everyone else also rushes to afford protection to their own sensitive industries. One could regard the situation as one akin to that of the prisoner's dilemma game. The best thing would be for all nations to continue to promote free trade, but each respective nation is afraid of being one of the few nations who keeps tariffs low while everyone else raises tariffs, commonly viewed as the worst possible trade scenario for a country.

Russia's own implementation of a variety of new tariffs is part of this larger global trend towards protectionism. Though these tariffs will slow Russian accession, they do not change the fact that it is in Russia's best interest to join the WTO. Russia, the EU, and the United States all recognize that Russian accession will improve future possibilities for closer economic cooperation, for the benefit of all parties involved. As long as Russia remains committed to WTO accession and does not go overboard in raising trade barriers, the likelihood of Russian WTO membership in the near future is good. After all, the main barriers to Russia's accession were always political in nature. As long as those barriers do indeed dissipate, there is no reason

to believe that Russia, like China, will not be able to reach an agreement with member nations, despite some questionable trade policies.

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Stanford, Jim. 2008. "Forum on the Restructuring of the Canadian Economy - Staples, Deindustrialization, and Foreign Investment: Canada's Economic Journey Back to the Future". *Studies in Political Economy*. (82): 7.

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World Trade Organization. 2009 "How to Become a Member of the WTO," Retrieved from http://www.wto.org/english/thewto_e/acc_e/acces_e.htm

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"William Burns: U.S. Supports Russia's bid for WTO," *Kyiv Post*, 13 February 2009. Retrieved from <http://www.kyivpost.com/world/35465>

Garrett Strain, “Russia’s Accession to the WTO: Implications and Challenges for the U.S.”

Introduction

Russia submitted its request for accession to the World Trade Organization (WTO) in 1993, and, after a record sixteen years of deliberations and consultations with individual WTO members, the prospect of Russia’s membership in the WTO seems both imminent and distant. Several characteristics suggest that Russia would be an ideal candidate for WTO membership. Russia is the largest country in the world not yet a member of the WTO, a member of the Group of Eight, and a major player in international relations.²¹³

Other characteristics, however, suggest that Russia is far from a reliable economic partner. Russia uses its gas and oil reserves as foreign policy tools against other countries, engages in bellicose behavior like the August 2008 incursion into Georgia, and violates intellectual property rights on a massive scale. Currently, Russia’s accession is at an impasse. Following the Russian-Georgian war in August, Georgia, a WTO member, vowed to both block the accession Working Party from meeting and vote in the Ministerial Conference against Russia’s accession.²¹⁴

²¹³ Åslund, Anders. 2007. "Russia's Accession to the World Trade Organization". *Eurasian Geography and Economics*. 290

²¹⁴ Smolchenko, Anna. 2008, August 25. Putin Casts Doubt on Russia's WTO Accession. *The New York Times*. <http://www.iht.com/articles/2008/08/25/business/wto.php>, accessed on February 5, 2009.

It is at this critical juncture that the U.S. should continue to pledge its unequivocal support for Russia's accession to the WTO. I argue this claim based on the gains to the Russian economy accruing from WTO membership as well as benefits to the U.S. realized from the stabilizing effect of WTO membership on Russia. Recognizing that it is not sufficient to merely state that the U.S. should support accession, I present a course of action the U.S. should pursue in order to diffuse Georgia's blockage of the accession process, which stands as the most immediate and persistent obstacle to accession. This course of action consists of the U.S. engaging in negotiations with Georgia and Russia on parallel tracks concerning the conditions for WTO accession, while acting as a mediator between the two parties in order to facilitate the conciliatory dynamic necessary for a compromise.

The Procedure For and History of Russia's Accession:

Accession to the WTO begins with the submission of a prospective country's formal written request for entry to the WTO Director General, who then forwards the request to the General Council (a body comprising every WTO member).²¹⁵ Russia submitted this request in June of 1993.²¹⁶ Upon receiving this request, the General Council forms a Working Party for accession pursuant of Article XII of the Marrakesh Agreement.²¹⁷ The Working Party is a forum for any WTO member with a significant stake in Russia's accession to negotiate bilateral and multilateral agreements with Russia on terms of trade, tariff and non-tariff barriers, and other

²¹⁵ World Trade Organization. 2005. *Technical Note on The Accession Process*. Geneva: WTO. 5

²¹⁶ World Trade Organization. 2009. *Accessions: Russian Federation*.

http://www.wto.org/english/thewto_e/acc_e/a1_russie_e.htm, accessed on February 10, 2009.

²¹⁷ World Trade Organization. 1999. *Agreement Establishing the WTO*. Geneva: WTO. Article XII.

measures of interest. Due to the size of Russia's markets, its accession Working Party is the largest in WTO history, currently comprising 60 countries including the U.S., the EU and Georgia.²¹⁸

The next stage in this process is the submission of a Memorandum consisting of facts related to a country's trade regime and economy.²¹⁹ Russia submitted this memorandum in March of 1994. On the basis of this Memorandum, Working Party members begin a thorough fact finding operation, which consists of questioning in order to determine the consistency of the applicant's trade regime with WTO rules.²²⁰ From 1995 to 1997, Russian negotiators answered 3,500 questions about its trade regime by Working Party members.²²¹ The Memorandum is continually updated and revamped in response to questions and concerns by Working Party members until most basic issues are resolved, at which time the Memorandum becomes the draft Working Party report for accession.

The next stage is bilateral and multilateral negotiations. According to a WTO technical note on accession:

"Multilateral negotiations...relate to goods...TRIPS [intellectual property] and systemic issues in services. Acceding governments are expected to observe the rules set out in the WTO Agreement, as well as the binding commitments negotiated and finally agreed in their Protocol of Accession....Bilateral market

²¹⁸ Tarr, David. 2007. "Russian WTO Accession What Has Been Accomplished, What Can Be Expected." *Policy Research Working Papers*, 4428. Washington: The World Bank. 2

²¹⁹ World Trade Organization. 2005. Technical Note on The Accession Process. 5

²²⁰ Scharf, Sandra. 2006. *Russia and the WTO: Reasons For the Delay in the Accession Process*. Saarbrücken: VDM Verlag. 10

²²¹ Åslund, Anders. 2007. "Russia's Accession to the World Trade Organization". *Eurasian Geography and Economics*. 291

access negotiations begin *following the Applicant's submission of offers on concessions and commitments in the goods and services sectors*. As the negotiations advance, these initial market access offers are revised to take account of the progress achieved or expected.”²²² (Author’s emphasis added)

Typically, all existing bilateral issues must be resolved before the accession process can finalize itself in the multilateral forum. Russia has reached a bilateral accord with every country in the Working Party with the notable exception of Georgia.²²³ Once the bilateral and multilateral agreements are completed, the Working Party prepares a draft report on accession, “including a draft decision, protocol of accession, and the negotiated tariff schedule.”²²⁴ The Working Party then submits the draft report to the Ministerial Conference, a body representing every WTO member, which meets at least once every two years. If the Ministerial Conference is adjourned, the vote can move to the General Council requiring a 2/3 majority for accession,²²⁵ though some authors argue that de facto conditions require consensus among all parties for accession approval.²²⁶

One of the problems with the WTO accession process is that its exact procedures were never defined in an approved agreement. The procedures outlined above are the product of convention and precedent based solely on a note by the WTO Secretariat published on March 24,

²²² World Trade Organization. 2005. Technical Note on The Accession Process. 5

²²³ Anna Smolchenko. 2008, August 25. Putin Casts Doubt on Russia's WTO Accession. *The New York Times*. <http://www.iht.com/articles/2008/08/25/business/wto.php>, accessed on February 5, 2009.

²²⁴ Scharf, Sandra. 2006. *Russia and the WTO: Reasons For the Delay in the Accession Process*. 11

²²⁵ Matsushita, Mitsuo, Thomas J. Schoenbaum, and Petros C. Mavroidis. 2003. *The World Trade Organization: Law, Practice, and Policy*. The Oxford International Law Library. Oxford: Oxford University Press. 11

²²⁶ These authors include Tarr, David (2007) and Aslund, Anders (2007).

1995.²²⁷ This note was never submitted to the General Council or Ministerial Conference for formal approval and serves merely as a “practical guide” for the accession process.²²⁸ In the past, Working Party members have taken the liberty of obstructing the accession process due to its lack of legally mandated procedures. Georgia is currently taking a similar course of action with its blockage of all accession Working Party meetings.

What Does Russia Stand to Gain From Accession?

The World Bank and Russian Ministry of Economic Development and Trade co-sponsored a series of studies in 2004 in order to detail what the economic benefits from membership would look like. Some salient figures from these studies are compiled in the following table:

Table 1. Impact of WTO Accession on Selected Economic Indicators in the Medium Term (in percent of change)

Economic indicator	Improved market access for Russian exporters	Removal of Russian barriers to FDI	Tariff reduction in Russia	Total impact
GDP increase	0.3	2.5	0.6	3.4
Real exchange rate	-0.5	1.2	2.1	2.7
Aggregate exports	2.3	3.7	8.1	14.5
Unskilled labor	0.1	3.2	0.5	3.8
Skilled labor	0.6	3.0	1.7	5.5
Capital	-0.5	1.1	1.1	1.7

²²⁷ WTO Secretariat. March 24, 1995. Document WT/ACC/1.

²²⁸ World Trade Organization. 2005. Technical Note on The Accession Process, 8

Compiling completed by Aslund, 2007 from Jensen et al., 2004; Rutherford et al., 2004, 2005.²²⁹

As this table demonstrates, Russian WTO accession will have economy-wide benefits, particularly in the medium- and long-run. Four specific benefits warrant explication. First, though not the most significant economic impetus, WTO membership will grant Russia greater rights to contest the “84 restrictive measures taken by 39 countries against [its goods, including]...48 anti-dumping measures, 7 protectionist measures, and 29 tariff, non-tariff, and administrative regulations”²³⁰ thereby improving market access for Russian exporters.²³¹ Second, the benefits accruing from foreign direct investment (FDI) liberalization are estimated at nearly three-quarters of the total gains from WTO accession.²³² Examples of newly liberalized barriers to FDI are in the professional service sector, the banking sector, the insurance sector, and the property ownership sector.²³³

The liberalization of FDI will reduce the cost of these services to Russian consumers and increase the efficiency of Russian firms in order to compete with multinational providers.²³⁴ Third, a reduction in Russian tariff rates will improve domestic allocation of resources as they

²²⁹ Åslund, Anders. 2007. "Russia's Accession to the World Trade Organization". *Eurasian Geography and Economics*. 293

²³⁰ Bush, Keith. 2009. *Russian Economic Survey*, January 2009. Washington D.C.: U.S.-Russia Business Council. 16

²³¹ Jensen, Jesper & Rutherford, Thomas & Tarr, David. "Economy-Wide and Sector Effects of Russia's Accession to the WTO: A Summary." Washington, DC: World Bank, 2004. 2

²³² Ibid. pg. 3

²³³ Ibid.

²³⁴ Ibid.

are rerouted to sectors with the greatest competitive advantage on the world market.²³⁵ This reallocation of resources exemplifies what international economists (David Ricardo, in particular) refer to as “the gains from trade.” Fourth, and most pertinent to the concerns of average Russians, are the gains to households. According to a report authored by Rutherford and Tarr (2005), “the poorest 10 percent of households gain 7.8 percent of consumption, which is slightly higher than the average gain of 7.3 percent consumption. The gains, as a percent of consumption, are distributed rather evenly across households at different income levels.”²³⁶ The finding that the percentage of benefits accruing from WTO accession is greatest for the poorest households should help to allay fears that WTO accession will only benefit the wealthy, capital-intensive, or highly skilled labor sectors.

What Does The U.S. Stand to Gain From Russia’s Accession?

After having discussed why accession is in the best economic interest of Russia, the substantive question to be addressed in this section is whether or not Russia acceding to the WTO is in the best interest of the United States. The answer is, almost surely, yes. There has already been a litany of benefits derived from the accession process. Russia has agreed to “reduce its bound MFN tariffs to about 8 percent on average,” reduce tariffs on civilian aircrafts from 20% to 7.5%, allow 100% foreign ownership of the insurance sector other than life insurance, allow 100% foreign ownership of banks, permit foreign branch banking, terminate the

²³⁵ Ibid.

²³⁶ Rutherford, Thomas. & Tarr, David. 2005. “Russia’s WTO Accession: What Are the Macroeconomic, Sector, Labor Market and Household Effects?”. Washington D.C.: The World Bank. 6-7

Rostelekom monopoly on telecommunications within Russia, guarantee equal access to markets and national treatment for many professional service sectors, bind tariffs on all agricultural products, and reform intellectual property rights laws.²³⁷ Such benefits likely would not have come to fruition without the role of WTO accession as a catalyst for Russian economic reform.²³⁸

Some may argue that, although these agreements have been reached, Russia has also reneged on many of these same commitments. Several of the hang-ups to accession—including Russia’s poor enforcement of intellectual property rights laws, increasing of tariffs on the importation of foreign motor vehicles in December 2008²³⁹, and its suspension of natural gas flows to the EU through Ukraine in January 2006 and 2009—serve as examples of capricious Russian behavior. These facts, however, do not serve as reasons to abandon the accession process but, rather, to shore it up.

The efficacy of the WTO as an international institution derives from the fact that if Russia reneges on any commitment or violates a trade law once a member, any affected member can file a Request for Consultation with the WTO arbitration panel known as the Dispute

²³⁷ Tarr, David. 2007. “Russian WTO Accession What Has Been Accomplished, What Can Be Expected.” The World Bank. 4

²³⁸ Ibid.

²³⁹ Schwirtz, Michael & Levy, Clifford. 2009, February 9. “As Economy Sinks, Russians Stage Protests Against the Kremlin.” *The New York Times*. <http://query.nytimes.com/gst/fullpage.html?res=9C04E0D8123AF932A35751C0A96F9C8B63>, accessed on February 10, 2009.

Settlement Body (DSB), allowing for the adjudication of trade disputes.²⁴⁰ Currently, there is no equivalent dispute settlement system to punish Russia, as a non-member, for failing to honor an agreement. According to Articles 2.1 and 3.2 of the annexed Understanding on Rules and Procedures Governing the Settlement of Disputes agreement:

The DSB shall have the authority to establish panels...maintain surveillance of implementation of rulings and recommendations, and authorize suspension of concessions and other obligations under the covered agreements....The dispute settlement system of the WTO is a central element in providing security and predictability to the multilateral trading system. The Members recognize that it serves to preserve the rights and obligations of Members under the covered agreements, and to clarify the existing provisions of those agreements in accordance with customary rules of interpretation of public international law.²⁴¹

The importance of the “maintaining surveillance” clause should not be understated. The WTO has mechanisms at its disposal to ensure transparency in compliance with its agreements that will save the U.S. resources that it would otherwise use to ensure that Russia is abiding by bilateral agreements outside of the WTO.

If Russia, once a member, chooses to not obey a ruling made by the Dispute Settlement Body to remove a trade distorting measure, the U.S. will have legal recourse in the WTO

²⁴⁰ Matsushita, Mitsuo, Thomas J. Schoenbaum, and Petros C. Mavroidis. 2003. *The World Trade Organization: Law, Practice, and Policy*. 113

²⁴¹ World Trade Organization. 1995. *Annexed Understanding on Rules and Procedures Governing the Settlement of Disputes*. Geneva: WTO. Articles 2.1 and 3.2.

framework to implement sanctioned measures to counteract the effects of Russia's actions on its economy. Article 22.1 of the annexed WTO Understanding on Rules and Procedures Governing the Settlement of Disputes states that the WTO allows for "compensation [from the offending country] and the suspension of concessions or other obligations...[as] measures available in the event that the recommendations and rulings [by the DSB] are not implemented within a reasonable period of time."²⁴² The availability of legally sanctioned countermeasures will be crucial in furthering the mutual interests of both the U.S. and Russia. While Russia is outside of the WTO, the United States has no independent adjudicator at its disposal to determine (1) if Russia is complying with its bilateral agreement with the U.S. and (2) if a countermeasure implemented by the U.S. is, in fact, proportional to the distortive effects of a given Russian action.²⁴³ Having the DSB as an independent body will thus promote stability, fairness, and accountability in U.S.-Russian economic relations.

Furthermore, bringing Russia into the WTO would lock-in reforms so that subsequent regimes could not reverse the economic liberalization of their forbearers. The Russian leadership would be bound by the rigorous WTO rule-based system. This lock-in effect would provide

²⁴² World Trade Organization. 1995. *Annexed Understanding on Rules and Procedures Governing the Settlement of Disputes*. Geneva: WTO. Article 22.1

²⁴³ In *Globalization and its Discontents* (2003), Joseph Stiglitz documents one particularly egregious case of both a disproportionate and unwarranted U.S. response to Russia's economic policies. According to Stiglitz, in 1994 the U.S. accused Russia of dumping aluminum in U.S. markets and enacted countervailing measures that were based on little to no evidence of dumping. If Russia were in the WTO, these actions would have been unacceptable because the Dispute Settlement Body would have likely found no evidence of dumping. This case thus serves as an example of the potential for increased fairness in U.S.-Russian economic relations provided by Russia's accession to the WTO.

stability and predictability for Russia's economic policies.²⁴⁴ According to a Carnegie Endowment for International Peace report detailing how President Obama should conduct relations with Russia, author Dmitri Trenin notes that "the principal potential danger is the absence of rules for the relationship" between the U.S. and Russia.²⁴⁵ Thus, Russian membership in the WTO would help ameliorate this "absence of rules" by situating the economic dimension of the U.S.-Russian relationship in the context of the WTO system.

The stability garnered from Russia's accession to the WTO will bear additional gains to U.S. investors in the form of a more favorable investment climate, encouraging greater foreign direct investment flows.²⁴⁶ Currently, U.S. foreign direct investment in Russia is far below its potential level. According to a U.S.-Russian Business Council report, the cumulative total of FDI in Russia from 1991 to May 2008 is \$103 billion,²⁴⁷ a meager sum when compared to the \$22 billion of U.S. FDI flowing into China in 2007 alone.²⁴⁸ WTO accession will bring several advantages encouraging U.S. investment activity in Russia, including increased transparency and

²⁴⁴ Wegren, S. K. 2007. "Russian Agriculture and the WTO". *Problems of Post Communism*. 46

²⁴⁵ Trenin, Dmitri. 2008. *Thinking Strategically about Russia. Foreign Policy For the Next President*. Washington, DC: Carnegie Endowment for International Peace.

http://carnegieendowment.org/files/thinking_strategically_russia.pdf. 1

²⁴⁶ Cohen, Ariel. 2002. "Why Russia's Accession to the WTO is in America's Economic and Strategic Interests." Washington D.C.: Heritage Foundation. 4

²⁴⁷ Bush, Keith. 2009. *Russian Economic Survey*, January 2009. 12

²⁴⁸ Pifer, Steven. 2009. "Reversing the Decline An Agenda for U.S.-Russian Relations in 2009." Washington, D.C.: Brookings Institution. 15

predictability in Russia's economic regime, a greater protection of minority shareholder rights, and a more stringent policy on the enforcement of business contracts.²⁴⁹

In spite of the gains listed above, some observers have called for a reevaluation of the U.S. support for Russia's accession to the WTO, particularly in light of the events that unfolded in August 2008 between Russia and Georgia. In mid-August 2008, President Obama stated that the U.S. should "convene other international forums to condemn this [Russia's] aggression, to call for an immediate halt to the violence and to review multilateral and bilateral arrangements with Russia—including Russia's interest in joining the World Trade Organization."²⁵⁰ While Russia's incursion into Georgia does represent a serious breach of international law—and Obama is right to assert that there should be political consequences—the WTO is not the proper venue in which to punish Russia for two main reasons.

First, Russia's stance towards WTO accession has become ambivalent in recent months. At a meeting of his Presidium on August 25, 2008, Russian Prime Minister Vladimir Putin stated, "we [Russia] don't see or feel advantages from membership [in the WTO], if they exist at all."²⁵¹ In a more palpable statement on December 29, 2008, Putin added, "since the late 1990s we had been seeking integration with the world economy. Our integration wish came true. As people say,

²⁴⁹ Cohen, Ariel. 2002. "Why Russia's Accession to the WTO is in America's Economic and Strategic Interests." 3

²⁵⁰ Palmer, Doug. 2008, August 12. Russia's WTO Entry Not Close: U.S. Commerce chief. *Reuters*. <http://www.reuters.com/article/politicsNews/idUSN1248489620080812>, accessed on February 12, 2009.

²⁵¹ Smolchenko, Anna. "Putin Eyes Retreat On WTO Accords." *Moscow Times*. <http://www.moscowtimes.ru/article/1010/42/370421.htm>, accessed on February 12, 2009.

we slit our own throat."²⁵² Based on these and other statements, the notion that the U.S. can inflict a serious blow to Russia by suspending WTO talks is likely misplaced. What is instead more probable is that WTO membership has ceased to be a decisive source of leverage commensurate to G-8 membership in the 1990s²⁵³, for instance, and therefore it would not bode well for the U.S. to use WTO membership as ammunition against the Russians.

Second, the ostensible purpose of the WTO is to provide a vehicle for trade promotion and economic governance, rather than international political stability. While it is true that the WTO can, at times, be an intensely political organization, especially in dispute settlement cases, there are other political venues like the NATO-Russia Council, the United Nations, the Group of Eight, and the Organization for Security and Co-operation in Europe (OSCE) that serve as more suitable vehicles for issuing punitive measures against Russia. And despite the fact that many of the accession disputes are economic manifestations of political disagreements, the United States should put forth its best effort in bifurcating political and economic disputes with Russia—leaving the latter to the WTO. The WTO staff has additionally expressed a desire for members to leave their political embattlements at the door when conducting accession procedures. For instance, in a note of the accession process, the WTO Secretariat identified blockage of accession

²⁵² Johnson's Russia List. 2008, December 29. "Russia More Vulnerable to World Crisis Because of Integration – Putin. <http://www.cdi.org/russia/johnson/2008-235-10.cfm>, accessed on February 10, 2009.

²⁵³ In the 1990s, President Boris Yeltsin's desire to join the "club" known as the G-8 was so great that he was willing to sign the NATO-Russia Founding Act and allow the eastward expansion of NATO to include Poland, Hungary, and the Czech Republic in exchange for G-8 membership as consolation. Thus, WTO accession is fundamentally different beast from G-8 accession, one in which the U.S. does not have a comparable level of leverage and must act accordingly.

talks because of “bilateral disputes not relevant to WTO accession” as a major “concern” within the WTO that is counter to the spirit of the accession process.²⁵⁴

How Should the U.S. Support Russia’s Accession to the WTO?

The most immediate and pressing impediment to WTO accession talks is Georgia’s blockage of Working Party meetings. Thus, this paper focuses primarily on strategies the U.S. can employ to resolve this situation. The Russian-Georgian deadlock is not without precedent. Several events have thwarted a Russian-Georgian bilateral agreement throughout the accession process. In 2006, Russia banned the importation of Georgian wines and fruits, transportation to and from Georgia, and bank transactions to Georgia in response to sovereignty debates over Georgian self-determination.²⁵⁵ The response from Georgia was to abrogate its existing bilateral agreement with Russia.

