



Russia's December 2011 Legislative Election: Outcome and Implications

Jim Nichol

Specialist in Russian and Eurasian Affairs

December 13, 2011

Congressional Research Service

7-5700

www.crs.gov

R42118

CRS Report for Congress

Prepared for Members and Committees of Congress

Summary

Challenges to Russia's democratic development have long been of concern to Congress as it has considered the course of U.S.-Russia cooperation on matters of mutual strategic interest and as it has monitored problematic human rights cases. Most recently, elections for the 450-member Russian State Duma (lower legislative chamber) on December 4, 2011, have heightened concerns among some Members of Congress about whether Russia can be an enduring and reliable partner in international relations if it does not uphold human rights and the rule of law.

In the run-up to the December 2011 State Duma election, seven political parties were approved to run, although during the period since the last election in late 2007, several other parties had attempted to register for the election but were blocked from doing so. These actions had elicited criticism from the U.S. State Department that diverse political interests were not being fully represented. As election day neared, Russian officials became increasingly concerned that the ruling United Russia Party, which had held most of the seats in the outgoing Duma, was swiftly losing popular support. According to some observers, Russian authorities, in an attempt to prevent losses at the polls, not only used their positions to campaign for the party but also planned ballot-box stuffing and other illicit means to retain a majority of seats for the ruling party. In addition, Russian President Dmitry Medvedev and Prime Minister Vladimir Putin had increasingly criticized election monitoring carried out by the Organization for Security and Cooperation in Europe (OSCE), and insisted on limiting the number of OSCE observers. Russian authorities also moved against one prominent Russian non-governmental monitoring group, Golos, to discourage its coverage of the election. According to the OSCE's preliminary report on the outcome of the election, the close ties between the Russian government and the ruling party, the refusal to register political parties, the pro-government bias of the electoral commissions and most media, and ballot-box stuffing and other government manipulation of the vote marked the election as not free and fair.

The day after the election, about 5,000 protesters rallied in central Moscow against what they viewed as a flawed election. When many of them began an unsanctioned march toward the Central Electoral Commission, police forcibly dispersed them, reportedly detaining hundreds. The Kremlin quickly mobilized pro-government youth groups to hold large demonstrations termed "clean victory" to press home their claim that minority groups would not be permitted to impose their will on the "majority" of the electorate. On December 7, 2011, several U.S. Senators issued a statement condemning Russian police crackdowns on those demonstrating against the "blatant fraud" of the Duma election. On December 10, large demonstrations under the slogan "For Honest Elections!" were held in Moscow and dozens of other cities. At the rally, Boris Nemtsov, the co-head of the unregistered opposition Party of People's Freedom, reflected popular sentiment with a list of demands that included the ouster of the head of the Central Electoral Commission, the release of those detained for protesting and other "political prisoners," the registration of previously banned parties, and new Duma elections.

Many observers have raised concerns that public unrest may continue, although security forces appear firmly in control and unlikely to permit the unrest to threaten the government. The Obama Administration has been critical of the apparently flawed Duma election, but has called for continued engagement with Russia on issues of mutual strategic concern. Some in Congress also have criticized the Duma election and the subsequent crackdown on protesters, and Congress may consider the implications of lagging democratization and human rights abuses as it considers possible future foreign assistance and trade legislation and other aspects of U.S.-Russia relations.

Contents

Background.....	1
The Campaign.....	3
Results and Assessments.....	4
Implications for Russia and Putin.....	6
The Post-Election Protests.....	7
Implications for U.S. Interests and Congressional Concerns	8

Tables

Table 1. Parties that Won Seats in the State Duma	6
---	---

Contacts

Author Contact Information.....	10
---------------------------------	----

Background

The trajectory of Russia's democratic development has long been of concern to Congress and successive Administrations as they have considered the course of U.S.-Russia cooperation on matters of mutual strategic interest and as they have monitored problematic human rights cases. A major question of U.S.-Russia relations is whether Russia can be an enduring and reliable partner in international relations if it fails to uphold human rights and the rule of law.

Most analysts agree that Russia's democratic progress was uneven at best during the 1990s, and that the three cycles of legislative and presidential elections held under the leadership of President Vladimir Putin (in 1999-2000, 2003-2004, and 2007-2008) demonstrated serious weaknesses in Russian democratization.¹ After the pro-Putin United Russia Party gained enough seats and allies to dominate the State Duma (the 450-member lower legislative house of the Federal Assembly; the upper house is not directly elected) after the 2003 election, the Kremlin moved to make it more difficult for smaller parties to win seats in the future, including by raising the hurdle of minimum votes needed to win seats from 5% to 7%. Also, the election of 50% of Duma deputies in single-member district races—where independent candidates and those from small opposition parties usually won some seats—was abolished, with all Duma members to be elected via party lists.

Changes in campaign and media laws also made it more difficult for small parties and opposition groups to gain publicity in the run-up to the December 2007 Duma election. Putin assumed leadership of the ruling United Russia Party and when it gained a two-thirds majority in the Duma election that year, United Russia no longer needed to seek accommodation with the three other parties that won seats in order to pass favored laws, including those amending the constitution. Electoral changes since 2007 included a provision that parties gaining between 5% and 6.99% of the vote would be granted one or two seats, and an increase in the Duma's term from four to five years.²

At a meeting of United Russia on May 6, 2011, Prime Minister Putin called for the creation of a "broad popular front [of] like-minded political forces," to participate in the 2011 Duma election, including United Russia and other political parties, business associations, trade unions, and youth, women's and veterans' organizations. Putin also proposed that non-party candidates nominated by these various organizations would be included on United Russia's party list. Critics objected that the idea of the "popular front" was reminiscent of the one in place in the former German Democratic Republic when Putin served there in the Soviet-era KGB.

On September 24, 2011, at the annual convention of the United Russia Party, Prime Minister Putin announced that he would run in the March 2012 presidential election. President Medvedev in turn announced that he would not run for re-election, and endorsed Putin's candidacy. Putin

¹ Putin became prime minister in August 1999 and acting president at the end of 1999. For previous legislative elections, see CRS Report RS20437, *Russia's December 1999 Legislative Election: Outcome and Implications*, by Jim Nichol (nondistributable; available from author); CRS Report RL32662, *Democracy in Russia: Trends and Implications for U.S. Interests*, by Jim Nichol; and CRS Report RS22770, *Russia's December 2007 Legislative Election: Outcome and Implications*, by Jim Nichol.

² For further information on democratization and human rights issues, see CRS Report RL33407, *Russian Political, Economic, and Security Issues and U.S. Interests*, coordinated by Jim Nichol.

stated that he intended to nominate Medvedev as his prime minister, if elected. Until these announcements, the United Russia Party had left the leading slot open on its proposed party list of candidates for the planned December 2011 State Duma election. Putin suggested that Medvedev head the party list, and hence be in charge of assuring that the party win a majority of seats in the December election.

In mid-October 2011, Medvedev unveiled his idea of “big government,” involving the establishment of a group of his supporters to back the United Russia Party in the Duma election. He stated that during his presidency, he had “tried to develop our party and political system. This was not entirely successful and there were some failures, but nevertheless this is what I tried to do.” He also argued that his government had worked to combat corruption and encourage the development of civil society and economic modernization, and should be endorsed by the electorate to continue such work.³ Some observers suggested that by forming such a political support group, Medvedev aimed to attract more liberal voters who might not normally support the United Russia Party but had favorable views toward Medvedev.

A “popular front” program was released on October 24, 2011. Although there were some plans for the program to be the main document used in the elections, the United Russia Party decided after the September 2011 convention to use a compilation of Putin’s and Medvedev’s speeches, with the program serving a supporting function. The program calls for setting up a retirement system that pays larger pensions to those who voluntarily delay their retirements, lowering taxes on businesses and increasing alcohol and tobacco taxes, raising the drinking and smoking ages, and drawing up an ostensibly more humane criminal code. Despite these proposals, the program appears to emphasize the “stability” of the existing political and economic system over “modernization” initiatives as urged by Medvedev.