In August of 2008, Russia stoked the flames of Georgia’s ire once more through an incursion into the breakaway territories of South Ossetia and Abkhazia. Several writers in this series have documented the details of this incursion, so I will not repeat their findings. I will, however, note that this incursion brought to the fore an issue that was already a rate limiting step

²⁵⁴ World Trade Organization. 2005. Technical Note on The Accession Process. 44

²⁵⁵ Åslund, Anders. 2007. *Russia's Capitalist Revolution: Why Market Reform Succeeded and Democracy Failed*. Washington, DC: Peterson Institute for International Economics. 267

in a Russian-Georgian accord. In June of 2007, WTO talks with Georgia stalled out due to disagreements over “Russian customs posts” stationed in South Ossetia and Abkhazia.²⁵⁶

In response to the Georgia issue, I propose the U.S. engage in negotiations on parallel tracks with Tbilisi and Moscow concerning the terms of Russia’s accession to the WTO. On the Georgia track, the U.S. would engage Georgia by teasing out a list of conditions upon which it would allow accession talks to move forward. The U.S. would additionally emphasize to Georgia that it will experience many of the same gains from Russia’s accession as the U.S. will, including a lock-in effect for liberalization reforms, more stable Russian economic governance (preventing run-of-the-mill sanctions on Georgian goods), and a better investment climate in Russia. The U.S. should also assuage Georgian fears that Russia’s accession to the WTO would circumscribe its ability to issue punitive economic measures by emphasizing that under Article XXI of GATT 1947, Georgia retains the ability to issue sanctions and other economic countermeasures against Russia if it militarily engages Georgia once more.²⁵⁷

Concurrent to the Georgia track, a parallel negotiation with Russia would determine what concessions Russia would be willing to offer Georgia in order to move forward with accession. The U.S. would emphasize that in order for Russia to accede to the WTO, it will have to offer some assurances or concessions to Georgia in exchange for Russia relinquishing what Georgia views as a source of leverage against Russia.

²⁵⁶ Kommersant. “Russia-Georgia WTO Talks Break Down.”

http://www.kommersant.com/p770601/r_500/Georgia_WTO_Talks/, accessed on February 12, 2009.

²⁵⁷ GATT. 1947. General Agreement on Tariffs and Trade. Geneva: Contracting Parties to the General Agreement on Tariffs and Trade. Article XXI

It is likely that the initial Georgian conditions will far outnumber the concessions offered up by Russia. Therefore, it is incumbent upon the U.S. to act as a mediator between these parallel negotiation tracks, in order to facilitate the give-and-take dynamic necessary to bring Russia and Georgia to an accord. As a mediator, the U.S. must additionally ensure that its modus operandi meets Russian Foreign Minister Sergey Lavrov's call for negotiations to be "legal, understandable and transparent" because, in Lavrov's own words, "behind-the-scenes meddling only creates a crisis situation."²⁵⁸ It is important to note that Lavrov's words do not necessarily preclude the role of the U.S. as a mediator, as some spectators have asserted. Instead, his words are a call for the U.S. to guarantee that both tracks are continually aware of the status of the parallel negotiations, as well as the nature of the U.S. role in the negotiations.

While this strategy may take some time to bear tangible results, it will be an imperative step in the right direction because, up until now, Georgia and Russia have not conducted any bilateral discussions on the status of accession, and reticence on this issue only serves to increase tensions. Moreover, the U.S. should make clear to both Georgia and Russia that its role is not to resolve the Russian-Georgian conflict altogether, but rather to make progress in the WTO accession arena. And although the U.S. will not solve the Russian-Georgian conflict altogether by moving accession talks forward, this accomplishment would represent a pivotal landmark in the gradual easing of tensions between Georgia and Russia.

²⁵⁸ The Moscow News. Russia Warns West Not to Meddle in Ex-Soviet Space. <http://www.mnweekly.ru/news/20081211/55360674.html>, accessed on February 12, 2009.

Despite the intuitive merits of the outlined strategy, what evidence do we have that it will actually work? The closest historical parallel to the Russian-Georgian WTO impasse is that of Taiwan's accession to the WTO in 2001. During accession talks in November 2001, China threatened to block Taiwan's accession on the grounds that it was a "renegade [Chinese] province"²⁵⁹ that did not merit separate recognition by the WTO. In order to diffuse this situation, the U.S. and the international community took swift action tantamount to that advocated in this paper for Georgia's blockage of accession. On the Taiwan track, the U.S. and international community facilitated an agreement that Taiwan would lift a 50-year ban on direct trade and investment with China in order to liberalize their economic relationship.²⁶⁰

On the China track, the U.S. cajoled China into allowing Taiwan's accession by adding section 601 to the American legislation extending permanent normal relations status to China. Section 601 of that legislation stipulated, as a condition for China receiving enhanced trade status under US law, that Taiwan begin accession to the WTO once China became a member.²⁶¹ Despite the fact that China and Taiwan's roles during WTO talks are somewhat of an inversion of those of Russia and Georgia, the U.S. strategy on the Chinese track is nevertheless instructive because it demonstrates that circumstances may warrant the U.S. granting concessions and conditions of its own to both Russia and Georgia in order to move talks forward. In other words,

²⁵⁹ Schifferes, Steve. (2001, November 11). Taiwan joins China in WTO. *BBC News*. <http://news.bbc.co.uk/2/hi/business/1650169.stm>, accessed on February 17, 2009.

²⁶⁰ BBC News. (2001, November 7). Taiwan eases China trade restrictions. <http://news.bbc.co.uk/2/hi/business/1642903.stm>, accessed on February 17, 2009.

²⁶¹ Morrison, Wayne M. 2004. "Taiwan's accession to the WTO and its economic relations with the United States and China." [Washington, D.C.]: Congressional Research Service, Library of Congress. 2

depending on the circumstances, the U.S. need not necessarily remain a passive agent throughout the course of the parallel track negotiations; however it should tread carefully when taking up an active role.

Evidence from past dialogues should also help to allay fears that Russia and Georgia fundamentally cannot come to terms on WTO accession. For one, Georgia and Russia signed a bilateral agreement on the terms of accession in 2004, and this agreement remained in effect for two years before Georgia rescinded its support for accession, demonstrating that the two countries can indeed come to an accord, albeit a precarious one.²⁶² Moreover, in May 2008—less than two years after Georgia rescinded its bilateral agreement with Russia—Georgia was willing to broker a deal with Russia where, in exchange for legalizing its customs checkpoints on the Abkhazia and South Ossetia portions of the Georgian-Russian border, Georgia would support Russia joining the WTO.²⁶³ Granted that the August 2008 war has altered the Georgian-Russian environment significantly, this evidence nonetheless demonstrates that sustained, parallel negotiations with Georgia and Russia is not an untenable, quixotic solution but, instead, a solution that can produce real results.

Overriding Georgia: An Option of Last Resort

²⁶² Tarr, David. 2007. *Russian WTO Accession What Has Been Accomplished, What Can Be Expected*. The World Bank. 12

²⁶³ Georgia Business Consulting. 2008, May 14. "Russia and Georgia to Continue Russia's WTO Accession Talks." *Georgian Daily*. http://georgiandaily.com/index.php?option=com_content&task=view&id=2055&Itemid=77, accessed on February 12, 2009.

The last formal meeting of the Working Party—the 30th meeting since July 1995—was in March 2006.²⁶⁴ The signing of a Russian-Georgian bilateral agreement, the Report of the Working Party, and the Draft Protocol of Accession are the only substantive tasks left for the Working Party.²⁶⁵ Georgia is operating under the assumption that it can block the Working Party from moving forward because a consensus is needed to sign the Report and Draft Protocol. In actuality, however, there is no de jure necessity for a consensus. According to a WTO *Technical Note on the Accession Process*, “The terms set out therein [in the Report and Draft Protocol] reflect the result of negotiations amongst the Applicant and the members of the Working Party and have been adopted by consensus in all of the Working Parties concluded *so far*.”²⁶⁶ The words “so far” in this statement imply that while the current precedent is for all members of the Working Party to approve the Report and Draft Protocol by consensus, such a precedent does not necessarily rest on a legal stipulation and is subject to potential change in the future.

What are the practical implications of this loophole for the U.S.? In addition to the argument advanced above for parallel track negotiations, the U.S. and the international community should remain open to charting new WTO territory by overriding Georgia’s blockage of the accession process. However, a major qualification is needed. Overriding Georgia should remain a last resort, worst-case scenario course of action, after Russia has met all outstanding substantive requirements for accession and the U.S. determines that Georgia remains unconditionally committed to blocking the activities of the Working Party. In a statement on

²⁶⁴ World Trade Organization. 2009. Accessions: Russian Federation. http://www.wto.org/english/thewto_e/acc_e/a1_russie_e.htm, accessed on February 10, 2009.

²⁶⁵ World Trade Organization. 2005. Technical Note on The Accession Process. 37

²⁶⁶ Ibid.

November 2008, Marc Franco, head of the EU delegation to Russia, said, "I'm sure that if the United States and Europe and other countries sincerely support such a major commercial and trading nation as Russia joining the WTO, then neither Ukraine nor Georgia will be able to prevent the entry."²⁶⁷ This statement indicates that some officials are indeed ruminating over the possibility of overriding Georgia if a compromise cannot be reached despite sustained efforts.

Conclusion

Russia's accession to the WTO is truly at a crossroads. I have advanced several rationales for why now, more than ever, Russia's accession is a mutually beneficial outcome for both the U.S. and Russia. The Russian economy will see gains from increased FDI inflows, more trade, greater household welfare, and more efficient allocation of resources. The U.S. economy will benefit from the stabilizing effect of WTO membership on Russia's economic policies, as well as having access to the Dispute Settlement Body in order to settle legal trade disputes with Russia. In order to diffuse Georgia's blockage of the accession process, which stands as the most immediate and persistent obstacle to accession, I advocated that the U.S. engage in negotiations with Georgia and Russia on parallel tracks concerning the conditions for WTO accession. Crucial to this strategy is the U.S. acting as a mediator between the two parties in order to facilitate the give-and-take dynamic necessary for a compromise.

²⁶⁷ Malpas, Anna. 2008, November 19. EU Promises to Smooth Russia's Path to WTO. *Moscow Times*. <http://www.moscowtimes.ru/article/1010/42/372477.htm>, accessed on February 10, 2009.

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Kommersant. 2007, June 1. "Russia-Georgia WTO Talks Break Down." http://www.kommersant.com/p770601/r_500/Georgia_WTO_Talks/, accessed on February 12, 2009.

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The Moscow News. 2008, November 12. Russia Warns West Not to Meddle in Ex-Soviet Space. <http://www.mnweekly.ru/news/20081211/55360674.html>, accessed on February 12, 2009.

Palmer, Doug. 2008, August 12. Russia's WTO Entry Not Close: U.S. Commerce Chief. *Reuters.*, accessed on February 12, 2009.

Pifer, Steven. 2009. "Reversing the Decline An Agenda for U.S.-Russian Relations in 2009." Washington, D.C.: Brookings Institution

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Human Rights

Demi Antzoulatos, “A Managed Democracy: The Disappearance of Free Speech through the Weakening of Russian Civil Society.”

Summary of Democratic Human Rights Situation in the Russian Federation:

Over the past eight years “Russia has steadily retreated from democratic reform, [and] endangered significant gains in human rights made since the Soviet era.”²⁶⁸ Evidence of this digression includes increasing governmental control on media freedom, limitations on opposing political parties, religious communities, and other civil society groups, as well as harassment of human rights organizations.²⁶⁹ The most recent and alarming development is the implementation of the 2006 NGO Law.²⁷⁰

The 2006 NGO Law threatens the strength of the Russian civil society through unlawful restrictions on freedom of assembly and speech. The literary ambiguity of the 2006 NGO Law has allowed the Russian government to target human rights and politically vocal NGOs, often

²⁶⁸ United States Commission on International Religious Freedom, *USCIRF Annual Report 2008 - The Russian Federation*, 1 May 2008. Online. UNHCR Refworld, available at: <http://www.unhcr.org/refworld/docid/4855699fc.html>. 1.

²⁶⁹ *Ibid.* 1.

²⁷⁰ The 2006 NGO Law refers to the following laws put into action on April 18, 2006: The Federal Law on Introducing Amendments to Certain Legislative Acts of the Russian Federation No. 18-FZ, 2006; Law on Public Associations No. 82-FZ, 1995; Law on Non-Commercial Organizations No. 7-FZ, 1996; and article 61 of the Russian Federation Civil Code.

resulting in dissolution of the organization. Amnesty International contends “human rights defenders and human rights organizations, which are funded from abroad, are particularly targeted for harassment and intimidation.”²⁷¹ The most famous case in this regard is the murder of human rights journalist Anna Politkovskaya. These abuses of power have sent a message to all opposition that the invisible hand of Moscow will silence NGOs and independent activism.

Establishment of Moscow Control

The dismantling of checks and balances on central executive control in the years preceding the NGO 2006 Law laid the way for this law to be enacted.²⁷² The Russian government established control over the televised and printed media, thereby suppressing dissenting voices. By 2003 “all television stations [within] national reach had been placed under the firm control of the Russian government or its supporters, as had most radio stations.”²⁷³

In the year following, the Russian government reduced liberal opposition in the parliament and changed the election process for regional governors from elections to direct appointments by the Russian government. By autumn 2004 new election rules for the State Duma (the lower house of parliament) made the election of opposition members more difficult. Lastly, the Russian government has severely compromised judicial independence by exerting political pressure on the courts.

²⁷¹ Amnesty International, *Freedom Limited -The Right to Freedom of Expression in the Russian Federation*, 26 February 2008. EUR 46/008/2008. Online. UNHCR Refworld, available at: <http://www.unhcr.org/refworld/docid/47c40a912.html>. 2.

²⁷² Human Rights Watch, *Choking on Bureaucracy: State Curbs on Independent Civil Society Activism*, 2008. Online. Available at: <http://www.hrw.org>. 10.

²⁷³ Human Rights Watch, *Managing Civil Society: Are NGOs Next?* 2005. Online. Available at: <http://www.hrw.org>. 5.

This unchecked degradation of democratic ideals is not only setting the scene for the weakening of Russian civil society by Russian government influence, but is also illegal. For instance, the Russian Constitution and international human rights laws guarantee the right to freedom of expression and assembly. As a party to human rights treaties such as the International Covenant on Civil and Political Rights (ICCPR), the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), and the Universal Declaration on Human Rights (UDHR), the Russian Federation is obliged to promote and protect these rights, and ensure Russian citizens can fully enjoy these them.²⁷⁴ Article 19 of the UDHR ensures that “everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” Article 20 guarantees that everyone has the right to free assembly and association.²⁷⁵ Therefore, the new unchecked control over independent democratic institutions is illegal. This development has also allowed the 2006 NGO Law to operate, which suggests that the grounds for its existence are also illegal.

2006 NGO Law in Practice

Before President Putin took power, Russian civil society flourished as did the numbers of NGOs all over Russia. Most of these organizations were human rights or charitable organizations

²⁷⁴ Amnesty International, *Freedom Limited -The Right to Freedom of Expression in the Russian Federation*, 26 February 2008. EUR 46/008/2008. Online. UNHCR Refworld, available at: <http://www.unhcr.org/refworld/docid/47c40a912.html> [accessed 25 February 2009] 2.

²⁷⁵ United Nations. *Universal Declaration on Human Rights*, 10 December 1948. Online. available at: <http://www.un.org/Overview/rights.html> [accessed 23 February 2009]

that actively sought to influence government policies and provide information to the masses about governmental abuses and malfunctions. As the Russian government has assumed control of the independent media and parliament, it is this body of NGOs that have become the main target today under the 2006 NGO Law. These NGOs can no longer freely convey their dissent of government actions and have been put in a precarious position under the 2006 NGO Law that gives ultimate power to the Russian government.

The 2006 NGO Law enables the Federal Registration Service (FRS) under the Ministry of Justice to interfere with the everyday activities of NGOs. The FRS was established to enforce the new NGO Law and the registration of all political parties in Russian. The power of the FRS, much like the entire Russian government, is unchecked; the “FRS officials can order an examination of an organization's documents, including financial information, as well as attend its events, without the group's consent or a court order.”²⁷⁶ If the FRS officers find violations during their investigations, the FRS may bring the group to court.

The lengthy and costly process of litigation often ends in the dissolution of the group, either due to lack of funds and manpower for litigation or court rulings to liquidate the NGO. This entity can also deny registration to NGOs that do not adequately fulfill certain requirements, even trivial ones such as formatting errors. Furthermore, “the FRS has almost complete discretion to cancel programs and ban financial transactions by the Russian branches of foreign

²⁷⁶ United States Commission on International Religious Freedom, *USCIRF Annual Report 2008 - The Russian Federation*, 1 May 2008. Online. UNHCR Refworld, available at: <http://www.unhcr.org/refworld/docid/4855699fc.html>

organizations.”²⁷⁷ In other words, the FRS’s power is unlimited and there are no viable options for NGOs to combat any attack from this agency.

Burdensome Registration and Reports: Denial of Re-registration and Dissolution

At the inception of the 2006 NGO Law, foreign and national NGOs were notified with six months warning of their requirement to re-register all Russian branches (or representative offices abroad) with the Federal Registration Service (FRS) by 18 October 2006. The re-registration procedure was described with vague language, therefore making the process unclear. Furthermore, the burdensome process was coupled with a lack of FRS staff to advise NGOs on the complex process. Amnesty International found that “the office had fewer than 10 staff members.

As a result, some organizations failed to meet the 18 October deadline and their activities were suspended pending approval of their registration.²⁷⁸ Others were denied registration based on minor errors in their documents. In the case of the Foundation for Ecological and Social Justice, the organization submitted required documents, though one of fifteen pages did not have the organization’s title in the header. The documents were returned and it took two months for the mistake to be corrected. Meanwhile the operations of the organization were suspended due to

²⁷⁷ *ibid.*

²⁷⁸ Amnesty International, *Freedom Limited - The Right to Freedom of Expression in the Russian Federation*, 26 February 2008. EUR 46/008/2008. Online. UNHCR Refworld, available at: <http://www.unhcr.org/refworld/docid/47c40a912.html>

the registration denial for this minor typo.²⁷⁹ Aside from vague procedural guidance, it also establishes extensive reporting requirements.²⁸⁰ “NGOs are required to submit detailed annual reports regarding all of their activities, the composition of their governing bodies, and documentation of expenditure and the use of other property, including assets acquired from foreign sources.”²⁸¹ When reports illuminate some aspect of the organization that the FRS deems justifiable to review, the FRS can conduct a review of the organization.

Intrusive Reviews and Harassment of NGO Staff

The FRS has the authority to conduct reviews of NGOs’ work once a year to ensure compliance with government regulations. The inspection should last no longer than two months, however this time limit is not always observed. For example, the reviews that were conducted by the on the NGO Voice, “an organization which focuses on observing elections, informing society about election procedures and the protection of the active voting right as well as the right to be eligible,” lasted far too long and included intimidation of the NGO’s staff.²⁸²

On May 9th the head of Voice, Ludmila Kuzmina, spoke to the media about violations of the rights to freedom of assembly and expression of the March of Dissenters’ organizers.²⁸³ This

²⁷⁹ Human Rights Watch, *Choking on Bureaucracy: State Curbs on Independent Civil Society Activism*, 2008. Online. Available at: <http://www.hrw.org>. 35.

²⁸⁰ United States Commission on International Religious Freedom, *USCIRF Annual Report 2008 - The Russian Federation*, 1 May 2008. Online. UNHCR Refworld, available at: <http://www.unhcr.org/refworld/docid/4855699fc.html>

²⁸¹ Ibid.

²⁸² Ibid.

²⁸³ United States Commission on International Religious Freedom, *USCIRF Annual Report 2008 - The Russian Federation*, 1 May 2008. Online. UNHCR Refworld, available at: <http://www.unhcr.org/refworld/docid/4855699fc.html>

march was a demonstration organized by those politically opposed to the EU- Russia summit. On May 10th Russian police searched her office and confiscated computers on the basis that software on the computers was unlicensed, and later closed the NGO office building until September. On October 27th Ludmila Kuzmina received a report about the findings of the FRS review that resulted in the intrusive inspection, which was sent on 19 October, allowing the NGO until 6pm on October 22nd to address the violations of the 2006 NGO Law found during the review. On October 22nd the FRS ordered the suspension of the work of the NGO for six months for failure to address violations even though the report was delivered after the deadline.²⁸⁴ This egregious action is but one of many cases where the Russian government agency tried to reduce oppositional expression from the civil society.

In another case, in November of 2007, three journalists and the chair of Memorial Human Rights Center, who were reporting on a demonstration against the government sponsored disappearances and abductions, were kidnapped, beaten, and released.²⁸⁵ Two undeniable factors point to Russian government sponsorship: the assailants spoke unaccented Russian, which is very rare in the area, suggesting the kidnappers were Russian, and second the victims were outspoken activists against kidnappings and abductions linked to the Russian government.

Use of “Extremist” Activity to Diminish Freedom of Expression

Another action reminiscent of oppressive dictatorial regimes is that of the vague 2002

²⁸⁴ Ibid.

²⁸⁵ Amnesty International, *Freedom Limited -The Right to Freedom of Expression in the Russian Federation*, 26 February 2008. EUR 46/008/2008. Online. UNHCR Refworld, available at: <http://www.unhcr.org/refworld/docid/47c40a912.html>

Federal Law On Countering Extremist Activity (Federal Law of the Russian Federation 114-FZ). The law signed on 25 July 2002 defines extremist activity as that of “public and religious associations or other organizations, mass media, or individuals in planning, organizing, preparing and carrying out activity directed at: forcible change of the foundations of the constitutional structure and violation of the integrity of the Russian Federation (Article 1).”²⁸⁶ Some human rights defenders and NGOs have been targeted under this anti-extremism law, which has seriously hampered their ability to exercise their rights to freedom of expression and association.

The 2006 NGO Law expands upon the 2002 “anti-extremism” law. Firstly, an NGO cannot be registered if it is engaging in “extremist” activity, according to the unclear definition contained in the Law On Countering Extremist Activities. Furthermore, anyone convicted of “extremism” is not permitted to be a member of an NGO. The language used in these laws is so vague that they give the Russian government power to interpret “extremism” as they see fit to attack those with dissenting views and voices.

Religious Freedoms- Religious NGOs

The 2006 NGO Law amends the 1996 Non-commercial Organizations Law (Article 32) by extending the religious organizations’ requirement of reporting, “to specify whether they receive income from Russian legal personalities, foreign legal personalities, foreign states, [or]

²⁸⁶ Amnesty International, *Freedom Limited –The Right to Freedom of Expression in the Russian Federation*, 26 February 2008. EUR 46/008/2008. Online. UNHCR Refworld, available at: <http://www.unhcr.org/refworld/docid/47c40a912.html>.

any form of enterprise and ‘other’ sources.”²⁸⁷ The previously mentioned violations stemming from the reporting and review requirements for human rights and political NGOs also apply to religious communities, though religious minority groups experience most of the problems.

Many of the problems faced by Russia's diverse minority religious communities stem from the preface to the 1997 religion law deeming only four religions (Russian Orthodoxy, Islam, Judaism, and Buddhism) "traditional" status.²⁸⁸ “The Russian Orthodox Church (ROC), which has played a special role in Russian history and culture, receives the bulk of state support” and is safe from being targeted by the FSR for registration, reporting and harassment problems.²⁸⁹

On the contrary, minority religious groups continue to face restrictions on religious activities due to the “inconsistent adherence to the rule of law, and local officials' sometimes-arbitrary interpretations regarding the status of the so-called ‘traditional’ religions.”²⁹⁰ These problems include denials of registration requests, refusals for land to build places of worship, and attacks by the state-controlled media that provoke intolerance and violence.²⁹¹ This is yet another way in which the Russian government’s diminution of democratic checks and balances has weakened the freedom of expression and the Russian civil society.

Russian Justification for 2006 NGO Law

²⁸⁷ United States Commission on International Religious Freedom, *USCIRF Annual Report 2008 - The Russian Federation*, 1 May 2008. Online. UNHCR Refworld, available at: <http://www.unhcr.org/refworld/docid/4855699fc.html>. 2.

²⁸⁸ Ibid. 2.

²⁸⁹ Ibid. 2.

²⁹⁰ Ibid. 1.

²⁹¹ Ibid. 1.

Despite the obvious international legal violations and international pressure to amend the 2006 NGO Law, the Russian government justifies it by claiming that it is necessary for a democratic society to protect itself from foreign governments' interference with Russian internal affairs. President Vladimir Putin expressed concern with foreign funding as being a way for the West to influence Russian civil society, which would result in outbreaks like the 'color revolutions' in Ukraine and Georgia.²⁹² Furthermore, he contends that the 2006 NGO Law would put order into the unregulated civil society, therefore further protecting the Russian Federation from hurtful foreign influence.

Putin's allegations against NGOs for being "instruments of foreign states to carry out [their] policies" on Russia have been the basis for denying foreign funding NGOs to operate in Russia. Recently there has been a drop in foreign funding for NGOs, and in response the Russian state has increased NGO funding. However undesirable human rights, political and minority religious organizations very rarely receive any of these funds. Putin's justifications are in no way addressing the fact that the 2006 NGO Law is illegal under international legal commitments.

Conclusion

The vagueness of the legal language, dismantling of checks and balances on and within the Russian government, and the targeting of human rights, political and religious minority NGOs has severely weakened Russian civil society. The vague language of the 2006 NGO Law

²⁹² Amnesty International, *Freedom Limited - The Right to Freedom of Expression in the Russian Federation*, 26 February 2008. EUR 46/008/2008. Online. UNHCR Refworld, available at: <http://www.unhcr.org/refworld/docid/47c40a912.html>. 9.

has allowed the state to assert control over NGOs as well as harass the organizations and their staff. The application for registration can be rejected if it is prepared inappropriately in any way. The law also states that extremist actions by any member or staff will result in dissolution of the organization, which gives unchecked power to the Russian government to target oppositional NGOs or staff and harass or threaten them. The unlawful kidnappings and harassment of prominent NGO activists have sent the word that oppositional voices will be silenced.²⁹³ These actions are illegal under the European Convention, and Moscow must begin to face consequences of such violations. If the Russian government does not, they very well may continue these unlawful actions because they believe they will go unpunished.

²⁹³ Human Rights Watch, *Choking on Bureaucracy: State Curbs on Independent Civil Society Activism*, 2008. Online. Available at: <http://www.hrw.org> 68. Memorial Human Rights Center abduction mentioned previously.

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Forum 18, *Russia: Religious Communities' New NGO Law Reporting Requirements*, 17 April 2007. Online. UNHCR Refworld, available at: <http://www.unhcr.org/refworld/docid/468919e9d.html> [accessed 23 February 2009]

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Katie Burns, “Until Parole or Death: Tuberculosis in Russian Prisons.”

I. Introduction: Tuberculosis in Russian Prisons

Tuberculosis (TB) is a bacterial disease that corrupts healthy lung tissue and renders one unable to breathe.²⁹⁴ It is typically spread through the air and most easily proliferates to epidemic proportions in places where individuals are malnourished and crowded together.²⁹⁵ In the 18th and 19th century, TB was a particular burden on developing nations with, “consumption” to TB being the leading cause of death for any aged individual in the Western world.²⁹⁶

Yet, with the advent of aggressive antibiotics in the 1940’s, TB has been relegated to a thing of the past for the majority of the Western world, where the increased health of individuals additionally makes them less susceptible to the disease.²⁹⁷ But, this is not the case in The Russian Federation, which since 1991 has entered a period with regard to TB where it has increasingly appeared to be a developing nation.²⁹⁸ With the collapse of the economic foundation of communism, the overall health and wealth of the Russian people and their government has dramatically decreased.²⁹⁹ Poverty has become more widespread, with an increase in poverty,

²⁹⁴“Encyclopedia Britannica. "Tuberculosis." *Encyclopedia Britannica*.

<http://www.search.eb.com.offcampus.lib.washington.edu/eb/article-9073667>.

Farmer, Paul. *Pathologies of Power: Health, Human Rights, and the New War on the Poor*. Berkeley: University of California Press, 2003.p 116.

²⁹⁵ Farmer, 181, Ibid, 120.

²⁹⁶ Encyclopedia Britannica

²⁹⁷ Ibid.

²⁹⁸ Farmer 186.

²⁹⁹ Ibid. 128.

petty crime has proliferated. Russia has experienced an increase in non-violent criminals who now overcrowd their under-funded and deteriorating prison system. The prison population of Russia exploded right after independence, and has become today only second to the US in the proportion of the overall population behind bars³⁰⁰

Facing epic overcrowding in prisons and pre-trial facilities, the ability of the Russian prison system to care for its inmates physically and medically has greatly decreased.³⁰¹ Driven by a desire to simply feed their families, more Russians are committing petty crimes, and thus are facing prison time in a backlogged and corrupt prison system that gives them additional face-time with the silent killer in Russian prisons: tuberculosis.

The Russian Federation currently faces an epidemic of tuberculosis within its prisons that is unparalleled to anything seen before.³⁰² As recent as 2003, TB was cited as the leading cause of death among Russian prisoners, even among those undergoing treatment for the disease.³⁰³ Likewise, it was recently found that approximately 1 in 10 Russian prisoners have active TB, while the number of causes and mortality rate has been seen to be increasing year by year.^{304, 305} Brought on by overcrowding in prisons, scarcity of drugs, improper treatment regimes and

³⁰⁰ International Institute for Applied Systems Anal. "Policy Pathways to Health in the Russian Federation." <http://www.iiasa.ac.at/Admin/PUB/Documents/IR-04-021.pdf>. p 115.

³⁰¹ Farmer, Paul. *Pathologies of Power: Health, Human Rights, and the New War on the Poor*. Berkeley: University of California Press, 2003.p 166.

³⁰² Ibid. 120.

³⁰³ Ibid 214.

³⁰⁴ As viewed from data 1992-1999,

³⁰⁵ Schwalbe, Nina. "TB is Largest Killer of Those with HIV." *The Wall Street Journal*, 18 July 2002., Vinokur, Anatoly, Joana Godinho, Christopher Dye, and Nico Nagelkerke, eds. *World Bank Technical Paper No. 510: The TB and HIV/AIDS Epidemics in the Russian Federation*. Washington D.C: The World Bank, 2001. pg 11.

infrequent screening, the problem of TB in Russian prisons has grown rapidly to epic proportions, with no sign of slowing.³⁰⁶ It is important that in the Obama Administration help the Russian Federation address this TB epidemic that is silently killing hundreds of thousands in a situation that violates the Universal Declaration of Human Rights guarantees of health and medical treatment for all (Article 25, 27).

a. Complexities of TB Treatment in Russian Prisons

One of the major complexities involved in treating TB in Russian prisons is the fact that along with conventional TB, there are a growing proportion of prisoners who have multi-drug resistant TB (MDRTB). MDRTB is defined as a strain of TB bacteria that is resistant to at least the two most powerful and common first line drugs that are used to treat TB, isoniazid and rifampicin.³⁰⁷ MDRTB comes in many multi-drug resistant forms and is acquired by two different ways in prison; with each way suggesting different possible interventions to help prisoners avoid contracting it in the future.³⁰⁸

The first type of MDRTB is called acquired MDRTB and results from a patient contracting conventional TB and being unable to adhere to their prescribed drug therapy.³⁰⁹ Through treatment, the TB strain is weakened, but not destroyed, and thus adapts itself to

³⁰⁶ Farmer, 120.,
Ibid. 181,
Vinokur et. al., 19.

³⁰⁷ Farmer, Paul. *Pathologies of Power: Health, Human Rights, and the New War on the Poor*. Berkeley: University of California Press, 2003.p 118.

³⁰⁸ Goozner, Merrill. "Prisons in Post-Soviet Russia Incubate a Plague." *Scientific American*. Scientific American.
<http://www.sciam.com/article.cfm?id=prison-plague-post-soviet-russia>.

³⁰⁹ Farmer. 182.

become immune to the antibiotics with which it is being fought. Acquired MDRTB comes about in Russian prisons not because prisoners are unwilling to adhere to the 6-8 month drug regime that conventional TB requires, but often because drug shortages inside the prisons prevent prisoners from maintaining the strict regime that is required.³¹⁰

The second type of MDRTB that occurs is primary MDRTB, and it comes about originally when an individual is infected by route of another individual who has contracted MDRTB.³¹¹ When one person has acquired MDRTB, he or she can infect a dozen persons in a year, which then can infect others, in a never ending and quickly multiplying cycle.³¹²

It is estimated that one-fourth of all TB positive prisoners in Russia indeed have some form of MDRTB.³¹³ Treatment of MDRTB patients is complicated as it requires second line drugs that are often ten times as expensive as the first line drugs that treat primary TB. Not only are second line drugs more expensive than their first line cousins, they necessitate two years of uninterrupted treatment.³¹⁴ As well as requiring longer treatment, which is hard to ensure in the transient prison population, the second line drugs require particularly careful monitoring of patients. Second line drugs are known to be particularly toxic to malnourished inmates and have a history of bringing on psychosis in the recipient.³¹⁵ Monitoring overall health and ensuring that a patient receives the proper, often multi-drug regimes, is an extensive undertaking for any

³¹⁰ Ibid. 188.

³¹¹ Ibid. 182.

³¹² Ibid. 119.

³¹³ Farmer, 119.

³¹⁴ Ibid. 188.

³¹⁵ Farmer, Paul. *Pathologies of Power: Health, Human Rights, and the New War on the Poor*. Berkeley: University of California Press, 2003.p 118.

medical team. It is this monitoring that has proven an insurmountable obstacle for the underfunded, under staffed and under supplied TB prison colonies.³¹⁶ With cures for MDRTB illusive, MDRTB infection rates keep growing every year and the proportion of drug-resistant strains in Russian prisons continues to expand.³¹⁷

II. The Source of the TB (conventional and MDRTB) Epidemic in Russian Prisons

a. *Secondary Causes*

1. Overcrowding

With an often-interrupted drug regime treatment, the overcrowding and overall condition of prisons only makes a prisoners' contracting MDRTB, or even conventional TB a more deadly reality. Yuri Kalinin, the Deputy Minister of Justice and once head of Russia's State Department of Prisons has said that the conditions in Russian pre-trial facilities "can be classified as torture under international standards; that is deprivation of sleep, air and space".³¹⁸ Importantly, the three things that Mr. Kalinin mentions as particularly appalling about Russian detention facilities, are the very things that international epidemiologists cite as key contributors to TB epidemics.^{319, 320} Under the pressures and health stressors in prison, such as lack of sleep, "your

³¹⁶ Ibid. 118.

³¹⁷ Ibid. 187.

³¹⁸ Farmer, 120.

³¹⁹ From now on, the "TB epidemic or crisis" refers to the conventional TB and MDRTB strain epidemics in Russian prisons, as does any non specified reference to TB incorporate both forms of the disease

³²⁰ Farmer, 120.

immune system starts malfunctioning and it is easier to get sick [contract TB]," states Dr. Yefgeni Andrei who is the Head of Health for the Russian Department of Justice.³²¹

Overcrowding has largely lead to the conditions in Russian prisons that act to amplify TB. While the law in Russia specifies that every prisoner receive 27 to 43 square feet of space to themselves, the rapid increase in prisoners, coupled with a lack of funding for new facilities, has led to common living confines of 8.3 feet per person.³²² Such overcrowding naturally renders ventilation systems inefficient and makes proper TB quarantine facilities often unfeasible. Prisoners who have primary TB are thus often sent to TB penal colonies where their conventional TB is eradicated just in time for them to contract MDRTB from close contact with MDRTB patients.³²³ Overcrowding, combined with a lack of prompt diagnosis and effective therapy, has rendered Russian prisons one of the most effective breeding grounds for conventional TB, and particularly MDRTB, on earth.³²⁴

2. The Russian Prison Healthcare System

Why do Russian prisoners lack effective treatment for conventional TB and MDRTB when such treatment exists and is widely employed throughout the Western world? The majority of the problem for Russian prisoners has to do with the breakdown of the Russian prison

³²¹ The Global Fund to Fight AIDS, Tuberculosis and Malaria. "Breaking Free from TB and the Threat of HIV." *The Global Fund to Fight AIDS, Tuberculosis and Malaria* (2008)
<http://www.theglobalfund.org/EN/savinglives/russia/tb1/?part=part1>.

³²² Ibid.,

Farmer, Paul. *Pathologies of Power: Health, Human Rights, and the New War on the Poor*. Berkeley: University of California Press, 2003.p 187.

³²³ Farmer. 116.

³²⁴ Ibid. 181.

healthcare system post 1991 that has left them with mounting exposure and declining care.

Before the fall of the Soviet Union in 1991, the USSR possessed a very efficient TB infrastructure that centrally produced TB drugs, distributed them to civilian and prison TB hospitals, regimented universal and frequent TB screenings and imposed forced sanitarium stays that prevented outbreaks.³²⁵

Yet with the fall of the Soviet Union, the centralization of the TB system has broken down, leading to a cycle where TB goes unchecked, proliferates and then overwhelms the financially struggling system. Prison healthcare in Russia is now completely separate from civilian care. As such, the health care system struggles all the more to gain salience in politicians' minds that in turn can bring about funding. As a marginalized and generally impoverished group, prisoners have little say in their healthcare to begin with, and with the overall economic crisis and economic restructuring that befell Russia after communism, the prison healthcare system was effectively gutted.³²⁶

Another specific issue that faces the Russian prison healthcare system today is its inability to detect and diagnose prisoners in a timely manner. Russian law states that all inmates are to be x-rayed upon entry into the prison system and once yearly to ensure early detection of TB. Yet x-ray facilities are rare and the bacteriology services that are necessary to determine the

³²⁵ Farmer, Paul. *Pathologies of Power: Health, Human Rights, and the New War on the Poor*. Berkeley: University of California Press, 2003.p 127.

³²⁶ Ibid. 215.

proper treatment regime for TB are, if even available, poor.³²⁷ It is common practice for individuals in pre-trial facilities to not even be offered TB diagnostic services. With the average pre-trial detention lasting almost a year, this wait can prove fatal.³²⁸ One can never even be sent to prison, and yet receive a death sentence due to the fact that detainees are exposed to TB simply waiting trial.³²⁹

Yet, once one is diagnosed with TB, their troubles with the Russian prison healthcare system have only begun. Although Russian prison healthcare is supposed to be mainly funded at the national level, lack of funding from the Kremlin has meant that local TB colonies have been forced to try to fill the gap.³³⁰ Due to a meager flow of supplies from Moscow, regional healthcare officials can often be found searching for needed affordable supplies and equipment for their TB facilities. Yet, drug stock-outs, in particular, remain the major problem with continuity of care.³³¹ Such is the extent of the problem that in 2000, prison officials were only able to supply 30% of the needed first line drugs for their patients.³³²

If a patient is unable to follow his or her prescribed drug regime due to a lack of available drugs, than the TB strain they are infected with can easily become resistant to the prescribed

³²⁷ Vinokur, Anatoly, Joana Godinho, Christopher Dye, and Nico Nagelkerke, eds. *World Bank Technical Paper No. 510: The TB and HIV/AIDS Epidemics in the Russian Federation*. Washington D.C: The World Bank, 2001. pg 20.

³²⁸ Farmer, 183.

³²⁹ Ibid.

³³⁰ Vinokur et al., 20.

³³¹ Farmer, Paul. *Pathologies of Power: Health, Human Rights, and the New War on the Poor*. Berkeley: University of California Press, 2003.p 166.,

Goozner, Merrill. "Prisons in Post-Soviet Russia Incubate a Plague." *Scientific American*. Scientific American. <http://www.sciam.com/article.cfm?id=prison-plague-post-soviet-russia>.

³³² Vinokur ET. al. 19.

drug or drugs.³³³ And while the cost to treat conventional TB is high for the Russian prison healthcare system, the cost to treat MDRTB is often insurmountable; thus effectively leaving lucky patients to languish for years with a cocktail of first line drugs that keeps them barely alive, but is unable to completely cure them.³³⁴

3. Current Treatment Approaches

Another cause of the current TB epidemic in Russian prisons is the overall approach that the Russian prison healthcare system and international advisory boards have created. With a lack of resources and outside advice to support such a plan, often the Russian prison healthcare system has resorted to only treating patients with first line drugs. Since the cost of treating patients with MDRTB is so much more and requires greater and longer doctor oversight, the Russian prison health care system has been encouraged by international donors to minimize the cost and maximize the benefits to the overall population of TB positive prisoners.

It is commonly believed that in such a resource poor environment as Russian prisons, second line drugs are simply not cost effective.³³⁵ Yet when the Russian prison system has simply treated all patients with first line drugs, those with MDRTB developed more resistant strains of the TB virus and simply continued to infect the overcrowded prison population.³³⁶

Without a comprehensive treatment system that includes second line drugs, the mainly

³³³ Farmer, 118.

³³⁴ Vinokur, Anatoly, Joana Godinho, Christopher Dye, and Nico Nagelkerke, eds. *World Bank Technical Paper No. 510: The TB and HIV/AIDS Epidemics in the Russian Federation*. Washington D.C: The World Bank, 2001. pg 5.

³³⁵ Farmer, Paul. *Pathologies of Power: Health, Human Rights, and the New War on the Poor*. Berkeley: University of California Press, 2003. p 120.

³³⁶ Ibid. 119.

conventional TB epidemic has begun to shift to become more and more a MDRTB epidemic, which is harder to fight. It makes more sense to beat TB in its conventional form, rather than allow it to become drug resistant. Likewise, it is a violation of Article 27 of the Universal Declaration of Human Rights when Russian prison healthcare officials refuse to use second line drugs on prisoners, which are more advanced than first line drugs.³³⁷ This is the case because Article 27 states that all people have the “right to share in scientific advancement and its benefits”.³³⁸

As recently as last year, international health advisors and especially the WHO have been large proponents of the use of only first line drug DOTS (Directly Observed Treatment, Short-course) treatment of TB in Russian prisons.³³⁹ Yet, since this particular treatment only utilizes first line drugs, it is ineffective against MDRTB. The result is that MDRTB cases will simply grow to take many of the case numbers vacated by conventional TB cures.³⁴⁰ Equally problematic is that DOTS treatment it is a violation of the mandate of the WHO because it deems higher cost second line drugs to be not fit for the Russian incarcerated population. The WHO’s own constitution specifically states that they are opposed to the treatment of prisoners as second class citizens, and that is what their DOTS only policy does.³⁴¹

4. HIV/AIDS

³³⁷ Ibid. 216.

³³⁸ Ibid. 216.

³³⁹ Shevchenko, Olga, and Renée C. Fox. ““Nationals” and “expatriates”: Challenges of fulfilling “sans frontières” (“without borders”) ideals in international humanitarian action.” *Health and Human Rights* 10, no. 1 (2008) <http://www.hhrjournal.org/index.php/hhr/article/viewArticle/21/57>.

³⁴⁰ Farmer, 181.

³⁴¹ Ibid. 195.

The last secondary contributor to the TB crisis in Russia is the growing prevalence of HIV/AIDS within Russian prisons. This expansion, which now makes HIV infection inside Russian prisons 26 times that of the population outside, is being led by an increase in drug use within Russia.³⁴² What makes HIV/AIDS a compounding factor in the TB crisis is the fact that HIV infection causes TB to become more infectious. This leads to the reality that today two percent of all TB positive Russian prisoners are also HIV positive.³⁴³

Likewise, the outbreak of TB in Russian prisons has caused TB to become more active and deadly among the prison population, driving up mortality even as international assistance has begun to arrive.³⁴⁴ These statistics only display the reality that any treatment program that aims to rid Russian prisons of TB will need to involve HIV/AIDS prevention and treatment as well.

b. Primary Causes of TB in Russian Prisons

Although overcrowding, the failure of the Russian prison healthcare system, and current approaches to treatment have contributed to the TB outbreak in Russian prisons, it is the political and economic upheaval in Russian society that is the ultimate cause of the current TB epidemic.³⁴⁵ Statistics show that the regular economic measurements of exports, imports, production and consumption fell drastically in the Russian Federation with the collapse of the

³⁴² International Institute for Applied Systems Analysis. "Policy Pathways to Health in the Russian Federation." <http://www.iiasa.ac.at/Admin/PUB/Documents/IR-04-021.pdf>. p 155.

³⁴³ Farmer, Paul. *Pathologies of Power: Health, Human Rights, and the New War on the Poor*. Berkeley: University of California Press, 2003.p 181.,

The Global Fund to Fight AIDS, Tuberculosis and Malaria. "Breaking free from TB and the threat of HIV." *The Global Fund to Fight AIDS, Tuberculosis and Malaria* (2008).

<http://www.theglobalfund.org/EN/savinglives/russia/tb1/?part=part1>.

³⁴⁴ Farmer, 181.

³⁴⁵ Ibid. 166.

Soviet Union, bringing about widespread poverty among the Russian people and their government.³⁴⁶ It has been this fact, along with the political and social instability of the new Russia, which has led to the proliferation of TB throughout Russian prisons and the conditions within prisons that has allowed the TB of a few prisoners to turn into a pandemic.³⁴⁷ Political chaos and economic deficiencies caused the prison, as well as civilian, TB systems to collapse post-1991. And now the monster of TB that has always been knocking on the door of Soviet Russian prisons has come inside. With an uncertain economic and political future ahead of them, people resorted to crime, packing Russian prisons and pre-detention centers.

Likewise, while poverty in 1988 is estimated by some to have been 2.2 million, it jumped to 74.2 million (or 50% of the population) by 1993.³⁴⁸ With a drastic increase in poverty and the inability to rely on the now defunct government social services, more people in Russia went hungry and became malnourished³⁴⁹ Starving and poor, average Russians became more susceptible to contracting TB and more likely to pass it on to those with whom they come in contact.³⁵⁰

³⁴⁶ Bernstein, Henry, Tom Brass, and T J. Byres. *Agrarian Questions: Essays in Appreciation of T.J. Byres*. Routledge, 1996. <http://books.google.com/books?id=mb-TxS-WnIC>. p 233-234.

Farmer, Paul. *Pathologies of Power: Health, Human Rights, and the New War on the Poor*. Berkeley: University of California Press, 2003 p. 166, 120.,

The Global Fund to Fight AIDS, Tuberculosis and . "Breaking Free from TB and the Threat of HIV." *The Global Fund to Fight AIDS, Tuberculosis and Malaria* (2008).

<http://www.theglobalfund.org/EN/savinglives/russia/tb1/?part=part1>.

³⁴⁸ Doyle, Chris. "Review: Income, Inequality, and Poverty during the Transition from Planned to Market Economy." *The Economic Journal* 109, no. 459 (1999): F830-F832.

<http://www.jstor.org/offcampus.lib.washington.edu/stable/pdfplus/2566105.pdf>. p. 3.

³⁴⁹ Goozner, Merrill. "Prisons in Post-Soviet Russia Incubate a Plague." *Scientific American*. Scientific American. <http://www.sciam.com/article.cfm?id=prison-plague-post-soviet-russia>.

³⁵⁰ Vinokur, Anatoly, Joana Godinho, Christopher Dye, and Nico Nagelkerke, eds. *World Bank Technical Paper No. 510: The TB and HIV/AIDS Epidemics in the Russian Federation*. Washington D.C: The World Bank, 2001. pg 41.

When individuals did contract TB, whether in prison or in civilian life, the economic collapse of the nation provided them with a deteriorating healthcare system that led to lower cure rates.³⁵¹ And with lower cure rates nationwide, more inmates entered prisons with TB, more prisoners continued to be TB positive, thereby causing more and more prisoners to become TB positive and then able to infect others themselves.

Finally, with a peak infection rate of 4,000 cases per 100,000 inmates and a death rate of 1 in 11 for Russian prisoners from 1991-2001, TB in Russian prisons has truly become widespread and deadly.³⁵² The fact is that the higher the TB infection rate grows, the larger the toll TB is going to take on Russian prisoners. And due to the high proportion of Russians in prison, the higher the TB infection rate grows, the larger the toll TB is going to have on Russian society as a whole.

III. The Current International Response to the Crisis

The international community has taken notice of the TB epidemic in Russian prisons and various concerted efforts have been made to attempt to sway the deluge. Among the most notable have been the efforts in the Tomsk Oblast (region) that began at the end of the 1990's and involved philanthropist George Soros, Great Britain's Medical Emergency Relief International, Partners in Health, the Bill and Melinda Gates Foundation and a major US pharmaceutical

³⁵¹ Ibid.