The election environment in the months leading up to the December 2011 Duma vote seemed to indicate increased public discontent with the current political system dominated by Putin. According to a July 2011 opinion survey by the Russian Levada Center polling organization, 53% of respondents believed that the upcoming Duma election would be “an imitation of an election and seats in the State Duma will be distributed as the authorities wish,” and 59% of respondents agreed with a statement that the election was “a struggle of bureaucratic clans for access to the state budget,” rather than a free and fair election.⁴ In December 2011, Russian analyst Andrey Kolesnikov argued that Medvedev was the symbol of modernization, and that when Putin announced in September 2011 that he would re-assume the presidency, the public became more aware of and discontented with the basic authoritarianism of the political system.⁵ The discontent was evidenced by two incidents involving Prime Minister Putin, one when he was booed when he appeared at a boxing match on November 20, 2011, and another when some Communist Party and Just Russia Party deputies refused to stand up on November 23, 2011, when he entered the State Duma to address the body.

³ President of the Russian Federation, October 15, 2011, at <http://www.kremlin.ru>.

⁴ OSCE, *Russian Federation State Duma Elections, 4 December 2011: Pre-Election Assessment Report*, September 14, 2011.

⁵ Open Source Center, *Central Eurasia: Daily Report* (hereafter *CEDR*), December 7, 2011, Doc. No. CEP-4007.

The Campaign

By the end of October 2011, all seven legal political parties had been approved by the Central Electoral Commission (CEC) to run in the December 4, 2011, Duma election. Four of these—the ruling United Russia Party, the Communist Party, the Liberal Democratic Party of Russia (LDPR), and Just Russia—already held seats in the State Duma, so they enjoyed an easy process of registering for the election. The other three—Patriots of Russia, Yabloko, and Right Cause—had to each obtain 150,000 signatures in order to run. Of these parties, Just Russia is a social-democratic party, the LDPR and Patriots are nationalist parties, and Right Cause and Yabloko are centrist-liberal parties. To make the United Russia Party more appealing, the list of candidates fielded by the party included nearly 200 non-party members who were added to the ticket during “primaries” held with the “popular front.” Some oppositionists belonging to parties that had been refused registration called for a boycott of the election or the spoiling of ballots, while others urged the public to vote for any party but United Russia.

A short campaign season officially lasted from November 5 to December 2. Russia permitted the Organization for Security and Cooperation in Europe’s Office for Democratic Institutions and Human Rights (ODIHR), the OSCE’s Parliamentary Assembly, and the Parliamentary Assembly of the Council of Europe (PACE) to deploy 325 monitors, about two-thirds less than those permitted in 2003. These monitors were able to visit 1,300 polling stations, as opposed to 2,500 in 2003, arguably an attempt by Russian authorities to limit their observations, according to some critics. Additional election monitors from the members of the Commonwealth of Independent States (CIS) were also invited to participate.⁶

As in the previous 2007 campaigning for the Duma, United Russia backers emphasized anti-Americanism and warned against the return of supposed Yeltsin-era populists and demagogues. For instance, in late November 2011, President Medvedev warned that if talks with NATO on cooperative missile defense failed, Russia would deploy tactical nuclear missiles to Russia’s Kaliningrad enclave and would break off implementation of START II. The Communist Party and the LDPR also endorsed Medvedev’s statement. Opposition leader Boris Nemtsov denounced the statement as a campaign effort to create a “war scare” to rally the public around the United Russia Party, an accusation President Medvedev strongly rejected.