³⁵² Goozner.,

Scientific American. "Infected and Imprisoned: Tuberculosis in a Siberian Jail: The Plight of Inmates with TB in Russia's Tomsk Province." *Scientific American*. <http://www.sciam.com/article.cfm?id=infected-and-imprisoned>.

company foundation. Since 2004, the Global Fund to Fight AIDS, TB and Malaria, has contributed \$10.7 million to the effort for the particularly hard hit prison province to find an all-inclusive treatment plan for TB.³⁵³

The treatment program in the Tomsk prison region has been successful in stemming the tide of the epidemic, and part of this success can be attributed to the late 2000 development of a program called DOTS Plus treatment. Such a treatment idea came out of the experience of Partners in Health's efforts within the TB epidemic in Peru. In Peru, TB, both in its conventional and drug resistant forms have been largely eliminated from the entire population.³⁵⁴ The Russian DOTS Plus program combines the traditional first line treatment of TB, with additional targeting of MDRTB, and thus is able to truly influence the whole TB epidemic.³⁵⁵

A second international effort to aid Russian prisoners has been lead by Médecins Sans Frontières (MSF, or Doctors Without Borders) and involves anti- TB efforts in the Kemerovo region of Siberia and a referral center that began in 1995 for TB positive prisoners in the Penal Colony 33 area.³⁵⁶ MSF began their work in Russia, first of all working to mitigate the lack of supplies in the TB wards in which they would be serving. Basic supplies such as x-rays, soaps,

³⁵³ The Global Fund to Fight AIDS, Tuberculosis and Malaria. "SECTION I: Executive Summary of Proposal: The Tomsk Oblast Comprehensive Strategy to Contain and Control Tuberculosis and HIV/AIDS." *The Global Fund to Fight AIDS, Tuberculosis and Malaria*.

http://www.theglobalfund.org/grantdocuments/3RUST_709_304_summary.pdf. p. 3., Goozner , Merrill . "Prisons in Post-Soviet Russia Incubate a Plague." *Scientific American*. Scientific American. <http://www.sciam.com/article.cfm?id=prison-plague-post-soviet-russia>.

³⁵⁴ Farmer, Paul. *Pathologies of Power: Health, Human Rights, and the New War on the Poor*. Berkeley: University of California Press, 2003. p 122.

³⁵⁵ Goozner.

³⁵⁶ Shevchenko, Olga, and Renée C. Fox. "'Nationals' and 'Expatriates': Challenges of Fulfilling 'sans frontières' ('without borders') ideals in international humanitarian action ." *Health and Human Rights* 10, no. 1 (2008) <http://www.hhrjournal.org/index.php/hhr/article/viewArticle/21/57>.

linens and adequate food for prisoners had to be acquired before TB efforts would be able to prove effective. Although MSF is attempting to break the grip of TB in Russian prisons, they are still relying on the faulty logic of DOTS only treatment. With the gradual expansion of the MFS program in these two regions, it should become evident that although primary TB rates are decreasing under a DOTS only regime, MDRTB rates are growing to fill their vacated places.³⁵⁷ Thus despite the international community's best intentions, the human rights of prisoners with MDRTB are being ignored and they are left to die from their disease, hopefully not infecting many others in the process.

IV. The Interest of the US in the Russian Prison TB Epidemic

The prevention and treatment of TB in Russian prisons is an international responsibility. With approximately 300,000 TB infected prisoners being released into the Russian population every year, the impermeable nature of the highly infectious pre-trial centers and the increase of travel outside of Russia that has accompanied the TB prison increase, the threat of TB to the world is very high.³⁵⁸ Although TB positive prisoners are legally supposed to receive free continuation of their treatment once they are released in to the general population, it is estimated that due to the collapse of the civilian TB system, 60-70 percent do not continue to be medically

³⁵⁷ Shevchenko.,

Farmer, Paul. *Pathologies of Power: Health, Human Rights, and the New War on the Poor*. Berkeley: University of California Press, 2003. p 181.

³⁵⁸ Farmer 182.,

Schwalbe, Nina. "TB is Largest Killer of Those with HIV." *The Wall Street Journal*, 18 July 2002.,

Vinokur, Anatoly, Joana Godinho, Christopher Dye, and Nico Nagelkerke, eds. *World Bank Technical Paper No. 510: The TB and HIV/AIDS Epidemics in the Russian Federation*. Washington D.C: The World Bank, 2001. pg 20.

treated once they relocate.³⁵⁹ Such a discontinuation of care for the majority of TB positive prisoners has created a wave of infection into the Russian society. It has been reported that as early as 1995, traceable MDRTB strains were observed to be spreading from prisons into the civilian Russian population.³⁶⁰ Thus, not only is it within the self-interest of the international community and the US to stop the TB outbreak from entering their nations, it is a humanitarian concern and a tangible way for the US to build a better relationship with Russia.

As a signatory to the Universal Declaration of Human Rights, both Russia and the US have pledged to preserve the right to health for all individual in their populations, and yet, the Russian prison TB epidemic is a clear violation of Russia's commitment. But, it must be seen that Russia is not particularly calloused to the cause of TB positive prisoners, it is simply that its resources are inadequate to deal with the influx of TB treatment demand.³⁶¹ Likewise, with over a third of current Russian 30 year olds listed among registered offenders, and the number of TB deaths among young inmates continuing to rise overall, the Russian prison epidemic has the potential to cause great harm to the socioeconomic fabric of the Russian Federation.³⁶²

Russian officials have repeatedly requested international assistance to deal with the TB epidemic and thus the US is presented with a situation where it can create for itself an international humanitarian image, while building a positive relationship with Russia for leverage

³⁵⁹ Vinokur, Anatoly, Joana Godinho, Christopher Dye, and Nico Nagelkerke, eds. *World Bank Technical Paper No. 510: The TB and HIV/AIDS Epidemics in the Russian Federation*. Washington D.C: The World Bank, 2001 p. 20.

³⁶⁰ Vinokur et al. pg 5.

³⁶¹ International Institute for Applied Systems Anal. "Policy Pathways to Health in the Russian Federation." <http://www.iiasa.ac.at/Admin/PUB/Documents/IR-04-021.pdf>. p 155.

³⁶² Ibid, 115.

in the future. The history of Russian-US relations has proven that threats do not cause Moscow to concede to US positions, and thus, the creation of a strong relationship on a critical public health issue for Russia has the potential to rein in some of Russia's desires that the US finds objectionable.³⁶³

V. Policy Recommendations

a. Address Secondary Causes of the Russian prison TB outbreak

- Since overcrowding in Russian prisons is a major contributor to the TB outbreak, the US needs to work with Russian officials to reduce the prison population and build more and better facilities. Overcrowding in Russian prisons recently has been aided by harsh Russian drug policies that place minor offenders of the nation's recent injection drug epidemic behind bars.³⁶⁴ The Obama administration should encourage the Russian government to go back on its repeal of 2004 legislation that moved Russian policy "away from mass incarceration of suspected drug users and toward more humane policies grounded in public health and human rights."³⁶⁵ Treatment, not imprisonment, of drug users should be lauded because it keeps HIV positive individuals, and simply more individuals, out of Russian prisons where their presence amplifies TB. Secondly, the US

³⁶³ Pifer, Steven. "Reversing the Decline: An Agenda for U.S. - Russian Relations in 2009." *Foreign Policy at Brookings*. Brookings Institute.
http://www.brookings.edu/~media/Files/rc/papers/2009/01_us_russia_relations_pifer/01_us_russia_relations_pifer.pdf. pg 13.

³⁶⁴ International Institute for Applied Systems Analysis. "Policy Pathways to Health in the Russian Federation."
<http://www.iiasa.ac.at/Admin/PUB/Documents/IR-04-021.pdf>. p 155.

Human Rights Watch. "Reforms have been Crucial to Russia's Fight against HIV/AIDS." *Human Rights Watch*.
<http://www.hrw.org/en/news/2005/05/10/russia-letter-protesting-repeal-recent-drug-reforms-0>.

³⁶⁵ Human Rights Watch. "Reforms have been Crucial to Russia's Fight against HIV/AIDS."

should provide Russia with construction aid that will allow the Russian government to build new prison facilities that inhibit TB's spread and allow for proper isolation of TB positive prisoners from the general prison population.

- An increase in injection drug use in Russian society and prisons has led to an influx of HIV positive prisoners. These individuals' presence in prison only makes TB, in both its forms, more salient and deadly.³⁶⁶ It is recommended that the Obama administration encourage the Russian government to end its discrimination against active drug users in the distribution of free anti-retroviral treatments for HIV/AIDS.³⁶⁷ Since many HIV positive prisoners are active drug users, denying them anti-retroviral treatment for their disease only facilitates HIV/AIDS and TB's spread among prisoners, creating a larger epidemic than currently exists. Likewise, prevention of HIV infection within Russian prisons deserves attention by the US government, and even substantial assistance.
- The price and supply of first and second line TB drugs is a constant problem within Russian prison hospital dispensaries.³⁶⁸ Deregulation of the Russian drug market in the 1990's has aided the supply of TB drugs yet, at the expense of affordability.³⁶⁹ In the past, a coalition of international groups lobbying for lower prices on TB drugs in different

³⁶⁶ Farmer, Paul. *Pathologies of Power: Health, Human Rights, and the New War on the Poor*. Berkeley: University of California Press, 2003. p 181.,

The Global Fund to Fight AIDS, Tuberculosis and Malaria. "Breaking Free from TB and the Threat of HIV." *The Global Fund to Fight AIDS, Tuberculosis and Malaria* (2008).

<http://www.theglobalfund.org/EN/savinglives/russia/tb1/?part=part1>.

³⁶⁷ Human Rights Watch. "Lessons Not Learned ." *Human Rights Watch*.

<http://www.hrw.org/en/node/12139/section/2>.

³⁶⁸ Vinokur, Anatoly, Joana Godinho, Christopher Dye, and Nico Nagelkerke, eds. *World Bank Technical Paper No. 510: The TB and HIV/AIDS Epidemics in the Russian Federation*. Washington D.C: The World Bank,2001. pg 19., Farmer, 166.

³⁶⁹ Vinokur et. al., 20.

regions of the world have been successful in bringing down the cost of many second line drugs by ninety percent in only two years.³⁷⁰ The US government should partake in the lobbying of major pharmaceuticals while providing subsidies to Russian pharmacies to ensure that the Russian prison system is able to afford the TB drugs that its patients desperately need.

- Back in the 1980's the US prison system experienced its own TB outbreak, where conventional and MDRTB strains were moving throughout the national prison network and into the US population.³⁷¹ The outbreak eventually centered on New York and was determined to have been caused by a general neglect of the prison TB system and an increased drug user imprisonment rate, not very unlike the current Russian situation.³⁷² After spending one billion dollars, the US was able to get this outbreak under control in the 1990's; while in the process learning various useful lessons about managing TB salience in prisons. It is thus recommended that the US send some of its experts from the NY prison epidemic to consult with Russian doctors and prison officers; encouraging them to brainstorm together how Russia can most effectively address its own TB prison pandemic.
- As for aid to actual TB treatment, it is recommended that the US join with the Global Fund to Fight AIDS, TB and Malaria's multi-billion dollar initiative to address TB within

³⁷⁰ Farmer, 217.

³⁷¹ Farmer, Paul. *Pathologies of Power: Health, Human Rights, and the New War on the Poor*. Berkeley: University of California Press, 2003.p 184.

³⁷² Ibid. 183-184.

Russian prisons and within the Russian citizenry.³⁷³ An effort must be made to control TB jointly in the prison and civilian sector. This will prevent reintroduction of TB into prisons, should irradiation be achieved for the incarcerated. Other organizations and efforts to treat TB can and should also be supported by US funds, yet only if they address MDRTB on their treatment docket.³⁷⁴ Only truly comprehensive treatment that includes second line drugs has the ability to solve the TB problem and preserve the human rights of all prisoners in the process.

b. Address Primary Causes of the Russian Prison TB Outbreak.

- It is important that the US work to address the economic calamity that has continued to plague the Russian Federation since the collapse of the Soviet Union. To help secure an economically stable future for Russia, the US should aid Russia in its accession to the World Trade Organization (WTO) and the Organization for Economic Cooperation and Development (OECD). Currently the US is a member of both of these groups and can be of assistance to Russia in its attempts to gain entry. Membership in the WTO potentially is able to help Russia augment its economic growth through increased trade; while membership in the OECD is advantageous to Russia as the organization is naturally

³⁷³ The Global Fund to Fight AIDS, TB and Malaria. "Russian Federation and the Global Fund." *The Global Fund to Fight AIDS, Tuberculosis and Malaria*.

<http://www.theglobalfund.org/programs/country/?countryid=RUS&lang=EN>.

³⁷⁴ Farmer, 133.

involved in aiding its members in creating a stable economic foundation for themselves.³⁷⁵

As for how the US can address the political and social volatility that has led to the TB epidemic in Russian prisons, it is suggestible that the US involves the UN, EU and World Bank. For political stability, the UN and EU can be encouraged to become involved in helping to monitor Russian elections, thus working to restore the people's confidence in their democratic government. Likewise the US should push to have the EU engage Russia politically and thus add international support for progress in Russian democracy. The EU should be encouraged to use its status as Russia's largest trading partner to pressure the Federation to maintain democratic legitimacy; even threatening trade sanctions if necessary. Theoretically, a truly representative democratic government will renew the people's confidence in their government and such a government will address their needs, such as the TB epidemic in the prison system.³⁷⁶ Lastly, the US should aim to persuade the EU and World Bank to join with it to address the social structure of Russian poverty and in aiding the Russian government with its efforts to reconstruct its civilian social service infrastructure.

³⁷⁵ Legvold, Robert, ed. *Russian Foreign Policy in the 21st Century and The Shadow of the Past*. New York: Columbia University Press, 2007. pg. 430.,

Organization for Economic Co-operation and Development. Organization for Economic Co-operation and Development. http://www.oecd.org/pages/0,3417,en_36734052_36761800_1_1_1_1_1,00.html.

³⁷⁶ Newton, Kenneth, and Pippa Norris. "Confidence in Public Institutions: Faith, Culture or Performance." In *Disaffected Democracies: What's Troubling the Trilateral Countries*, Susan J. Pharr and Robert D. Putnam, 53-73. Princeton: Princeton University Press, 2000.p 62.,

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<http://www.hhrjournal.org/index.php/hhr/article/viewArticle/21/57>.

Vinokur, Anatoly, Joana Godinho, Christopher Dye, and Nico Nagelkerke, eds. *World Bank Technical Paper No. 510: The TB and HIV/AIDS Epidemics in the Russian Federation*. Washington D.C: The World Bank, 2001.

Mei Li McNeil, “Retreat of Religious Freedoms: The Russian Orthodox Church and the Rights of Religious Organizations.”

I. Introduction

In the waning years of the Soviet Union under the leadership of Mikhail Gorbachev, a new direction of political and economic liberalization was initiated. Among the numerous consequences of this path, individuals were released from the suffocating religious restrictions of communist rule and were able to establish and practice religion more freely than before.³⁷⁷ The uplifting of religious limitations and state-led atheism stimulated a growth in the domestic practice of religion, in addition to attracting the attention of international religious organizations.³⁷⁸

Representatives from many denominations began to enter the country, encouraging the acceptance of new faith. Western missionaries were perceived as threats to the traditional churches, which had been suppressed during the communist regime, thus leaving them weak and ill equipped to deal with the renewal of open religious sentiments in the post-Soviet

³⁷⁷ Feodorov, Vladimir. “Religious Freedom in Russia Today,” *Ecumenical Review*, 50 no. 4 (1998), 449.

³⁷⁸ Daniel, Wallace and Christopher Marsh. “Russia’s 1997 Law on Freedom of Conscience in Context and Retrospect,” *Journal of Church and State*, 49 no. 1 (2007), 5.

population.³⁷⁹ This influx of new religions challenged the democratic ideals and developments in religious freedom that had begun to flourish in the early 1990s.

In 1990, a law on the freedom of religious confession was enacted giving equal rights to all religious communities, suggesting that the Russian Orthodox Church (ROC) would not regain the entitled position it had prior to and even during the Soviet era.³⁸⁰ Younger generations identified with being Christian, but not necessarily Orthodox³⁸¹ indicating the precarious position of the ROC within society. The freedom of religion and conscience was strengthened further in the 1993 constitution of the Russian Federation. The separation of church and state is a fundamental aspect of the Russian constitutional system (Article 14), as well as the right to freedom of conscience and religious worship (Article 28), the freedom of public association (Article 30), and equality before the law for all people (Article 19).³⁸² Despite the shift towards greater religious freedom, the past decade has witnessed a decline in religious rights and freedom of conscience. To better understand the relationship between the state and religion, it is important to place the current religious conditions in a historical context.

II. Historical Overview

The ROC has an established history with the state, which has influenced the politics of religion today. During the 16th and 17th centuries in Russia conflict arose within the Orthodox

³⁷⁹ Plokyh, Serhii. "State Politics and Religious Pluralism in Russia and Ukraine: A Comparative Perspective," in Peter G. Danchin and Elizabeth A. Cole, Eds., *Protecting the Human Rights of Religious Minorities in Eastern Europe* (New York: Columbia UP, 2003), 310-311.

³⁸⁰ Feodorov, 450.

³⁸¹ Billington, James H. "Orthodoxy and Democracy," *Journal of Church and State*, 49 no. 1 (2007), 23.

³⁸² President of Russia: Official Web Portal, "The Constitution of Russia," <http://www.kremlin.ru/eng/articles/ConstMain.shtml>, Accessed 17 February 2009.

Church between advocates for a universal Orthodox Church and promoters of a more national application of Orthodoxy.³⁸³ The national approach to the Russian state and Orthodox Church triumphed, paving the way for an even closer relation between church and state. Peter the Great and his successors initiated a number of church reforms that incorporated the Orthodox Church into the state apparatus, effectively nationalizing the church by the early 19th century. During the Russian Empire, a minister of education coined “Orthodoxy – Autocracy – Peoplehood”, a triad that defined the Russian Empire until the Bolshevik Revolution.³⁸⁴ Interrelations between the ROC, the state, and society have spanned centuries, leaving an imprint that was not completely erased in the course of a seventy year atheist regime.

The Russian identity has been linked to the ROC based on a historically longstanding connection. This has permitted the ROC to function as a political actor as well as a symbol of the nation. Russian Orthodoxy bridges the gap between traditional Imperial Russia and the contemporary post-Soviet Russian Federation, which is manifest in the reconstruction of the Cathedral of Christ the Savior.³⁸⁵ Initial construction was a forty-four year process that incorporated Russia history into biblical themes and physically established the association between Orthodoxy and the Russian identity. Stalin’s rule saw to the destruction of this place of worship, essentially breaking down linkages to pre-revolutionary Russia and the former church-state alliance. The original project was funded through public channels, as is the reconstruction

³⁸³ Krindatch, Alexey D. “Changing relationships between Religion, the State, and Society in Russia,” *Geojournal* 67 no. 4, 269.

³⁸⁴ Krindatch, 269.

³⁸⁵ Plokhy, 301.

today, a privilege not likely bestowed on other religious organizations.³⁸⁶ This exemplifies the importance of the ROC and national identity, and the unique relation to the state.

III. The Religious Climate in the Russian Federation

The legacy of the Soviet Union fractured the religious population of the country, giving Russia a secularized population and a highly diversified religious community. Although Russia maintains religious diversity, the end of the Soviet Union and redefinition of Russian territory altered the religious composition of society. The Orthodox community now comprised a larger percentage of the population, while there were fewer Muslims, Protestants and Catholics.³⁸⁷ It is estimated that 15-20% of practicing believers are Orthodox, 10-15% Muslim, and 2% are other Christian.³⁸⁸ During the Putin Administration, religious freedoms have been curtailed, and religious and ethnic pluralism have become an increasingly important issue.

a. *1997 Law on Freedom of Conscience and Religious Associations*

Under the Russian Constitution the many religions within Russia are guaranteed equal rights, but minority groups have increasingly been under attack and marginalized from society. The passing of Federal Law No. 125-FZ on September 26, 1997 on the Freedom of Conscience and Religious Associations replacing the earlier 1990 law, demonstrated a significant tightening of religious practice. Yeltsin vetoed the first draft of this bill on the grounds that the law would

³⁸⁶ Ibid.

³⁸⁷ Krindatch, 272.

³⁸⁸ The World Factbook, "Russia," Central Intelligence Agency, <https://www.cia.gov/library/publications/the-world-factbook/geos/rs.html>, Accessed 17 February 2009.

contradict the fundamentals of the Constitution of the Russian Federation and other international norms, but the ROC and nationalist groups applied pressure to ensure its success in 1997.³⁸⁹ This illustrates the influence that the ROC can exact on policy decisions and introduces the bias towards the ROC in the legal framework for the operation of religion.

In stark contrast to earlier legislation, the 1997 law distinguishes between “traditional religions”: Orthodox Christianity, Islam, Judaism, and Buddhism and the more recently developed “non-traditional” religions. This legal difference imparts preferential treatment on the traditional religions, especially Orthodox Christianity, regardless of the Russian Constitution. According to the law, an organization must be active for no less than fifteen years to obtain full legal rights.³⁹⁰ Unlike other traditional religions with full legal rights, the Orthodox Church is the only organization able to utilize the name “Russian” and receive financial assistance from the state for the preservation and restoration of historical monuments.³⁹¹

This is linked to the historical value placed on the ROC and the Russian identity. Prior to taking office after the resignation of Boris Yeltsin, Vladimir Putin sought the blessing of the head of the ROC in his term establishing his relationship with the church.³⁹² Recently the ROC has gained more explicit status as the favored church within Russia, becoming the de facto

³⁸⁹ Daniel, Wallace and Christopher Marsh. “Russia’s 1997 Law on Freedom of Conscience in Context and Retrospect,” *Journal of Church and State*, 49 no. 1 (2007), 7.

³⁹⁰ Wallace and Marsh, 8.

³⁹¹ *Ibid.* 8.

³⁹² Krindatch, 272.

official religion in some regions of the country.³⁹³ The 1997 law afforded the ROC special privilege and historical status from which other religions are excluded.

b. Adherence to Rule of Law

The deterioration of religious rights is especially notable at the regional and local levels, due to the lack of clear guidelines on religious rights from the Kremlin, and the arbitrary interpretation and inconsistent application of the law based on personal relationships between members of authority and the leaders of religious organizations.³⁹⁴ These inconsistencies and discriminatory practices have resulted in the denial of registration for certain organizations, refusal to rent or sell land for places of worship, and assault by the state-controlled media.³⁹⁵

An example of a discrepancy between the local and federal authority is the expulsion of Jehovah's Witnesses from Moscow city territory, while maintaining nationwide registration at the federal level.³⁹⁶ Banning public association of Jehovah's Witnesses in Moscow affected around 10,000 individuals and is a glaring human rights violation, which sets a dangerous precedent for other regions.³⁹⁷ The absence of clear federal policy results in a disconnect between the actions of the administrative regions and the Kremlin, impeding the ability to apply the law correctly and uniformly throughout the country.

³⁹³ Levy, Clifford J. "Kremlin Rules – At Expense of All Others, Putin Picks a Church," *New York Times*, 08 December 2008.

³⁹⁴ United States Commission on International Religious Freedom, *USCIRF Annual Report 2008 - The Russian Federation* (1 May 2008).

³⁹⁵ *Ibid.*

³⁹⁶ Krindatch, 276.

³⁹⁷ Brownback, Sam. "Prepared Statement of Hon. Sam Brownback, Chairman, Commission on Security and Cooperation in Europe," *Unregistered Religious Groups in Russia* (14 April 2005), 30.

c. Land and Rental Policy: House of Worship Violations

Religious associations of ten people or more have a legal right to a house of worship, but in recent years the ability to obtain land for this purpose has become an issue. Various administrative regions across the country have refused to respond to requests, denied building or renting permits, and/or seized property from “non-traditional” religious communities.³⁹⁸ From late 2007 to early 2008, there were twenty-two attacks on the property of minority religious groups in fourteen of the Russian regions, but these have largely gone uninvestigated.³⁹⁹ For undisclosed reasons, Baptist communities in an area near Moscow were prohibited from meeting on their own property, their house church torched, and threats made against the reconstruction of a place of worship.⁴⁰⁰ The fact that the origin of these actions is unknown condones the arbitrary use of power regardless of rights. Proximity to the Kremlin also indicates an overall attitude of inaction by federal authorities in investigating deviations from the law.

d. NGO Law and Passport Restrictions

The 2006 NGO law provides the Russian government with startling amounts of power in interfering with foreign and domestic NGO activity. Under the 2006 NGO Law, “non-traditional” religions are subject to lengthy and costly registration processes at both the local and federal levels. The Federal Registration Service (FRS) was established to investigate NGOs, ensure the

³⁹⁸ United States Commission on International Religious Freedom, *USCIRF Annual Report 2008 - The Russian Federation* (1 May 2008).

³⁹⁹ *Ibid.*

⁴⁰⁰ Cardin, Benjamin L. “Prepared Statement of Hon. Benjamin L. Cardin, Ranking Member, Commission on Security and Cooperation in Europe,” *Unregistered Religious Groups in Russia* (14 April 2005), 32.

implementation of the NGO Law, and root out “dead soul” NGOs.⁴⁰¹ Failure to meet reporting requirements in 2007 resulted in the refusal to renew legal status to a number of religious institutions.

Foreign religious workers are faced with passport restrictions, which hinder the fluidity of work within Russia. In 2007, a ninety-day limit was placed on visas for religious workers and to obtain a longer-stay-visa requires a more lengthy process.⁴⁰² By placing undue power in the hands of authorities, NGO work has become heavily scrutinized and in danger of termination. The minority religious NGOs that have come under attack due to this law are perceived as threats to the Russian Orthodoxy dominance.

e. Acts of Violence

Numerous instances of violence have been perpetrated against minority religious and ethnic communities. These actions are targeted at Muslim, Jewish, Protestant, ethnic African, and other communities that threaten the “true religion” of Russia, Russian Orthodoxy. They also challenge the ethnic Russian demographic compounded by low birth and high mortality rates.⁴⁰³ From January to September in 2007, 230 racially or religiously motivated attacks occurred, up twenty-eight percent from the previous year, demonstrating the increasing restlessness towards

⁴⁰¹ Brownback, 30.

⁴⁰² United States Commission on International Religious Freedom, *USCIRF Annual Report 2008 - The Russian Federation* (1 May 2008).

⁴⁰³ *Ibid.*

“non-traditional” and non-Ethnic Russians.⁴⁰⁴ Violence enacted upon religious minorities, either person or property, are oftentimes dismissed as “hooliganism” and the acts go unpunished.⁴⁰⁵ Inaction by authorities allows these incursions on human rights to continually escalate and will only serve to fuel tensions between religious and ethnic groups.

f. Religious Extremism

As there was a revival in almost all religious communities following the end of the Soviet Union, Islam expanded its religious base. It is the second largest religious group in the Russian Federation and is considered a “traditional” religion. In recent years, the popular perception of the Muslim population is one of increasing discontent over the poor economic situation in the North Caucasus regions, violence in Chechnya and Ingushetia, and the radicalization of native Muslims.⁴⁰⁶ Many Muslims have been arrested and charged with extremism or terrorism with little or no evidence to corroborate the case.

This misuse of the court of law is a result of the amended 2002 legislation on counter terrorism, which widens the scope of applicability to “people with only tangential or circumstantial connections with alleged extremist offenses.”⁴⁰⁷ The law on countering terrorism and extremism offers discriminatory local authorities an easier channel to specifically target

⁴⁰⁴ United States Commission on International Religious Freedom, *USCIRF Annual Report 2008 - The Russian Federation* (1 May 2008).

⁴⁰⁵ Hanford III, John V. “Prepared Statement of Hon. John V. Hanford III, Ambassador-At-Large for International Religious Freedom, U.S. Department of State,” *Unregistered Religious Groups in Russia* (14 April 2005), 37.

⁴⁰⁶ United States Commission on International Religious Freedom, *USCIRF Annual Report 2008 - The Russian Federation* (1 May 2008).

⁴⁰⁷ *Ibid.*

Muslim individuals. Efforts by the Russian government to combat terrorism have led to an unwelcoming atmosphere for all Muslims and their freedom to worship.

IV. Conclusion

The historical legacy between the Russian Orthodox Church, national identity, and the Russian government has situated the current religious climate accordingly. The passing of the 1997 law on the Freedom of Conscience and Religious Associations compromised the efforts towards democratic reform in the years prior, and signaled a reverse in Russian human rights policy at the international scale. Other religious organizations have been selectively harassed and subjected to state interventions that have had a crippling effect on the ability to function smoothly. The decline of democratic ideals in the past decade indicates the potential obstacles that religious organizations may encounter in the future. It is necessary to understand the relationship between the state and the ROC, but it is of equal importance not to dismiss the religious rights of others especially in contradiction to the Russian Constitution and other international declarations on human rights to which Russia is a signatory. Freedom of conscience and religious association is a complex topic that is embedded in Russia's social, cultural, and political histories.

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<https://www.cia.gov/library/publications/the-world-factbook/geos/rs.html> (Accessed 17 February 2009).

Rebecca Potts, “Human Rights Violations Against Migrant Workers in the Russian Federation.”

I. Introduction

The worldwide economic downturn has successfully hit and penetrated the economy of the Russian Federation. Russia has been especially hard hit due to the decreased price in oil and gas, on which the economy relies so heavily. Due to this sudden increase in economic instability and volatility, jobs are becoming more insecure and increasingly scarce. Racism and xenophobic sentiments have heightened as Russians scramble for jobs, feeling possessive towards the few jobs that are available, and unfairly targeting migrants for taking ‘their’ jobs.

In the past few months there has been a surge in the perpetuation of human rights violations against migrant workers in the Russian Federation.⁴⁰⁸ While abuse against migrants has long been a problem, only recently has the issue received much publicity, with reports of the atrocious living conditions and gross human rights violations splashed across the pages of the *New York Times*. This issue is now demanding international attention. These abuses have only recently become exposed as a result of the panic instigated by the onslaught of the international economic crisis.

⁴⁰⁸ Shwartz, Michael. "For Russia's Migrants, Economic Despair Douses Flickers of Hope." *New York Times*, 2009, sec. A, p. 11.

Russia is entering its worst economic decline since the ruble collapse in 1998, causing increased hardship for Russia's marginalized and maligned migrants.⁴⁰⁹ Trailing behind only the United States, Russia is home to the second highest numbers of migrants in the world. Russian migrant workers make a major contribution to the Russian economy. However, migrants are forced to tolerate inhumane treatment. Migrant workers in Russia are routinely subjected to: abuse and exploitation by employers, employment agencies, and other intermediaries, extortion and abuse by police and other officials, refusal of payment, substandard living conditions, and are often trafficked into forced labor.⁴¹⁰ While abuses to migrant workers in Russia are an issue internal to the Federation, the US has a responsibility to hold the Russian Federation to the international human rights laws and norms.

With the new Obama administration comes an opportunity for the US to cement itself at the international level as a defender, observer, and adherent of human rights. The Obama administration has the chance to recreate the broken image of the Bush administration, marked by hypocrisy and inconsistent policies. In the past, the results of unilateral pressure on Russia have proven negligible.⁴¹¹ A multilateral approach is arguably be the most effective way to address the internal affairs of Russia without appearing too intrusive and thus causing a brash reaction from the Federation's government. The international community must pressure Russia

⁴⁰⁹ Ibid.

⁴¹⁰ Buchanan, Jane. "'Are you Happy to Cheat Us?' Exploitation of Construction Migrant Workers in Russia." *Human Rights Watch* (2009): 1-115.

⁴¹¹ Pifer, Steven. "Reversing the Decline: An Agenda for U.S. - Russian Relations in 2009." *Foreign Policy at Brookings*. Brookings Institute.
http://www.brookings.edu/~media/Files/rc/papers/2009/01_us_russia_relations_pifer/01_us_russia_relations_pifer.pdf. pg 3.

to create mechanisms to protect and educate migrant workers. In order to effect change within the Federation, a system of rewards and incentives must be established.

This paper will discuss: 1) the background of the migrant situation; 2) where the migrants are from, why they came to Russia, and what conditions they left behind; 3) a detailing of the most recurring abuses in the Federation, focusing on issues related to wages, inferior living conditions, violence by employers, and extortion by police; 4) why these issues persist and what obstacles migrants face that are preventing them from receiving help and appropriate treatment; and 5) recommendations for the Russian Federation government and the international community for dealing with the problems of migrant workers in Russia..

II. Background

During Russia's decade-long economic boom there has been a major influx of migrants into Russia, who were sought out by the Kremlin to help build shopping malls, skyscrapers, and luxury homes.⁴¹² The migrants from this time of economic prosperity continue to linger in the nation and are constantly joined by migrants primarily from the republics of the former Soviet Union, totaling an estimated 12.1 million people.⁴¹³

⁴¹² Shwartz, Michael. "For Russia's Migrants, Economic Despair Douses Flickers of Hope." *New York Times*, 2009, sec. A, p. 11.

⁴¹³The World Bank. "Migration and Remittances Factbook 2008." *The World Bank*. <http://econ.worldbank.org/WBSITE/EXTERNAL/EXTDEC/EXTDECPROSPECTS/0,,contentMDK:21352016~isCURL:Y~menuPK:3145470~pagePK:64165401~piPK:64165026~theSitePK:476883,00.html> (accessed June 2, 2008).

The majority of migrant workers come specifically from Ukraine, Uzbekistan, Tajikistan, and Kyrgyzstan.⁴¹⁴ These individuals come to Russia seeking asylum, escaping from some of the poorest countries in the world, where unemployment is widespread and the means to sustenance are trifling. Migrants typically come to Russia for seasonal work, returning to their respective countries with remittances to support their families. The Russian government uses the fact that conditions in Russia are substantially better than those in the migrants' homelands, to legitimate the rampant human rights abuses against migrant workers. Although conditions may be improved, they are still substandard, and still conflict with human rights laws.

The demographic of migrants consists of 85 percent men, 67 percent of which are between the ages of 18 and 39.⁴¹⁵ The workers are mainly low skilled, have minimal knowledge of Russian, are largely uneducated, and yet they contribute significantly to the economy of both the Russian Federation and their home countries. It is estimated that in 2008 migrant workers contribute eight to nine percent of Russian GDP. The World Bank estimates that outward remittances from Russia in 2006 amounted to over \$11.4 billion. The earnings migrants accrue in Russia are then taken back to their homelands, constituting a significant proportion of the GDP in their native countries.

⁴¹⁴ Buchanan, Jane. "'Are you Happy to Cheat Us?' Exploitation of Construction Migrant Workers in Russia." *Human Rights Watch* (2009): 1-115. Pg 10.

⁴¹⁵ *Ibid.*, 11.

Tajikistan exemplifies this situation, with the remittances from migrant workers in Russia accounting for 42 percent of GDP.⁴¹⁶ In both instances, migrant workers undeniably add to the wealth of the host and home economies. Within the next few years, migrants will become a vital asset to the Russia workforce as labor shortages are speculated to occur as early as 2012.⁴¹⁷ The rapid population decline in Russia necessitates the labor of migrants to revitalize the deteriorating workforce and maintain current levels of economic activity. Despite the central function migrant workers will inevitably play in the economic growth of Russia, the Russian Federation is blinded by the current economic downturn and this situation is generating an excuse for the proliferation of human rights abuses.

III. Human Rights Abuses

a. Wage-Related Issues

By and large unpaid wages, delayed wages, and illegal deductions in wages are the most prominent violations of migrant workers' rights. Migrant workers are forced to live in constant uncertainty, never knowing when, if, or how much they will get paid. Russian law requires that salaries be paid at least twice a month. Under the Russian criminal code withholding of wages for more than two months is a crime, which is punishable by fines, and poses the possible consequence of serving a prison term.⁴¹⁸

⁴¹⁶ Buchanan, Jane. "'Are you Happy to Cheat Us?'" Exploitation of Construction Migrant Workers in Russia." *Human Rights Watch* (2009): 1-115. Pg 12.

⁴¹⁷ Ibid.

⁴¹⁸ Ibid., 54.

While the law is clear and direct, its implementation is weak and inconsistent. Employers have developed schemes to extract the most labor from workers, while dispensing minimal, or no pay. It is common practice for employers to withhold wages as a coercive measure to ensure workers stay at a job. Yet workers will end up leaving their jobs before payment is received because of the threat of violence or deportation.⁴¹⁹

A story told by Rustam Nargyziev, a migrant worker from Tajikistan, echoes the plight of millions. Nargyziev migrated to Russia two years ago and has been able to find consistent construction jobs, until now. The jobs he found were always on the black market, yet he always received payment. With the onset of the economic crisis construction has seemingly come to a standstill and work is hard to come by. Nargyziev is currently unemployed, but seeking payment from his previous employer. He and the other 27 members of his crew have not received pay for the last four months of their work, which amounts to approximately two million rubles. The wages are now unattainable. The contractor has not received payment and never will because the developer is now bankrupt.⁴²⁰ This unfortunately is a regular occurrence and will persist because migrant workers lack the education to help themselves, the knowledge to know their rights, and the access to mechanisms of the law to hold violators of the criminal code accountable.

⁴¹⁹ Buchanan, Jane. "Are you Happy to Cheat Us?" *Exploitation of Construction Migrant Workers in Russia.* *Human Rights Watch* (2009): 1-115. Pg 56.

⁴²⁰ Agence France-Press. "ISI Emerger Markets." *Dreams of Gold Turn to Dust in Moscow.* http://site.securities.com.offcampus.lib.washington.edu/doc.html?pc=RU&doc_id=208009300&auto=1&query=migrant%3Aworkers%3Ain%3ARussia%3A&db=en_1y_d&hlc=ru&range=365&sort_by=Date.

In addition to carrying the concern of whether or not payment will ever be seen, migrant workers deal with unpredictable deductions in wages. While some deductions are legal, employers must make workers aware of the amount and reason for the deduction. Most typically, employers take unexpected deductions from wages for arranging residency registration or work permits for employees, for housing and food, for taking days off, or as punishment for ‘mistakes’ made while working.⁴²¹ Employers make misleading claims that housing and food is provided for the workers, but then deduct large sums for sub-standard living conditions and inadequate food.⁴²² In regards to the authenticity of deductions made on account of mistakes, a foreman from Ukraine working in Moscow admitted to Human Rights Watch that he “could justify any deductions from salaries if needed.”⁴²³ The deductions are obviously highly malleable; the employer can use a discrepancy as ‘just’ cause for deduction. The migrant workers are unable to prove these deductions are in fact occurring, whether or not they are legitimate and far too often are not even aware they are being wronged.

b. Inferior Living Conditions

Not surprisingly, the living spaces provided by employers are typically unsanitary, lack bathing facilities, and do not have access to food or running water. The migrant workers are forced to live in conditions that are tantamount to those of the homeless. Frequently migrant workers find they are not provided with a place to live, as they are assured, and instead must

⁴²¹ Buchanan, Jane. "Are you Happy to Cheat Us?" Exploitation of Construction Migrant Workers in Russia." *Human Rights Watch* (2009): 1-115. Pg 57.

⁴²² Ibid.

⁴²³ Buchanan, Jane. "Are you Happy to Cheat Us?" Exploitation of Construction Migrant Workers in Russia." *Human Rights Watch* (2009): 1-115. Pg 60.

construct make-shift living spaces on construction sites.⁴²⁴ This involves staying in dangerous work zones that obviously lack basic essential amenities. It is not uncommon for workers to go without food for days on end.⁴²⁵ When their employers fail to pay workers are incapable of feeding themselves. They have nothing.

The solution may seem clear: workers can find their housing independently upon arrival; the situation, however, is not as simple as it appears. Workers most often hear of job opportunities in Russia through brigadiers, employment agencies, or other intermediaries, who inform them that housing is provided with the job, along with three meals daily. This is a relief for migrant workers who come to Russia because they are poor and cannot find the means to subsist in their homelands. Once they arrive and see the destitute conditions they are expected to occupy, the migrant workers often times do not have an alternative. The workers are 'forced to accept poor conditions because their employers, brigadier, or intermediary insists on it, because it is the least expensive option, owing to the difficulties of arranging alternative housing independently'.⁴²⁶

This implies there is a desperate need for less bureaucratic red tape that prevents migrants from selecting housing autonomously. Similarly, this situation highlights an opportunity for the Russian government to support migrant workers by constructing affordable housing that provides basic amenities, resulting in a reasonable deduction from migrant's wages.

⁴²⁴ Ibid., 62.

⁴²⁵ Ibid.

⁴²⁶ Buchanan, Jane. "'Are you Happy to Cheat Us?'" Exploitation of Construction Migrant Workers in Russia." *Human Rights Watch* (2009): 1-115. Pg 61.

c. *Violence by Employers*

Violence is the easiest form of intimidation employers can use to instill fear in workers with the ultimate goal of suppressing strikes and getting away with non-payment of wages. The experiences detailed in several interviews with migrant workers conducted by Human Rights Watch (HRW), all seemed to reach a consensus: employers threaten or beat workers themselves or instruct site guards, police, or hired thugs to beat workers. It is also typical for employers to threaten to report to the police workers who do not have residency registration or work permits.⁴²⁷ These threats leave migrants with no choice but to flee, failing to be remunerated, and thus satisfying the employers.

One of the migrants interviewed by HRW completed a construction job and yet did not receive payment. He approached his employer, demanding the money and was met with a heinous response. The employer warned him, "If you aren't going to work, then go dig yourself a grave. Russia is big, there are lots of forests, and no one will find any trace of you, and if you don't listen to me, I'll make you work for me for free."⁴²⁸ The inability of migrant workers to defend themselves from being so harshly reprimanded stems from a lack of basic knowledge concerning their rights. Because migrant workers are unaware of the avenues and resources available to protect themselves, they take the only avenue they know of, leaving the situation and consequently allowing the employer to reign supreme. Employers need to be held responsible

⁴²⁷ Ibid., 67.

⁴²⁸ Buchanan, Jane. "'Are you Happy to Cheat Us?' Exploitation of Construction Migrant Workers in Russia." *Human Rights Watch* (2009): 1-115. Pg 68.

and convicted for their wrong doings while migrant workers need to gain a sense of empowerment and knowledge of their rights.

d. Extortion by Police

Even the police, the individuals who are supposed to uphold the law and support justice, are working in opposition to migrant workers. Cases in which police extort money and physically abuse and debase migrant workers are rampant. According to international human rights law, the security of a person is guaranteed concomitantly with the right to be free from cruel, inhuman, and degrading treatment or punishment. Even if a migrant is illegal, according to the law, they are subject to the identical protection citizens and legal migrants enjoy.⁴²⁹

The Russian police are notorious for targeting people who have a non-Slavic appearance. This is a violation that transcends migrant workers, similarly affecting all visitors. The police regularly pose an investigation to confirm whether migrant worker's identity documents and residency registration are legitimate.⁴³⁰ The investigations are a façade under which the police are able to extort money from the migrants, exacting bribes in order to let the migrants go. The violations committed by the police make manifest the racist and xenophobic sentiments that one can easily find among authority figures and law enforcers of the Russian Federation, the very people who are central to the protection of migrant workers.

⁴²⁹ United Nation. "OHCHR." *International Covenant on Civil and Political Rights*.
http://www.unhcr.ch/html/menu3/b/a_ccpr.htm.

⁴³⁰ *Ibid.*, 70.

Law enforcers, therefore, are at the core of the problem. The basis for law in Russia is fraudulent, creating an unstable environment for migrant workers to work in and find commiseration for the abuses against them. The corrupt government in Russia has deep historical roots that will not be easily shaken. The key is not to try and correct this faltering political system, but to enhance the other mechanisms of protection and knowledge that are available to migrants, including benefitting from NGOs and the resources they offer.

IV. Bureaucratic Obstacles

a. Residency Registration

In recent years Russia has undergone reform in regards to lessening the requirements migrants must fulfill in order to apply for residency registration, however, the laws are still too constricting and unreasonable.⁴³¹ The most ludicrous expectation of the Russian government is the requirement that migrants must register on the migration registry within three days of arrival in Russia.⁴³² Unless migrants know someone in Russia or have established contacts prior to their arrival, they most likely do not have a pre-selected place to live. Finding a residence within three days seems to be an unfair expectation under such circumstances.

This law, which requires such rapid residency registration is partially to blame for the poor living conditions to which migrants are subjected. Under pressure by the Russian government to find housing, they are left with no choice but to take the first option or the option

⁴³¹ Buchanan, Jane. "'Are you Happy to Cheat Us?' Exploitation of Construction Migrant Workers in Russia." *Human Rights Watch* (2009): 1-115. Pg 19.

⁴³² Ibid.

presented by their employer. A more lax registration law would allow migrants to thoroughly investigate and compare living conditions before making a commitment to a sub-standard environment.

According to HWR, migrants are often times unable to register for themselves and fear fines or deportation for staying in Russia in violation of registration laws, causing many migrants to turn to the use of intermediaries to provide them with fake residency registrations and work permits.⁴³³ These pseudo documents pose a problem when the migrants are stopped at the border or by police and their non-existent addresses are revealed. To prevent migrants from intentionally or unknowingly purchasing fake registration documents, the registry laws need to be more sympathetic to the constraints the migrants workers are under, and thus institute a longer period for residency registration.

b. Work Permits

Despite the recent developments in Russian Law which have put migrant workers in a less vulnerable position when trying to obtain a work permit, additional measures must be taken to ensure the safety and security of migrants. Prior to the passing of a law in 2007, migrant workers were only able to acquire a work permit through an employer, thus making their legal status reliant on their employer, and therefore heightening their subjectivity to abuse. Now a

⁴³³ Buchanan, Jane. "'Are you Happy to Cheat Us?' Exploitation of Construction Migrant Workers in Russia." *Human Rights Watch* (2009): 1-115. Pg 19.

migrant with a residency registration is able to apply for a work permit directly through the Federal Migration Service, an employer, or an intermediary.⁴³⁴

This is a major achievement for migrant workers under Russian law and is worthy of acknowledgement. However, the process to extend a work permit remains convoluted. If a migrant worker has a work permit that extends beyond 90 days, they must submit medical documents within 30 days of application.⁴³⁵ In addition to this requirement a number of other stipulations are attached to the work permit such as, the worker must find work within 90 days of attaining the work permit, the permit is only valid in the city for where it was applied.⁴³⁶

While it is reasonable to expect migrants to find work within 90 days, it is unnecessarily limiting and confounding to tie workers to one region with a permit, forcing them to apply for a new permit upon arrival to a different region. The process is time-consuming and detracts from valuable time migrants could spend on their search for work.

Delays in issuing work permits similarly pose a problem for migrants. Under Russian law migration services must issue the work permits within 10 days of application, but this is rarely followed. Migrant workers do not have the luxury to wait days on end for a work permit, without working and generating an income. Migrants often end up working illegally while waiting for their permits, thus making themselves more susceptible to abuse and limiting their ability and likelihood to look to the government for protection from abuse.

⁴³⁴ Ibid., 21.

⁴³⁵ Ibid., 22.

⁴³⁶ Buchanan, Jane. "'Are you Happy to Cheat Us?' Exploitation of Construction Migrant Workers in Russia." *Human Rights Watch* (2009): 1-115. Pg 22.

c. The Quota System

The quota system limits the number of work permits issued for both migrants who are from non-visa regions and those who necessitate a visa. In December of 2008 Prime Minister Vladimir Putin asserted that the 2009 labor quota for workers from the Commonwealth of Independent States (referring to a multilateral organization comprised of former Soviet States) should be cut by 50 percent at least, to protect jobs for Russians.⁴³⁷ With Russia being the only viable option for many migrants, this slash in quotas likely will result in a dramatic jump in the number of illegal migrants working in Russia, and therefore working without rights. The chief technical adviser for the Regional Migration Program at the International Labor Organization recognized that, “Russia still needs foreign labor, and will continue to face labor shortages. These would be jobs that involve low pay that Russian nationals do not want.”⁴³⁸

The construction jobs migrant workers fill are menial positions, they are not lucrative positions sought after by the Russian natives, which makes this new cut in quotas seem counterproductive and ill-conceived. The ILO estimates that the Russian labor force is decreasing on average by one million people a year.⁴³⁹ This indicates that Russia will need all the outside labor it can get; Putin is largely decreasing the pool of workers that can aid in the resuscitation of the workforce, pertaining especially to unskilled jobs. The quota system creates

⁴³⁷ Klomegah, Kester K. *Russia: Migrant Workers Forced to Head Home*. IPS. <http://ipsnews.net/news.asp?idnews=45445>.

⁴³⁸ Klomegah, Kester K. *Russia: Migrant Workers Forced to Head Home*. IPS. <http://ipsnews.net/news.asp?idnews=45445>.

⁴³⁹ ILO. *Migrant Workers in Russia*. http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Broadcast_materials/Video_News_Release/lang--en/WCMS_067850/index.htm.

a larger population of unprotected workers that are unable to seek redress due to their illegal status, resulting in the proliferation of human rights abuses which this disadvantaged group seemingly has no control over.

V. Recommendations

Recognizing that the Russian Federation does not respond well to meddling in its internal affairs, the United States' ability to influence events in Russia is limited. The US must encourage changes within Russia through a multi-lateral, non-abrasive approach, using the weight of international communities to influence these changes.

a. Policy Recommendations

- The US should encourage Russia to repeal the 2006 NGO Law which gave the Russian government the ability to intervene in the activities of NGOs, selectively implement laws and regulations, premised on the cause of the organization going against the objectives of the government.⁴⁴⁰ The US can use its weight in the WTO to push for or against Russia's WTO membership based on its compliance with human rights laws, specifically with the repeal of the 2006 NGO Law. This is essential to the increased protection of migrant workers because NGO's can provide an outlet for migrant workers to be heard, to gain knowledge of their rights, and to create more transparency in the abuses. NGO's are particularly

⁴⁴⁰ "Justice for Chechnya: The European Court of Human Rights Rules against Russia." *Human Rights Watch* (2007): 1-20. pg 3

important for illegal migrants who are unlikely to go to government agencies, but need resources to understand their rights and their options.

- Consistent with the repealing of the 2006 NGO Law, trade unions must gain the ability to form freely. Russian law guarantees the right to form and participate in a union and the right to strike, yet in practice these rights are limited.⁴⁴¹ Trade unions are one of the most ideal methods for workers to come together and share grievances, negotiate with other workers, and try to influence policy change. The lack of trade unions in Russia stems primarily from a lack of knowledge. Upon application for a work permit it must be mandatory for officials to present workers with the opportunity to join a union. Collectively, migrant workers will have a much stronger and more informed voice than individually. Because of this recommendation's connection to the 2006 NGO Law, it likewise should be linked to WTO accession.
- Perpetrators of the human rights abuses need to be convicted of their crimes and prosecuted. The EU Court of Human Rights needs to intervene in the abuse, creating a commission for the investigation of human rights in Russia. This creates an opportunity for the EU to work in accordance with Russia to change practices and laws that are applicable to the abuses, working together to bring justice to those who have been victimized. The EU can use the leverage it has as

⁴⁴¹ Buchanan, Jane. "'Are you Happy to Cheat Us?'" Exploitation of Construction Migrant Workers in Russia." *Human Rights Watch* (2009): 1-115. Pg 88.

Russia's largest trading partner to make this recommendation beneficial for Russia.⁴⁴² If Russia does not comply with the rulings of the EU Court of Human Rights, the EU has the ability to alter the trade relationship between Russia and the EU as defined under the Partnership and Cooperation Agreement.

- The Federal Work and Employment Service of Russia (Rostrud), which is the major regulatory body in Russia monitoring migrant workers rights, needs to investigate labor violations more thoroughly and comprehensively, disregarding whether or not the worker is in possession of a written employer contract. Rostrud currently conducts full investigations as long as the worker has a written employer contract; this is unrealistic considering the common negligence of employers and their unwillingness to provide contracts because of their legally-binding nature. Employers intentionally avoid contracts and legal documents that have the potential to discriminate, necessitating an extension to the scope and responsibilities of Rostrud to include *all* migrants, irrespective of their possession of an employment contract.
- The atrocious living conditions for migrant workers need to be improved. The IMF, World Bank, and EU Bank for Development should provide a small aid package for the Russian federation to provide low-cost housing in central regions for migrant workers. The housing would be available to all legal migrant workers and would be funded through a known deduction in their wages. The housing

⁴⁴² European Union. "Bilateral Trade Relations: Russia." *Trade Issues*.
http://ec.europa.eu/trade/issues/bilateral/countries/russia/index_en.htm.

must include running water, electricity, and basic amenities. This would alleviate the recurrent problem migrant workers run into with the three day residency registration law. Along with this, an extension should be suggested in regards to this law, allowing workers who do not want to live in the migrant housing enough time to find a residence. The law should allow migrant workers ten days to register for residency. The international community must provide Russia with a small aid package to make this change because, granted the economic downturn, Russia will be skeptical of its interest in investing in the livelihoods of migrants.

- The US in partnership with the EU, should encourage Russia to allow the validation of work permits in all regions. Once a migrant applies for and receives a work permit, they are able to work anywhere in Russia for the allotted time. This is an easy policy change for the Russian Federation, yet significant for migrant workers. This will increase their mobility, increase their likelihood of finding a job, and therefore increase their contribution to the growth of the Russian economy.

Conclusion

The health of the Russian economy is a dominant concern in the Russian Federation, making it difficult, and often times futile, to push the government to focus on human rights abuses. Despite its limited influence, it is essential that the Obama administration reinforces the faith of the international community in the US in terms of its compliance to human rights and concerns over other countries acquiescence to these internationally-recognized human rights.

During the Bush administration, the image of the US as a human rights defender deteriorated rapidly. This is an ideal opportunity for the rebuilding of a United States that is honest, consistent, and trustworthy. The US must work with other institutions and bodies to encourage Russia to make the changes necessary to support migrant workers. Russia must realize the importance migrant workers play now and will play in the future in the growth of its economy and must comply with international laws and norms in order to reap the economic benefits. The US, with the cooperation of the international community, has the power to help Russia recognize this reality.

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Regional Issues

Reggie Gooch, “Efficacy of US Policy toward Russia Regarding Iran: 1993-Present.”

Introduction

As George H. W. Bush’s term came to a close and William Jefferson Clinton prepared to take office as President of the United States of America, relations with Iran were tense. From Iranian students taking hostages at the US embassy to the United States providing weapons and support to Iraq during the Iran-Iraq war, conflict had been a seemingly inescapable element of the relationship between Iran and the US since the Islamic Revolution deposed the US-backed Shah of Iran in 1979.

Yet under Bush I’s Presidency, Iran had not played a major role in talks between the US and Moscow. First Mikhail Gorbachev had been in power in the USSR, followed by Boris Yeltsin in Russia and relations with the West were in the process of thawing from the cold war. For the administration of George H. W. Bush, other issues were seen as more pressing than Iran’s potential to create a nuclear arsenal, especially with the signing of a peace treaty to end the Iran-Iraq war.

The list of issues taking higher priority for Bush was long, including bilateral arms treaties with the Soviet Union and Russia, dealing with the breakup of the USSR, establishing relations with its successor states, including ensuring their continued observance of arms treaties the USSR had signed and the related problem of Russia, Ukraine, Belarus and Kazakhstan all possessing nuclear weapons in the breakup's aftermath. In addition to all of these concerns, Bush may have felt that his ability to negotiate with Russia over arms and technology sales to Iran would have been compromised by his being Vice-President to Reagan during the Iran-Contra scandal. Whatever the reasons, the United States would not take up Iran as a serious issue with the Russians until the Clinton administration.

Under President Clinton, Iran began to figure into the US-Russian agenda. Clinton pursued a policy of greater diplomatic engagement with Russia than had Bush, working to cooperate on a broad range of issues like Russian economic reform, ensuring the political power of reformers within Russia, and security issues such as Russian sales of military technology, troop withdrawals and NATO enlargement. With Russia in a state of economic shambles, the US being left as the world's sole remaining superpower and Yeltsin eager for the Russian Federation to join the West, the Clinton administration was able to negotiate from a position of strength. By offering incentives for Russian cooperation, Clinton was able to gain concessions from Yeltsin on a number of issues, including Russian sales of nuclear technology to Iran.

This strategy had been working well, but began to crumble in the mid-1990s due to Russian disillusionment with the effectiveness of partnering with the US. As Clinton's presidency went on, he began to push more assertively the US agenda, regardless of what

Moscow had to say, especially once he was assured that the Russian Communist party would not regain control with Yeltsin's reelection in 1996. This assertion of US power soured cooperation on issues in which the US could not make progress unilaterally—including the sales of technology to Iran—so that by the end of the Clinton Presidency any progress made in that area had essentially been negated.

Following Clinton's tenure as President, George W. Bush was elected, and brought with him a different view of how to deal with Russia. Russian internal affairs were less of a concern for Bush than they had been for Clinton, as was getting Russian cooperation on Iran. Instead, Bush focused on withdrawal from the Anti-Ballistic Missile Treaty as the US' best form of defense against states like Iran, since a missile defense system would, in theory, be able to stop a small scale nuclear attack from a rouge state. In order to secure Russian complacency for this withdrawal, Bush made several concessions to Russia, and did not pressure them heavily on the sale of arms and nuclear technology to Iran. Still, with US Russian cooperation on the war on terror following the attacks of 9/11, the potential for future cooperation on Iran seemed to remain until 2003, with the US invasion of Iraq, which was carried out despite Russian protests and severely damaged relations. Little was done in the remaining years of Bush's presidency to repair these relations, and Russia seems to have grown more and more hostile to what it sees as US attempts to infringe upon its zone of influence in and around the former USSR. In this post-2003 environment, attempts to work with Russia on the issue of Iran have been ineffective. Unless Russia sees a concrete reason to cease sales of arms and technology to Iran, that relationship will continue.

The Clinton Presidency

The initial phases of the Clinton Presidency were marked by good relations with Russia, leading to partnership and cooperation on a number of important issues, and the advancement of many US interests. Indeed, Clinton's policy of engagement with Russia and of using incentives to get cooperation from Moscow may have ultimately been too effective at advancing US interests in the face of Russian interests. Once Russia became convinced that the US-Russian partnership was not an equal partnership, the US would find it increasingly difficult to obtain cooperation on halting Iran's nuclear program, an area in which the United States lacked the influence to achieve results on its own.

Russia had begun to sell arms to Iran before the beginning of the Clinton Presidency,⁴⁴³ so the issue was on the radar of the Clinton team from the beginning. That being said, it would not come to the forefront until 1995. Up until that point the Clinton administration had been working on building a closer relationship with Russia through cooperative actions and US incentives, as well as building rapport with specific Russian leaders, particularly President Yeltsin and Prime Minister Viktor Chernomyrdin. For example, in 1993 US money was used to build housing for Russian officers as an incentive to get the Russian military to pull out of Latvia

⁴⁴³ Goldgeier, James and Michael McFaul. *Power and Purpose: US Policy toward Russia after the Cold War* (Washington DC: Brookings Institution, 2003), 78.

and Estonia,⁴⁴⁴ and the Gore-Chernomyrdin Commission was established as a channel for negotiations in a variety of areas.⁴⁴⁵

This kind of approach seemed to be working effectively, with the Clinton administration's strategy coming together most clearly in the case of Russian sales of technology to the Indian Space Research Organization. Russia had been selling cryogenic technology to India in violation of the Missile Technology Control Regime, which threatened to lead the US Congress to bring down sanctions on Russia at a time that Clinton was trying to use aid as his principal instrument for cooperation with Moscow. This problem was solved through both diplomatic negotiations between Undersecretary of State Lynn Davis and Russia's Space Agency Director Yuri Koptev, who concluded a deal in which the Russians would pull out of most of their deal with India in return for cooperation in space technology with the Americans⁴⁴⁶; this sort of strategy for dealing with Russian technology transfers was one Clinton would hope to replicate with success in the case of Iran.

Iran became a higher priority for the United States with the 1995 deal between Russia and Iran to complete the Bushehr nuclear reactor, a project which had begun under the Shah with the assistance of West Germany, but which had been cancelled after the Islamic Revolution at

⁴⁴⁴ Ibid. 172

⁴⁴⁵ US Department of State Dispatch. "Fact Sheet: Gore-Chernomyrdin Commission." Dec 26, 1994 accessed online at http://findarticles.com/p/articles/mi_m1584/is_n52_v5/ai_16709518

⁴⁴⁶ Goldgeier, James and Michael McFaul. *Power and Purpose: US Policy toward Russia After the Cold War* (Washington DC: Brookings Institution, 2003), 159-165

the request of the United States⁴⁴⁷. The US urged Russia not to complete the contract, but Russia defended its doing so, saying that the technology it was selling was within the bounds of the Non Proliferation Treaty, and was similar to technology offered by the US to North Korea in 1994.⁴⁴⁸ This Russian argument was soon to fall through, however, a few months later when it was revealed that Minatom, the Russian Ministry of Atomic Energy, had signed a secret protocol with Iran agreeing to sell sensitive technologies such as fuel fabrication facilities and a uranium enrichment centrifuge plant, suggesting that “either the Russian government had lied about the extent of its nuclear relationship with Iran, or Minatom was making extraordinarily sensitive commitments without Moscow’s knowledge.”⁴⁴⁹

The United States’ response to this dilemma was to turn to the Gore-Chernomyrdin commission for a solution. The two sides reached what appeared to be a good agreement for the United States, with Gore securing Russian promises that sales of technology to Iran that could help it militarily would be brought to a halt.⁴⁵⁰ In actuality the United States had gained little. There was nothing in the Gore-Chernomyrdin agreement to hold the Russians to their end of the bargain; their only incentive to do so was to stay in the good graces of the United States, and by the mid 1990s their motivation for doing so was running lower and lower.

⁴⁴⁷ Reuters. “Factbox: Iran’s Bushehr Nuclear Plant” February 22, 2009
<http://www.reuters.com/article/worldNews/idUSTRE51L15B20090222>

⁴⁴⁸ Einhorn, Robert and Gary Samore, “Ending Russian Assistance to Iran’s Nuclear Bomb,” *Survival* 44, 2 (2002)

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⁴⁴⁹ *ibid*

⁴⁵⁰ *ibid* 53-54

Up until that point, Russia had been pursuing a policy of strategic partnership with the United States, but doing so had made Yeltsin unpopular in Russia because he was viewed as having bowed to the West on many issues and thus as being weak.⁴⁵¹ This problem of the United States making Yeltsin look weak was compounded after he won reelection in 1996, which gave the US confidence that democracy was assured in Russia and that it was safe for them to move ahead with the expansion of NATO into Eastern Europe.⁴⁵² This was a move that angered Moscow immensely, since they believed that they had received assurances from the West that NATO, an organization which they still viewed with suspicion, would not be expanding.⁴⁵³

Moves to expand NATO combined with economic woes led Yeltsin to move increasingly away from partnership with the United States and towards a more pragmatic policy. In 1996 he signaled this transition by appointing a new foreign minister, Yevgeny Primakov—a diplomat whose specialty was the Middle East rather than the West.⁴⁵⁴ In keeping with the trend of moving away from the West, Yeltsin in 1998 appointed a new head of Minatom as well, Yevgeny Adamov. Upon Adamov's appointment to this post, there was a noticeable upswing in

⁴⁵¹ Huber, Robert. "SIS 495 F: US Relations with Russia in the Obama Administration," (notes from lecture, University of Washington 1/13/09).

⁴⁵² Goldgeier, James and Michael McFaul. *Power and Purpose: US Policy toward Russia After the Cold War* (Washington DC: Brookings Institution, 2003), 211

⁴⁵³ *ibid.* 184-185

⁴⁵⁴ Huber, Robert. "SIS 495 F: US Relations with Russia in the Obama Administration," (notes from lecture, University of Washington 1/15/09).

nuclear trade with Iran, and US officials suspected that he had resumed transfers of fuel cycle technologies as well.⁴⁵⁵

Under Russia's new pragmatic approach to international affairs, it would take more than the will of the United States to convince Russia to cease trade of nuclear materials to Iran; after all, there were a number of advantages for Russia in this relationship. In the 1990s, before increased oil prices and trade with Iran would give Russia a steady flow of revenue, hard currency was needed to bolster the economy, and contracts with Iran provided Russia with a source of income.

But more than that, good relations with Iran were strategically important for Russia. Not only is Iran in close proximity to Russia, but if it were on bad terms with Russia it could have a destabilizing effect on Russian republics with Muslim populations such as Chechnya, and the new independent states of the Caucasus and Central Asia. In addition to this, having cordial relations with Iran gives Russia more influence in the Middle East, which is a very geo-strategically important region.

In order to balance against these factors and convince Russia to halt the trade of sensitive technologies to Iran the Clinton administration proposed offering Russian companies a part in satellite launches in return for cooperation on Iran, but this offer was undercut by US corporations who "worked hard to constrain the Clinton administration's ability to tie US carrots

⁴⁵⁵ Einhorn, Robert and Gary Samore, "Ending Russian Assistance to Iran's Nuclear Bomb," *Survival* 44, 2 (2002) 56

such as satellite launch quotas to Russia's behavior on Iran,"⁴⁵⁶ meaning Russian companies could still get a part in those launches despite not having made changes in their Iran policy. Clinton would never be able to come up with an incentives package enticing enough to convince Yeltsin's government to cut nuclear ties to Iran, and by the time Vladimir Putin came to power Clinton was considered a lame duck as he was in the last year of his term.

The George W. Bush Presidency

When George W. Bush came into office he was not only dealing with a different Russian head of state than had been Clinton, but he brought a distinctly different set of views to the White House on how to best deal with Russia. Bush was much less interested in engaging Russia for the sake of being engaged, or for influencing its internal affairs and as such Russia was much less central to his foreign policy than it had been for Clinton. Instead, Bush's main focus throughout his presidency would be the war on terror, at least after the attacks of September 11 2001. Russia would mainly figure into his foreign policy in the context of how it fit into the framework of the war on terror. Interestingly enough, despite this focus by Bush on the war on terror he would actually work less diligently on stopping Russian arms and technology sales to Iran than had his predecessor. Iran may have been a charter member of Bush's axis of evil, but securing Russian cooperation on Iraq and Afghanistan would be the Bush administration's main focus in his dealings with Presidents Putin and later Dmitry Medvedev.

⁴⁵⁶ Goldgeier, James and Michael McFaul. *Power and Purpose: US Policy toward Russia After the Cold War* (Washington DC: Brookings Institution, 2003), 301

This is not to say that the Bush administration made no effort to halt Russian trade of nuclear technology to Iran only that at the outset of his Administration this issue has not been high on the agenda of US-Russia relations. For example, in 2001 Bush offered lifting US restrictions which have inhibited Russia's ability to store and reprocess spent nuclear fuel from other parts of the world, an offer which was rejected by the Russians as not sufficiently enticing for them to sever nuclear ties to Iran.⁴⁵⁷ Instead of continuing to search for the right package of incentives to offer Russia to induce their cooperation, the Bush administration would move towards missile defense as a way to counter any nuclear threat that might emerge from Iran in the future. In order to pursue this strategy, Bush first needed to withdraw from the ABM treaty with Russia, which he did effective June 13, 2002.⁴⁵⁸ Russia was against this withdrawal, but Bush did what he could to placate Putin and Moscow. For one thing, Bush timed his withdrawal from the ABM well, announcing it just three months after the attacks of 9/11 amidst a wave of sympathy for the U.S. from other countries including Russia. Not wishing to draw the ire of Russia any more than necessary after making this move so they would be able to keep Russian cooperation in the war on terror, the Bush Administration followed a policy of applying less pressure on Moscow on issues like Iran and Chechnya. Keeping Moscow's cooperation became especially important with the US invasion of Afghanistan in 2001. Bush would even go as far as to classify the conflict in Chechnya as a part of the war on terror⁴⁵⁹ to please Moscow; quite a

⁴⁵⁷ Goldgeier, James and Michael McFaul. *Power and Purpose: US Policy toward Russia After the Cold War* (Washington DC: Brookings Institution, 2003), 326

⁴⁵⁸ "Suit by Congressmen Regarding Withdrawal from ABM," *The American Journal of International Law* 97, 1 (2003) 206

⁴⁵⁹ Huber, Robert. "SIS 495 F: US Relations with Russia in the Obama Administration," (notes from lecture, University of Washington 1/15/09).

departure from the stance of previous US presidents who had used Chechnya as an area to criticize Russian human rights abuses.

These steps by the Bush administration to placate Russia seemed to be working fairly well up until 2003 and the US invasion of Iraq. Russia had been Iraq's major trading partner under the UN oil for food program, and Russian oil and gas companies had been promised as much as \$60 billion in future contracts with Saddam Hussein's government⁴⁶⁰ giving Moscow ample reason to oppose the invasion. When Bush went ahead anyways, US-Russian ties were severely damaged, reducing any likelihood of cooperation on Iran. That being said, Russia did agree upon imposing some sanctions on Iran, such as the UN Security Council sanctions of 2006. But they did so only begrudgingly in order to protect their international image, and only after sanctions were significantly softened.⁴⁶¹ Bush's main course of action to deal with Iran's nuclear program was developing anti-missile defenses, which he was now free to do after having withdrawn from the ABM treaty. In 2008, the US reached an agreement with Poland to place a missile battery there⁴⁶² to counter a potential Iranian nuclear strike, with accompanying radar to be placed in the Czech Republic. This move has angered Russia considerably since Moscow considers the emplacements to be aimed at it rather than Tehran, even if in theory such missiles could provide a defense for any potential nuclear strikes Iran may consider launching.

⁴⁶⁰ Sestanovich, Stephen. "Russia's Role in Iran and Iraq," *The New York Times* June 3, 2002.

⁴⁶¹ Gootman, Elissa. "Security Council Approves Sanctions against Iran over Nuclear Program," *The New York Times*, December 24, 2006.

⁴⁶² Shanker, Thom and Nicholas Kulish. "Russia Lashes Out on Missile Deal," *The New York Times*, August 15, 2008.

Conclusion

While US foreign policy towards Russia since 1993 overall has had its ups and downs, the issue of Iran has mostly been a near constant down. Both Clinton and George W. Bush had potential to come to a resolution on this contentious problem, but neither of them was able in the end to come to an effective solution. Either President's strategy may have worked had it been implemented more effectively, and deciding whether to follow in one of these paths, or to seek a new third path will be a decision President Obama will have to consider carefully. Perhaps if Clinton had put together a better incentives package for Minatom, or had put more teeth into the deals he made with Russia, he could have persuaded Moscow to diminish its Iranian relationship. Perhaps if Bush had decided against invading of Iraq his partnership with Putin would have led to a solution. As it stands today, however, the US faces a situation in which Russian relations are at a low not seen since the cold war and our only hopes for defense against a nuclear Iran rest not on preventing its coming into being but on a missile defense system which is unproven and incomplete. This will be a difficult issue for President Obama, but if he places enough importance upon it, it is one which will not be impossible to solve.

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Lucas Olson, “Taking a Look at U.S.-Russian Relations Through NATO

Introduction

In order to understand the complex and dynamic relationship between the US and Russia one cannot ignore one of the most significant security organizations in post WWII history, the North Atlantic Treaty Organization. By understanding the creation, purpose and continuation of NATO it is possible to demonstrate the history and potentially the future of US-Russian relations through a “balance of power” and security lens. Understanding the Cold War legacy is key to understanding how both countries now approach their relationship with each other. Also understanding the role NATO has played in international security and peacekeeping after the Cold War is over significantly frames how Russia now views the attempt by NATO to gain new members.

This paper will discuss the creation of NATO and how the US used this organization to ensure its sphere of influence within Europe and kept the Soviet Union contained. It will then focus on the change that NATO undertook after the end of the Cold War and how it adapted to new international realities, stilling playing a crucial role in US-Russian relations in addition to its role as securing of international peace and security. This paper will finally argue that due to Russia’s recent resurgence internationally, NATO will likely receive increased resistance from Russia as both it and the US attempt to expand their influence abroad.

The Cold War and NSC-68

At the end of World War II, a new power balance came into existence between the United States and the USSR. These two countries soon became the two superpowers of the world, and their rivalry shaped all other political relationships on the globe. Both the US and the Soviet Union tried to expand their spheres of influence throughout the world and to compete with each other in a zero-sum game. As both power blocs soon gained possession of a nuclear arsenal, the created mutually-assured destruction led to a long period of peace, though in a somewhat nebulous fashion, as both superpowers were committed to the destruction of the other.

This rivalry was based upon fundamental ideological differences between the two superpowers, those of communism versus democracy. One place where these differences were starkly laid out was in the document National Security Council-68 signed by President Truman in 1950. This document became the core of early US Cold war policy and continued to shape US foreign policy until the very end of the Cold War. In NSC-68, as well as underlining the fundamental contradictions between American and Soviet world views, one of the most important ideas found in the document is that of containment. The US actively created a military and political wall around the Soviet Union in order to inhibit its expansion. One of the most important vehicles that the US used for this end was the North Atlantic Treaty Organization.

Birth of NATO

In April 1949, NATO was established through the Washington Treaty with the primary purpose of deterring and defending Western Europe from the Soviet Union⁴⁶³. The Alliance's objectives were declared to be "collective security, stability and safeguarding of freedoms, grounded in the principles of democracy, human rights and the rule of law"⁴⁶⁴. However, out of the original 12 members (Belgium, the Netherlands, Luxemburg, France, the United Kingdom, the US, Canada, Portugal, Italy, Norway, Denmark, and Iceland) only the US was really in a position to defend itself against the USSR. Therefore NATO became a way for the US to protect its allies in Europe in the face of the threat provided by the USSR.

In 1952, two additional countries joined NATO, Greece and Turkey, followed by West Germany in 1955. Immediately following the accession of West Germany into NATO, the USSR decided to create the Warsaw Pact as a counter weight to NATO. Among the members of the Warsaw Pact were most countries in Central and Eastern Europe not already affiliated with NATO, specifically Poland, Romania, Hungary, Czechoslovakia, Bulgaria, Albania, and the rest of the Union of Soviet Socialist Republics. East Germany joined a year later in 1956. Thus the rivalry of the Cold War became one between the nations of the North Atlantic Treaty Organization versus those of the Warsaw Pact.

⁴⁶³ Wallander, Celeste. "Institutional Assets and Adaptability: NATO after the Cold War." *International Organization*, Vol. 54, No. 4, (Autumn, 2000), pg. 712.

⁴⁶⁴ Woodliffe, John. "The Evolution of a New NATO for a New Europe." *The International and Comparative Law Quarterly*, Vol. 47, No. 1, (Jan., 1998), 174.

Throughout the Cold War NATO became the primary strategic tool of deterrence through which the US conducted relations with Russia. It also, in 1982, added Spain to its membership, completing its membership with all the nations of Western Europe. Because of the existence of NATO during the Cold War, the Soviet Union became unable to expand its influence into Western Europe, and NATO also helped make the USSR continually fearful of a Western attack. Understanding these points are important in understanding NATO's position vis-à-vis Russia in the post Cold War world. While NATO reinvented itself in the 1990's, it still maintained its Cold War legacy, which continues to influence the dynamic between Russia and the US even until today.

Reinventing and Expanding NATO

With the end of the Cold War in 1991 the big question arose of what the future had in store for NATO. The USSR had voted itself out of existence. The Warsaw Pact no longer provided any real security threat besides making sure the existing nuclear arsenals were secured. Since the main reason for the existence of NATO was to counter the threat posed by the USSR and those countries in the Warsaw Pact (which disintegrated along with the USSR in 1991), it would make sense that with the end of the Cold War NATO might cease to exist or at the very least simply become a paper agreement, as many experts and political scientists expected it to do⁴⁶⁵. However, it did not lose its potency and instead changed and developed to fit the new international environment. This transition is important to understand in the context of US-

⁴⁶⁵ Mearsheimer, John. "A Realist Reply." *International Security*, Vol. 20, No. 1, (Summer, 1995), pp. 82-93.

Russian relations because while the institution developed to serve new purposes, it remains in the eyes of many, especially Russia, as a tool of active antagonism.

While NATO's main purpose may have been to defend Western Europe against the Soviets, many other assets were created in the interaction between the NATO allies⁴⁶⁶. Through the discussion of problems, organization of resources, and the completion of agreements and compromises, NATO was shaped into a highly adaptable institution with general assets that could meet multiple needs⁴⁶⁷. After the end of the Cold War, NATO made a declaration that it would attain its objectives increasingly through political means instead of solely a military approach and shifted emphasis away from security concerns of the Cold War to collective concerns and activities such as peacekeeping in third areas⁴⁶⁸. NATO had developed many diplomatic capabilities during the Cold War and was able to shift away from its former military approach after the security threat of the Soviet Union was gone. NATO then continued to evolve, presenting itself as a cheaper and more efficient alternative for member states than abolishing NATO and creating a new institution⁴⁶⁹.

⁴⁶⁶ Wallander, Celeste. "Institutional Assets and Adaptability: NATO after the Cold War." *International Organization*, Vol. 54, No. 4, (Autumn, 2000), pg. 713.

⁴⁶⁷ Ibid.

⁴⁶⁸ Woodliffe, John. "The Evolution of a New NATO for a New Europe." *The International and Comparative Law Quarterly*, Vol. 47, No. 1, (Jan., 1998), pp.174-176.

⁴⁶⁹ Wallander, Celeste. "Institutional Assets and Adaptability: NATO after the Cold War." *International Organization*, Vol. 54, No. 4, (Autumn, 2000), pp. 711-712.

However, in the aftermath of the Cold War NATO still remained in Russian eyes an organization antagonistic towards Russia. Because of the legacies of the Cold War, NATO still remained hostile to the intentions and goals of Russia, most obviously because membership still remained limited to Western European countries and the US. Yet throughout the 1990's Russia was in no place politically or economically to actively provide any sort of resistance to the will of NATO or the West, having instead to deal with a number of pressing domestic issues threatening its internal integrity. NATO, on the other hand, began to demonstrate the effectiveness of its new role in many new diplomatic endeavors it initiated after the 1994 creation of the Partnership for Peace.

In particular, NATO began to reach out to many former communist states. For example, the North Atlantic Co-operation Council was created to foster relationship between formal NATO members and the Central and Eastern Europe states. In 1994 NATO members began the Partnership for Peace initiative which allowed for the expansion of NATO influence from Western Europe into Eastern Europe. These expansions were meant to improve the stability of post-Cold War Europe through involvement and cooperation. Since then, NATO's existence has also become understandable as an institution that continues the consolidation of democracy in countries where democratic regimes are unstable or in need of guidance⁴⁷⁰. NATO enlargement is a process that has involved many actors and at the same time spread democratic norms. An example of this would be through NATO's Membership Action Plans, which requires those

⁴⁷⁰ Waterman, Harvey and Zagorcheva, Dessie, and Reiter, Dan. "NATO and Democracy." *International Security*, Vol. 26, No. 3, (Winter, 2001-2002), pp. 221-235.

states seeking membership to promote democratic reforms in their countries⁴⁷¹. It is through the processes of cooperation and deliberation between states within and through NATO that affected the attitudes of the groups involved, thus expanding and consolidating the norms of democracy. However, the expansion of NATO has ended up having large consequences for the relationship between the US and Russia.

The Expanding Influence of NATO

Throughout the 1990's Russia experienced several domestic crises and was thus not in any type of position to influence the world like it did formerly when as the Soviet Union it was a superpower. So when NATO pushed to enlarge and finally did so in 1999, accepting the Czech Republic, Hungary, and Poland as new members, there was not much that Russia could do, despite the fact that by having former Warsaw Pact nations join NATO the US was impinging on Russia's perceived sphere of influence.

Further providing a point of conflict in US-Russian relations was the bombing of Kosovo by NATO in 1999, as well as the events in the Balkans in the 1990's preceding the bombings. The 1995 Dayton Accords had stipulated that the existing state boundaries should remain despite the fact that significant ethnic minorities resided in several different areas. In particular, they

⁴⁷¹ *ibid.*, p.221-228.

stated that despite the existence of significant amounts of Serbs in Bosnian provinces, they were to remain under the control of Bosnia⁴⁷².

However, in 1997 when a large amount of Muslim Albanians in Kosovo, then a Serbian province, decided to push for independence, the US gave them their support. Since Serbia is a close ally of Russia, Russia only naturally felt affronted. Yet when in 1999 the US used NATO to bomb the region in support of Kosovo independence when they could not obtain authorization through the UN, Russia felt even more antagonized. Though shortly before the actual bombing, the Russian Foreign Minister Igor Ivanovo, “told the group that should intervention in Serbia be proposed to the United Nations, Russia (China, too) would veto it; however, if NATO intervened, Russia would protest, but, naturally, would have no recourse. The Russians had pressing domestic problems to deal with and had grown exasperated with the Serbs; according to one observer, they were particularly weary of Milosevic's tedious brother who was Serbia's ambassador to Moscow”⁴⁷³.

The decision to bomb Kosovo utilizing the NATO military framework, and without the support of the UN was an historic decision with many implications. Arguably since it was not sanctioned by the UN it can be looked at as a violation of international law, which is in line with

⁴⁷² Kumar, Rama, “From Kosovo to Georgia: The US, NATO and Russia.” *Economic and Political Weekly* 43 No. 36 (September 6, 2008): 24-27.

⁴⁷³ Rogel, Carole. “Kosovo; Where It All Began” *International Journal of Politics, Culture, and Society*, Vol. 17 No. 1, pg. 176.

how Russia has since viewed it in order to justify its most recent acts in Georgia in 2008⁴⁷⁴. The US's decision to bomb Kosovo was most obviously an immediate act to avoid a humanitarian crisis, however the longer term effect was to challenge Russian interests in Eastern Europe and to use NATO to create a new standard on the justification for the use of force.

Further Developments

After the turn of the century an important change occurred that has affected the dynamic of US-Russian relations. This change is the spectacular economic growth that Russia began to demonstrate, with growth rates from 6-8% per year. With these high growth rates, at the beginning of the 21st century Russia became one of the faster growing nations in the world and with this growth came greater influence. While much of this growth in Russia can easily be linked to the energy sector, specifically oil and natural gas, in many ways this only heightens the influence that Russia gains due to the limited supply of these resources in the world. Regardless, Russia is now included among the BRIC countries, a group of four countries (Brazil, Russia, India, and China) whose combined economies are predicted to be within the next several decades larger than those of the traditionally defined West. The implication of this rapid growth is that Russia, after the turn of the century, slowly became able to respond to pressure that the US and NATO applied.

⁴⁷⁴ Kumar, Rama, "From Kosovo to Georgia: The US, NATO and Russia." *Economic and Political Weekly* 43 No. 36 (September 6, 2008): 24-27.

In 2004 NATO further expanded its membership to include many other Central and Eastern European countries, seven more in total: Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia⁴⁷⁵. Shortly before that, Western influence became all too present in Ukraine through the Orange Revolution of 2004 and Georgia through the Rose Revolution in 2003. Yet as the US and NATO began to press eastward, Russia began to press back westward. While the US pushed for both Ukraine and Georgia to join NATO, Russia used its influence to encourage Europe to not back their accession within NATO politics, specifically by cutting off natural gas supplies. In addition, Russia also pulled out of the Treaty of Conventional Armed Forces in Europe. Despite the US's continued support to expand influence into Russia's Near Abroad, Russia has now managed through its increasing influence in the world to react. In 2008 Russia even initiated a barely covered up invasion into Georgia in order to counter the growing pro-West influence in the country.

Conclusion

The relationship between the US and Russia, and before Russia the Soviet Union, has changed greatly over the years, yet it has rarely been something to describe as friendly. Forming one of the most important aspects of this relationship has been the North Atlantic Treaty Organization. Throughout the Cold War, NATO served as one of the principal tools that the US used to counter Russian expansion. It united the Western nations together against the Soviet

⁴⁷⁵ Mustafa, Abid, "Russia Weary of NATO's Eastward Expansion." *Global Politician*, 11/12/2008.

Union's Warsaw Pact, and NATO was one of the primary methods of the containment strategy, as outlined in NSC-68. However, after the end of the Cold War NATO changed greatly.

Many experts thought that NATO would simply cease to exist given the fact that the reason for its initial conception, the USSR, had disintegrated. However, through an interesting change from a more theoretically realist based organization to one of liberal concepts, NATO continued to exist and adapted to new international realities.

Yet while changing, NATO still maintained an antagonistic position with respect to Russia because of the Cold War legacy of the organization. Throughout the 1990's, NATO began to look at opportunities to expand into Russia's perceived sphere of influence. While NATO was successful in gaining the accession of many Central and Eastern European countries, this was mainly due to the inability of Russia to respond effectively against NATO. Entering the current new millennium this has changed, as Russia has found new wealth and power in the international arena. Now, Russia is actively looking to assert its presence against NATO expansion, as is especially evident in the current situation in Georgia.

It is likely that any future attempts by the US and NATO to further impinge on Russia's perceived sphere of influence are going to be met with stiff resistance. This fact will likely be especially true with the necessary cooperation of Russia on a number of important international issues, most pressing for the US being the issue of non-proliferation in Iran. It is unlikely that the US will be able to secure its interests without the cooperation of Russia in its sale of its international armaments and nuclear fuel and technology. So while NATO's existence as a major

issue between the US and Russia is not likely to change in the near future, it is also not likely that there will be additional expansion of NATO into Eastern Europe and the Near East.

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Julie Shultz, “Contributing Factors to Increased Tensions between Russia and Georgia.”

Introduction

The conflict in Georgia has created enormous instability in Eastern Europe and the Caucasus. It has generated hostility between Russia and Georgia and it has resulted in much of the Western world chastising Russia for its actions. Chastising from Western nations has occurred, however, without concrete action or follow through. The escalation in conflict between Russia and Georgia has stirred allegations of Soviet-era conquest, and it has the likely effect of setting a precedent for political actions throughout Eastern Europe and the Caucasus. Properly and diplomatically addressing the conflict which exists within Georgia and calming the strife between Georgia and Russia is essential in order to achieve stability in the region. Stability would provide the opportunities for economies to prosper and it would encourage a more open and diplomatic dialogue with Western nations and Russia.

Issues in the Georgian Conflict

While the relationship between Georgia and Russia is strained for many reasons, the most pressing issue is the desired independence of two regions, South Ossetia and Abkhazia, which exist in Georgia proper. The Russian government has willingly offered its assistance to protect and defend the people of these two regions from any hostile action by the Georgian government. The conflict and issue at hand is complex and spans much of history, however there are three

main reasons for the recent escalation in tensions between Georgia and Russia: 1) an upsurge in a desire to form a united and unified Georgia; 2) increased economic and political relations between the United States, other Western nations, and Georgia, and 3) economic reasons primarily related to concerns regarding gas and energy.

In order to best grasp an understanding for the current upsurge in tensions and conflict, it is important to grasp why these two regions of Georgia, South Ossetia and Abkhazia, desire to be independent and what role Russia plays in the situation. For a significant portion of two centuries (1801-1991) “Georgia [has] found itself ruled from St. Petersburg and Moscow.”⁴⁷⁶ Whenever Georgia was under either Soviet or Russian rule, depending on the period in history, the ethnic groups existing in Georgia, the South Ossetians, Abkhazians, and the Georgians were able to live fairly peacefully since they were all receiving orders from Moscow. There were, however, periods within the two centuries of rule from Moscow where Georgia was able to reclaim independence, helping to revitalize Georgian nationalism. The assertion of Georgian nationalism, however, led to strains with the South Ossetians and Abkhazians since they identify and view themselves as being separate from Georgians, who are characterized by their own ethnicity.

The Abkhazian people have endured a tumultuous history. They have been pushed around by different powers, such as in 1864 when “Russia expelled half of them [the Abkhazians] to Turkey,”⁴⁷⁷ and again in the 1930s when Abkhazia was forced to accept “demographic

⁴⁷⁶ United States. Department of State. “Georgia”. [State.Gov](http://www.state.gov). February 2008. 8 February 2009. <www.state.gov>.

⁴⁷⁷ Rayfield, Donald. “The Georgia-Russia Conflict: Lost Territory, Found Nation”. [Open Democracy](http://www.opendemocracy.org).

changes...where Abkhazia acquired a Georgian population that outnumbered the native Abkhaz.”⁴⁷⁸ Despite the long history of the settlement in the region by the Abkhazian, “Georgia’s claims to sovereignty over Abkhazia [rely] on the modern post-1945 principle of inviolability of borders, rather than long historical association.”⁴⁷⁹ This claim of sovereignty over Abkhazia by the Georgians has created hostile tensions between the two groups, and those tensions have been further fueled by Abkhazia’s close relation with Russia.

The troubled background of South Ossetia began during the 13th century when Mongolian invaders pushed a large majority of Ossetians south into what is now part of Georgia proper, dividing the ethnic group in two; North Ossetia, which lies in Russian territory and has been granted autonomy by the Russian government, and South Ossetia. While the South Ossetians have always desired to become independent, or even just an autonomous region within Georgia, serious resentment towards Georgia developed near the time of the dissolution of the Soviet Union and the declaration of independence by Georgia in 1991. The increased tensions among the South Ossetians and Georgians are primarily the result of ethnic identities and exclusive nationalism, which also affects the recent escalation and increased tensions between Georgia and Russia.

Since both Abkhazians and South Ossetians identify themselves as ethnic groups separate from that of the Georgians, any effort by the Georgian government to promote Georgian unity and nationalism has been seen as a direct threat to their identity. Although the Abkhazians and

8 August 2008. OpenDemocracy.net. 7 February 2009. <www.opendemocracy.net>.

⁴⁷⁸ Ibid.

⁴⁷⁹ Ibid.

South Ossetians have resented and resisted Georgian nationalism throughout history, the most “serious clashes began when the first president of post-Soviet Georgia, Zviad Gamsakhurdia, espoused (before and during his brief period of rule in 1992) an extreme chauvinist form of nationalism which declared all citizens who were not ethnic Georgians to be ‘guests’ on the republic’s territory.”⁴⁸⁰ While this description of Gamsakhurdia presents the notion that blame should be placed on Georgia for the current conflict situation, evidence supports that the blame is actually equally shared and thus has developed into a tit-for-tat struggle between Georgia and the two groups.

As the power of the Soviet Union began to decline and Russia and Georgia began to seek independence from the Soviet Union, Russia was upset, troubled and angered by the thought of losing Georgia as part of its territory. In an attempt to retaliate at Georgia for its move to gain independence, there is evidentiary support to prove that there was “Russian meddling during the bitter civil wars that followed, helping the two statelets [South Ossetia and Abkhazia] win their de facto independence, as well as evidence that Moscow’s support in the regions has been crucial to keeping them [fighting] ever since.”⁴⁸¹ Russia’s friction with the Georgian government stemmed from Georgia’s own actions for independence and its strong assertion of Georgian nationalism, and as a result, Russia took actions to regain its holdover Soviet authority in the region.

⁴⁸⁰ Rayfield, Donald.

⁴⁸¹ “Russia-Georgia Conflict: Why Both Sides have Valid Points”. Christian Science Monitor. 19 August 2008. CSMonitor.com. 5 February 2009. <www.csmonitor.com>.

To accomplish this, Russia provided these breakaway regions with “financial support and military backing in the form of Russian troops who were part of a regional peacekeeping mission which was established as part of a 1996 agreement made by the Organization for Security and Cooperation in Europe.”⁴⁸² Russia has also issued passports to most Abkhazians and Ossetians, so it can say that it is intervening on behalf of its own citizens.”⁴⁸³ According to one source, “there is no doubt that “Russia’s salami-slicing tactics (including issuing South Ossetians with Russian passports, then integrating them into the Russian pension, health and education systems) has amounted to a covert process of assimilating first the population [of South Ossetia], and then the actual region, into the Russian federation.”⁴⁸⁴ Russia has been extremely strategic, however, in the implementation of such procedures, only achieving these actions by appearing to play a “mediator” role between the breakaway regions and Georgia.

As the upsurge and support grew for Georgian nationalism, escalating the tensions and causing conflict to erupt between the Georgians, South Ossetians and Abkhazians, Russia saw it that it was in its best interest to step in and try to work with both sides on peace negotiations. The Russians saw this opportunity as a potential to “use South Ossetia and Abkhazia as a way to keep Georgia within the Soviet Union and later in a Russian sphere of influence... [however,

⁴⁸² Lieven, Anatol. “Analysis: Roots of the Conflict between Georgia, South Ossetia and Russia”. The Times Online. 11 August 2008. The Times. 5 February 2009. <www.timesonline.co.uk>.

⁴⁸³ Flintoff, Corey. “Q&A: Russia-Georgia Conflict has Deep Roots”. NPR. 12 August 2008. NPR.org. 10 February 2009. <www.npr.org>.

⁴⁸⁴ Rayfield, Donald.

their actions also were] driven by an element of emotion since they loathe the Georgians for their anti-Russian nationalism...”⁴⁸⁵

By participating in peace negotiations over these issues of nationalism, the Russians could establish a military presence, within these regions of Georgia, under the establishment of agreement allowing peacekeeping troops to patrol the region. When the most recent conflict erupted in South Ossetia, in early August 2008, the Russian ‘peacekeeping’ troops who were stationed in the region responded with force against the efforts of the Georgian government to unite the nation.

While “Russia has said it is only seeking to restore stability to the two regions, its troops advanced out of the separatist regions and into undisputed Georgian territory... [an act in which] President Bush accused Russia of seeking to crush the Georgian military and trigger the overthrow of Saakashvili’s [the current President of Georgia] government.”⁴⁸⁶ The Russian response to this accusation is the result of strategic planning by Moscow. Russia defends its actions by stating that it is doing what it feels necessary to protect its citizens from attack, and according to “Russian President Dmitry Medvedev, ‘under the Constitution and the federal law...I must protect the life and dignity of Russian civilians wherever they are’⁴⁸⁷”, demonstrating a direct link between issuance of Russian passports to South Ossetians and Abkhazians and the Russian involvement in the conflict. The entanglement of involvement

⁴⁸⁵ Lieven, Anatol.

⁴⁸⁶ Flintoff, Corey.

⁴⁸⁷ “Clashes in South Ossetia Latest Round in Tumultuous History”. PBS. 8 August 2008. PBS.org. 10 February 2009. <www.pbs.org>.

between the Russians, the Georgians, the South Ossetians, and the Abkhazians over issues of nationalism demonstrate how and why tensions have risen between Russia and Georgia.

Another primary reason for the increase of tensions in recent years is the result of the building of a strong relationship between Georgia and the United States and other Western nations. Georgia's desire to join Western political organizations, such as the North Atlantic Treaty Organization (NATO) and the European Union, as well as its desire to work closely with Western nations, particularly the United States has instilled and fueled "Russia's fear of encirclement by former satellite republics that are now hostile..."⁴⁸⁸, as well as the fear in Russia that "...its former satellites will look to the West [for guidance], damaging Moscow's influence in the region."⁴⁸⁹ Georgia's efforts to reach out to the West, and the resulting disapproval to do so by the Russians, demonstrate the struggle for power which exists in the region, and Russia's desire to maintain its authority over previous Soviet strongholds. Russia fears that Western involvement in the region would undermine its own authority and threaten Russian national security.

With Georgia's dedication to democracy and its work to ensure that democratic principles thrive within its government, the United States has demonstrated its willingness to work with and support Georgia. The United States has always agreed to promote democracy and support any nation which strives to establish a functioning democratic government. Both "America and

⁴⁸⁸ Meo, Nick. "Georgia: Roots of the South Ossetia Conflict". The Telegraph. 9 August 2008. Telegraph.co.uk. 5 February 2009. <www.telegraph.co.uk>.

⁴⁸⁹ "The Russia-Georgia Conflict at a Glance". Los Angeles Times. 12 August 2008. Los Angeles Times Online. 10 February 2009. <www.latimes.com>.

Britain are closely involved in providing military assistance to the Georgians in the form of arms and training. The support is aimed at encouraging the rise of Georgia as an independent, sovereign [and democratic] state.

Thus, when Georgia expressed great interest in joining NATO, the United States and other Western nations agreed to help in the process of Georgia becoming a member, only “stoking the regional fire.”⁴⁹⁰ As a result of the increase in the Georgian desire to become a member of NATO, it is said that while “Russia has long viewed itself as protecting South Ossetia and Abkhazia in their drive to separate from Georgia, however, both also have close ties to Moscow, which has been angered by U.S.-backed Georgia’s bid to join NATO.”⁴⁹¹ Russian government officials as well as “Russian nationalists have chafed at the loss of their Soviet-era buffer zone of republics and former Eastern bloc allies.”⁴⁹² Then, in 2008 at the NATO summit in Bucharest, the United States “pressed for Georgia and Ukraine’s membership to the alliance. [Although] the move was blocked, NATO did give a commitment to offer the two countries membership later. That move was seen in Moscow as a challenge to its dominance in what it calls the ‘near abroad’, the former Soviet Republics. Since [the NATO summit in 2008], Russia has made clear in word and deed that it will do anything to prevent NATO’s expansion on its

⁴⁹⁰ Beeston, Richard. “Analysis: Why the Russia-Georgia Conflict Matters to the West”. The Times. 8 August 2008. Times Online. 8 February 2009. <www.timesonline.co.uk>.

⁴⁹¹ “The Russian-Georgia Conflict at a Glance”.

⁴⁹² Flintoff, Corey.

western and southern flanks,”⁴⁹³ as indirectly demonstrated in the conflict of August 2008 when Russia intervened in South Ossetia.

In addition to tensions over NATO membership and NATO involvement in the region, Georgian support for U.S. military action in the Middle East, as well as U.S. (and Western international organizations) funding assistance in Georgia has also led to increased tensions with Russia. Since 1991, the United States has “provided Georgia with approximately \$1.7 billion in assistance. On September 12, 2005, Georgia signed a compact with the Millennium Challenge Corporation for a five-year \$295.3 million assistance package.”⁴⁹⁴ In addition, in an effort to help repair the damage inflicted upon Georgia during the most recent conflict, “the US has also pledged to provide a one billion dollar aid package for reconstruction, resettlement and humanitarian needs. The IMF too has agreed in principle to give Georgia a \$750 million dollar loan to help repair the conflict’s damage.”⁴⁹⁵ Such actions anger Moscow officials because of their desire to be the go-to country for economic and social aid. Russia desires to rule the region and gain solidarity among former Soviet Republics, however, instead, the opposite is occurring and countries are turning to the West for economic, social, and political support and aid, further fueling the fire and contributing to rising tensions between Georgia and Russia.

A third contributing factor to increased tensions between Georgia and Russia is economic factors, primarily over issues of energy and gas. In recent history, Russia has had a

⁴⁹³ Beeston, Richard.

⁴⁹⁴ United States. Department of State. “Georgia”. [State.Gov](http://www.state.gov). February 2008. 8 February 2009. <www.state.gov>.

⁴⁹⁵ “Q&A: Conflict in Georgia”. [BBC](http://www.bbc.co.uk). 11 November 2008. BBC News. 13 February 2009. <www.bbc.co.uk>.

“stranglehold on energy exports from the region⁴⁹⁶”, by having almost all energy and gas pipelines run through Russian territory. The gas pipelines running through Russia provided economic benefits to Russia as well as ensured dependence on Russia from other countries within the region who relied on Russia for energy.

Thus, tensions arose between Russia and Georgia when construction began on the Western supported Baku-Tbilisi-Ceyhan gas pipeline “by which oil from the Caspian Sea would transit from Azerbaijan directly through the southern Caucasus (Georgia), bypassing Russia...⁴⁹⁷”. The Baku-Tbilisi-Ceyhan pipeline has the capability of “delivering up to 1.2 million barrels per day of oil to Western markets⁴⁹⁸”. Western markets are in support of such energy and gas sources, which bypass Russia, because “the EU and US are anxious to diversity their energy sources, to avoid being too dependent on supplies transiting through Russia. Moscow already controls an oil export pipeline running from the Caspian to the Black Sea via the North Caucasus. [As a result of the current conflict], fears of instability in the Caucasus have made Western investors reassess their reliance on the region’s energy sources [from Russia]⁴⁹⁹”.

The results of the presence of this gas pipeline which runs through Georgia have not only angered the Russians, but it has also decreased reliance of other nations on Russian energy sources, diminishing the stronghold over energy which Russia has controlled for many years. For instance, in Georgia, “natural gas has traditionally been supplied to Georgia by Russia.

⁴⁹⁶ Beeston, Richard.

⁴⁹⁷ Welt, Cory. “Balancing the Balancer: Russia, the West, and Conflict Resolution in Georgia”. *Global Dialogue* 7. Summer/Autumn 2005. Issue No. 3-4. 10 February 2009. <www.csis.org>.

⁴⁹⁸ “Q&A: Conflict in Georgia”.

⁴⁹⁹ “Q&A: Conflict in Georgia”.

Through conversation, new hydroelectricity sources, and the availability of new sources of natural gas in Azerbaijan, Georgia's dependence on Russia for energy supplies should decrease substantially in the near future."⁵⁰⁰. The reduction of dependence on Russia for gas and energy supplies has the potential to have a deep economic impact on the Russian economy, and thus many cite recently increased Russian involvement and support of the breakaway regions of Georgia as a protest to these gas pipelines.

Understanding the vital role that the region of South Ossetia plays in this issue of energy provides insight into why Georgia may be so defiant against permitting South Ossetian autonomy or independence. For "although it's comparatively small – only about 50 miles across – South Ossetia represents a deep bite into Georgian territory. It extends south toward two of Georgia's most important assets, pipelines that carry oil and gas from Azerbaijan and Turkmenistan to Turkey. Russia opposed the building of those pipelines, which cut Russia out of some of the action in the oil-rich former republics⁵⁰¹". The struggle for economic and political power in Eastern Europe and the Caucasus, particularly in regards to the location and path of gas pipelines, has greatly increased tensions between Russia and Georgia in recent years, becoming a contributing reason for increased instability in the region and conflict between the two nations.

U.S. Policy and its Future Direction

⁵⁰⁰ United States.

⁵⁰¹ Flintoff, Corey.

The United States has been extremely cautious in its approach to the Russia-Georgian conflict. Trying to reduce tensions with Russia, the United States has not wanted to take a direct role through the use of military action in the conflict. While the United States has “expressed solidarity and backing for Georgia, even calling Russia’s actions ‘an illegitimate, unilateral attempt to change the country’s borders by force,’”⁵⁰² the United States has not yet taken direct action, but rather used a diplomatic approach regarding Russian aggression on Georgia. United States government officials must be careful in their dealing with the situation because of previous support they provided to Kosovo, a region which sought independence from Serbia, in the 1990s. Asserting solidarity for Georgian unity and independence appears inconsistent in light of the U.S. support of separatism in Kosovo, which Russia opposed. Therefore, any action to protect Georgia by the United States must be carefully and strategically implemented so as to avoid criticism regarding a shift in policy.

Russian officials have made it explicitly clear, that they do not “seek isolation from Europe and the United States; however, Russia can not accept a world order that places a single state – even the US – as the sole global decision-maker”⁵⁰³. Russia fears that it may be losing its sphere of influence in the region, and this fear will only continue to grow if the issue in Georgia continues to be fueled by Western involvement, including possible NATO membership and gas pipelines to the West. In order to counter this Western involvement, Russia has provided assistance to the breakaway regions of Georgia in an attempt to gain some support within the

⁵⁰² “Q&A: Conflict in Georgia”.

⁵⁰³ Ibid.

region. The consequences and long-term effects of this conflict between Russia and Georgia will likely be vast, and the results will set a precedent for other ethnic groups in the former Soviet Republics who either wish to be granted autonomy or independence. Although this conflict is relatively small in scale, the resulting outcome will have enormous impact on future policy within Eastern Europe and the Caucasus region.

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Rory Stanley, “Russia-Venezuela and U.S. Relations: Will There be Another Missile Crisis?”

Introduction

After the fall of the Soviet Union it appeared as if the U.S. would have an opportunity to change its greatest adversary into an ally. The U.S. jointly with the newly established government of Russian President Boris Yeltsin, formed a “strategic partnership” that aimed at democratic and market reform.⁵⁰⁴ The specialists that attempted to institute the democratic and economic reforms were ill equipped and did not have the proper background to successfully reintegrate Russia into the world economy. Many involved in Russian politics viewed the partnership with the U.S. as one sided and as a ploy by the U.S. to contain its former adversary. The Russian public as well began to view the partnership in the same light as Russia experienced a drop of close to 50% in GDP, which created conditions of economic despair and widespread poverty.⁵⁰⁵

In 1999 Russia experienced an economic revival due to the surge in world oil and gas prices along with increased price competitiveness of Russian exports. In the December of 1999 Boris Yeltsin resigned and named the relatively unknown former KGB officer Vladimir Putin as

⁵⁰⁴ Report for Congress “Russian Political, Economic and Security Issues and U.S. Interests” Stuart D. Goldman. August 26th, 2008.

⁵⁰⁵ Report for Congress “Russian Political, Economic and Security Issues and U.S. Interests” Stuart D. Goldman. August 26th, 2008.

the acting President.⁵⁰⁶ Following the terrorist attacks in New York on September 11th, 2001 the U.S. and Russia temporarily set their differences aside to combat terrorism. It is speculated that Putin supported the U.S. “war on terror” so as to be immune from international criticism on Russian actions in Chechnya. Since 2003, however, tensions between the U.S. and Russia have resumed. There are a variety of issues on which the U.S. and Russia hold opposing viewpoints: Kosovo’s independence, the U.S. missile defense deployments in Poland and the Czech Republic, NATO expansion, Russia’s invasion of Georgia and Russia’s construction of nuclear reactors in Iran.⁵⁰⁷

The increased discord between Russia and the U.S. and the issues previously mentioned has increased the potential for conflict. The question is will Russia utilize its newfound partnership with Venezuela to place missiles in Venezuela in response to U.S. actions in Europe and Eurasia. If Russia took such drastic measures the international backlash could be fatal but if put in a position where Russia felt that its security was endangered Russia may take measures that would in turn put the U.S. national security in jeopardy. Overall, it is unlikely that another missile crisis will begin between the U.S. and Russia as long as the U.S. recognizes the potential for conflict and resolves the issues that are causing consternation between the two nations tactfully and diplomatically.

⁵⁰⁶ Report for Congress “Russian Political, Economic and Security Issues and U.S. Interests” Stuart D. Goldman. August 26th, 2008.

⁵⁰⁷ “Russia Reviving the Army, Revising Military Doctrine” RFE/RL, March 12th, 2007.

U.S. Missile Defense Plans and the Russian Response

The Bush administration's proposed missile defense program has resulted in a sharp rebuke from the Russian government. The Bush administration plan entailed a ground-based midcourse missile defense system or GMD in Europe to defend U.S. forces and its allies from a potential Iranian nuclear arsenal. The GMD system requires 10 silo-based interceptors in Poland and a radar installation in the Czech Republic.⁵⁰⁸ Russia for the most part believes that the U.S. proposed missile defense GMD system reduces Russia's nuclear deterrent and in turn its national security, due to the proximity of the proposed system to the Russian border. For this reason Russian leaders, including Putin believe that the missile defense shield is not directed at Iran's potential arsenal but Russia's existent nuclear arsenal.⁵⁰⁹

Russia's claim that the U.S. is attempting to reduce the effectiveness of Russia's arsenal have returned the prospect of a nuclear arms race and cold war style tensions between the West and Russia. A reinforced feeling that Russia is separated from the West diplomatically, politically and militarily is a dangerous prospect for the security of Europe, Eurasia and potentially the U.S. NATO and the U.S. did not consult Russia adequately about the deployments. The deployments themselves violate pledges made to Russia by the US and NATO at the time when Poland and the Czech Republic were accepted into NATO that NATO would establish military bases in those two countries.

⁵⁰⁸ CRS Report RL34051, Long Range Ballistic Missile Defense in Europe, by Steven A. Hildreth and Carl Ek.

⁵⁰⁹ CRS Report RL34051, Long Range Ballistic Missile Defense in Europe, by Steven A. Hildreth and Carl Ek.

It is possible that Russian authorities do believe that the GMD in Poland and the Czech Republic represent a threat to Russia but it is more credible that Russia is angered by the fact that the U.S. is acting within nations that Russia believes it should have more political influence. However, in June 2007, Vladimir Putin changed his stance on the GMD system and offered Russia's support in the form of Soviet era radar installations in Azerbaijan.⁵¹⁰ Putin also indicated in his counter proposal that the missile defense be partly coordinated through Moscow. The change in Putin's posture could have been a political ploy to catch the U.S. off guard and to assess Washington's real intentions.

The traditional and historical belief in Russia is that NATO is an organization that was established to counter the military forces of the then Soviet Union. As NATO expands further east to accept potential candidates such as Georgia, Ukraine and Azerbaijan, longstanding Russian suspicions about NATO are reinforced. As described earlier Russia feels entitled to a mutually exclusive sphere of influence that includes its former Soviet Republics and bordering nations. Moscow interprets NATO expansion as a challenge to its regional power and influence. It is therefore reasonable to estimate by contrast that Russian actions in South America are part of a careful but simple political calculation. Russia intends to send a not so subtle message that it too has the ability to act beyond its borders to interfere in relations that would be considered the U.S. sphere of influence.

⁵¹⁰ CRS Report RL30679, "Armenia, Azerbaijan, and Georgia: Security Issues and Implications for U.S. Interests" Jim Nichol. January 14th, 2009.

In the past Russia has responded to potential NATO enlargement with harsh threats. Following a NATO meeting in Bucharest last year, Russia reacted to Ukraine's possible NATO membership by announcing that Russia might be forced to take military measures against the Ukraine if admitted. These measures included the threat of aiming missiles against Ukraine if Ukraine hosted NATO military bases.⁵¹¹ Though it is tenuous to link NATO enlargement to a potential missile crisis in the Caribbean the main issue is how Russia might respond if NATO membership was officially offered to Ukraine and Georgia. If U.S. aid to Georgia following the brief war elicited Russian naval exercises in the Caribbean then it is possible that NATO enlargement and additional NATO or U.S. bases in former Soviet Republics could bring increased Russian reaction in South America.

The Georgian Crisis

On August 8th 2008, Dmitriy Medvedev denounced the Georgian incursion into the autonomous region of South Ossetia, within Georgia's borders.⁵¹² Medvedev asserted that the vast majority of the victims in the Georgian offensive were citizens of the Russian Federation, thus giving Medvedev reason enough to order Russian forces to attack Georgia. Russia launched large-scale air attacks across Georgia and deployed Russian troops to South Ossetia that engaged Georgian forces occupying the South Ossetian capital of Tskhinvali. Russian troops additionally

⁵¹¹ CRS Report RL34415 "Enlargement Issues at NATO's Bucharest Summit" Paul Gallis, Paul Belkin, Julie Kim and Steven Woehrel. March 12th, 2008

⁵¹² CRS Report RL30679, "Armenia, Azerbaijan, and Georgia: Security Issues and Implications for U.S. Interests" Jim Nichol. January 14th, 2009.

landed from the Black Sea in the Georgian breakaway region of Abkhazia.⁵¹³ On August 12th Medvedev announced that major Russian operations had concluded and allowed for components of the EU's peace proposals to be implemented.⁵¹⁴ Though the large bulk of Russian forces have been pulled back a large remnants force remains in Abkhazia and South Ossetia. Russia further enraged the international community by recognizing the independence of South Ossetia and Abkhazia; the only other nation to do this was the Central American nation of Nicaragua.

The heightened Russian response (invasion of Georgia) may be partly due to increased U.S. security ties in the region. Prior to September 11th 2001 the U.S. had given a limited amount of aid to Georgia. However, following the terrorist attacks, aid increased to the area along with the establishment of U.S. military facilities, which trained Georgian troops in anti-terror tactics. The U.S. also obtained overflight rights and use of Georgian airbases. Additional assistance has been provided to bolster Georgian independence, security and democracy.

Following the Russian attacks in the summer of 2008 the U.S. Congress condemned the Russian invasion and boosted aid for Georgia. Congress allocated one billion dollars in humanitarian aid to Georgia and the U.S. held NATO naval exercises in the Black Sea.⁵¹⁵ The U.S. Navy flagship, the USS Mount Whitney, of the 6th fleet delivered the aid in early December.⁵¹⁶ Vladimir Putin and other Russian leaders condemned the U.S. for sending

⁵¹³ CRS Report RL30679, "Armenia, Azerbaijan, and Georgia: Security Issues and Implications for U.S. Interests" Jim Nichol. January 14th, 2009.

⁵¹⁴ CRS Report RL30679, "Armenia, Azerbaijan, and Georgia: Security Issues and Implications for U.S. Interests" Jim Nichol. January 14th, 2009.

⁵¹⁵ International Herald Tribune. "Seven Countries Plan Black Sea Naval Exercises" September 15th2008.

⁵¹⁶ International Herald Tribune. "Seven Countries Plan Black Sea Naval Exercises" September 15th2008.

humanitarian aid aboard military ships. It is likely that the operation of U.S. ships in the region sparked the Russian response for sending a battle group to the Caribbean. Therefore Russia has set a “tit-for-tat” precedent, which could spiral out of control if remained unchecked by both the Russian and American governments.

Russian Interests in Latin and South America

It is important for the U.S. to carefully appraise Russia’s recent reengagement of Latin and South America. A quick overview of Russia and Venezuela’s actions appear to be opportunistic primarily because the two countries share a strategic interest: challenging U.S. global power. The arrival of the Russian naval squadron in the Caribbean in the November of 2008 marks the first time Russian forces have been deployed in the Western Hemisphere since the Cuban missile crisis in 1962.⁵¹⁷ Leaders of both countries wish to challenge U.S. unspooled dominance and Russia has chosen to challenge the U.S. agenda by exerting Russian influence on certain regions.

Hugo Chavez, the president of Venezuela hopes to set a precedent that Latin American nations do not need the U.S. as a security partner but can instead look elsewhere.⁵¹⁸ Russia has embraced the role of Venezuela as a security partner, for the reasons previously mentioned but also to offset the U.S. role in Georgia. Russia wishes to make it clear if the U.S. continues to

⁵¹⁷ Institute for Global leadership, Tufts University. “Next Presidents Policies Toward Latin America.” Sebastian Chaskel. October 28th, 2008.

⁵¹⁸ Center for Strategic and International Studies. “Russia’s Reengagement in the Western Hemisphere” Stephen j. Flanagan and Johanna Medelson Forman. November 25th 2008,

support countries within Russia's exclusive sphere of influence then Russia is prepared to intrude in America's backyard.

If in fact President Dmitry Medvedev and Prime Minister Putin are committed to deploying a long-term force to the Caribbean, and if a deal can be reached to establish a long-term base near Caracas, Russia only spends about one-tenth the amount that the U.S. spends on defense.⁵¹⁹ Therefore the financial ability of Russia to establish long distance operations is limited. As a result Russia may decide to deploy less conventional forces in Venezuela, that do not need as much financial support as a naval battle group. The deployment of the Russian navy to the Caribbean was a political exercise to make a point to the U.S. while at the same time keeping the potential for conflict quite low.

However, if tensions escalated in Europe or Eurasia, Russia might make the decision to station strategic bombers in Venezuela along with missile sights to counter U.S. intrusion in the Russian sphere of influence. The current joint Russian and Venezuelan exercises are a move to create an outlet for Russia to counter U.S. political and military decisions that affect Russian security. It can be agreed that the Russian outlet poses little potential threat, however this fact could be even more worrisome to U.S. security. The Russians realize that they have little ability to counter the U.S. on a conventional level; therefore it makes it plausible for Russia to deploy nuclear missiles and tactical bombers with the ability to deliver a nuclear payload from Venezuela. No doubt this scenario is far-fetched at the moment and would require a legitimate

⁵¹⁹ Institute for Global Leadership, Tufts University. "Next Presidents Policies Toward Latin America." Sebastian Chaskel. October 28th, 2008.

provocation from the U.S. to trigger such events. To this date, the actions taken by the Russian leadership are purely political in nature.

Continued Russian activity in Latin America could have serious implications if the Obama administration does to try to reassert a U.S. presence in the Latin America in response to Russian actions in Venezuela. A theme of anti-Americanism has once again become more prevalent in Latin American politics. For the past eight years the U.S. has watched its influence in the region decline. The decline of an American presence has allowed relations with former allies to become strained. Bolivia and Venezuela both recently expelled U.S. ambassadors. Last year the U.S. was unable to renew a lease for a U.S. military base in Ecuador that had been used for anti-drug operations in the past. Governments in the region have continued along a trend were their leaders utilize bombastic rhetoric to rally their countries' publics against U.S. policies. Bolivia, Ecuador, and Nicaragua's presidents appear to be attempting to emulate Hugo Chavez' consolidation of executive power. If left unchecked this trend could result in a loss of legitimate democracies in the region and a return to authoritarian rule. Russia is in turn a source for arms sales and energy supplies in Latin and South America.

Senator Maria Lucia Ramirez, a former defense minister under President Alvaro Uribe of Colombia, has been one of the more vocal politicians on the subject of Russian-Venezuelan relations. Ramirez believes that the relationship between the two nations poses a threat to

hemispheric security.⁵²⁰ Colombians are especially fearful that the Russian sales of munitions and small arms to Venezuela will end up in the hands of dangerous guerrillas.

The destabilizing potential of Russian actions in the region is very real. Tensions between Colombia and Venezuela have been extraordinarily high. Last spring Colombian anti-terrorist operations spilled over into its southern neighbor Ecuador and elicited an over zealous response from Venezuela.⁵²¹ Venezuela mobilized armored vehicles along its border with Colombia and remained on high alert until international pressure diffused the situation. Russia could exploit this already existing tension between the Colombians and Venezuelans. A conflict in this region could be particularly damaging to U.S. prestige due to the proximity of the situation and the esteem of the ally involved. Colombia at this point appears to be one of the few American allies left in the region.

Russia has increased the volume of trade between itself and South America, in particular Venezuela. In the July of 2008 Medvedev and Chavez agreed to closely coordinate their actions on global oil and energy markets, to create a sort of mini-OPEC.⁵²² The desired goal of such cooperation between the two nations is to create energy security between the two nations and no doubt put pressure on the U.S. regarding its own energy needs. Trade between Russia and Venezuela nearly doubled last summer, and is now equal to 1.1 billion dollars.⁵²³ Gazprom, the

⁵²⁰ BBC News “Russian Arms Arrive in Venezuela” Greg Morsbach. June 3rd, 2006.

⁵²¹ Carpenter, Ted: CATO Policy Report, “Plan Colombia: The Drug War’s New Morass” (http://cato.org/pubs/policy_report/pr-index.html, 2001) 20th May 2008.

⁵²² NY Times “Russia and Venezuela will coordinate on Energy” Anne Barnard. July 23rd, 2008.

⁵²³ NY Times “Russia and Venezuela will coordinate on Energy” Anne Barnard. July 23rd, 2008.

Russian oil giant, has also signed agreements with the Venezuelan government to explore reserves in Venezuela's Orinoco Valley.⁵²⁴

For every action abroad a reaction will be elicited. Russia's main foreign policy goal is to make it clear to the U.S. that its ability to act without respecting local hegemony has come to an end. That is why it is important to understand that every American action abroad has the potential to be responded to by the Russians with an action in South America to illustrate their confrontation of American unilateralism. It does not appear likely that a return to a Cold War standoff between the U.S. and Russia will resume. Additionally, it would take special circumstances for Russia to place nuclear missiles in Venezuela, thereby creating a new missile crisis.

But though the potential for such an action is low it does not mean the U.S. has less at stake in the region. The U.S. prizes stability and friendly neighbors, Russia has the ability to jeopardize both of these conditions. Energy security has also become a key concern of the Obama administration. Russia has sought to secure contracts with various countries to explore the potential for further energy cooperation with Venezuela. The U.S.' declining prestige with governments in South America may have consequences with the ability of American firms to obtain contracts with governments such as Bolivia, Venezuela, and Nicaragua, with these countries instead turning potentially to Russia.. What is apparent after a quick survey of Latin and South America and Russia's involvement in the area is that the U.S. does not have a great

⁵²⁴ World News "Gazprom visits Venezuela for drilling talks" February 23rd, 2009.

deal to fear from Russia but may have a great deal to fear from insufficient U.S. attention to the region's politics.

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