During campaign debates on television and in the media, parties running against United Russia referred to it frequently as the “party of crooks and thieves,” an expression reportedly invented months previously by anti-corruption fighter and nationalist Alexey Navalny. The phrase reportedly incensed the Kremlin and may well have contributed to an accelerating loss of popular

⁶ In early September 2011, President Medvedev had raised concerns that OSCE election monitoring in the Soviet successor states was hypocritical and called for more reliance on CIS observers. At the end of September 2011, Russia’s CEC chief had denounced an OSCE pre-election assessment report, stating that the report’s concerns that government resources were being used to support the United Russia Party were misguided, since there is a law against such abuses. The CEC chief also asserted that access to media by the parties would not be a problem since some time is provided by law and freedom of the media is guaranteed by the constitution. When a few members of PACE visited Russia in mid-November 2011, Russia’s CEC chief lodged complaints with the General Prosecutor’s Office and the Foreign Ministry that some of their comments violated the law. The CEC chief reportedly called for the monitors to focus solely on the mechanics of the election within the framework of Russian law. Some commentators viewed the complaints as a preemptive means to target the OSCE monitors as biased even before they issued their election reports. *CEDR*, September 3, 2011, Doc. No. CEP-950031; September 30, 2011, Doc. No. CEP-41004; “Russian Election Chief Says European Mission ‘Infringes Law,’” *BBC Worldwide Monitoring*, November 19, 2011.

support for the United Russia Party. In one much-discussed debate, LDPR leader Vladimir Zhirinovskiy used the expression, whereupon the United Russia representative retorted that “it is better to be in a party of crooks and thieves than in a party of murderers, rapists and robbers.”⁷

The private Russian election observation group Golos issued two pre-election assessments that alleged that officials at all levels, including the President and the members of the electoral commissions, were openly campaigning or otherwise supporting the United Russia ticket in violation of electoral laws. These officials had been ordered to maximize the party’s vote, Golos alleged, and had pressured public institutions (including colleges and hospitals) and even local businesses to get their employees to vote for United Russia. Golos criticized campaigning by the “popular front” that was not included in the spending limits of the United Russia Party and alleged that Russian security officials increasingly were harassing the NGO during the run-up to the election.⁸

During the week before the election, the United Russia Party held a congress where it formally endorsed Putin as its candidate for president. The extravagant congress—held after a September 2011 congress had already proclaimed Putin as the party’s prospective candidate—appeared to be an attempt to link Putin’s greater popularity more closely to the fate of the party. At the congress, Putin warned that unnamed foreign interests (presumably including the United States) were funding Russian groups to try to influence the election. Three Duma deputies immediately wrote a letter to the Moscow Prosecutor’s Office calling for an investigation of whether Golos had violated electoral and NGO laws. CEC chairman Churov also wrote a letter to the prosecutor, stating that he thought that Golos was illegally campaigning against the United Russia Party rather than acting as an NGO. The prosecutor quickly ordered Golos to halt the posting of reported electoral violations on its website and referred the case to a court, which in turn ruled that articles on the Golos website constituted polling in violation of a ban on such activities five days before the election. One regional electoral commission also called for the local prosecutor to block Golos as an election monitor on the grounds that Golos aimed to “oppose the work of the electoral commission.” Russian Presidential Human Rights Council Chairman Mikhail Fedotov decried the prosecution of Golos in the final stages of the election.

In a final appeal to voters on December 2, Medvedev warned them against electing a fractious Duma, and instead appeared to urge them to support United Russia Party candidates, who would form “a capable legislative body, where the majority is made up of accountable politicians who are able to, in deed, facilitate improvements to the quality of life for our people, whose actions will be guided by the interests of voters, by national interests.”⁹

Results and Assessments

According to the final results reported by the CEC, four parties won enough votes to pass the 7% hurdle and win seats in the Duma (see **Table 1**). United Russia lost 77 of the 315 seats it held since 2007, but it still retained over one half of the seats (238), and more than it had after the

⁷ CEDR, November 26, 2011, Doc. No. CEP-950037.

⁸ *The First Statement of the Golos Association on the Results of Long-Term Monitoring of Election Campaigns for the Local, Regional and State Duma Elections set for December 4, 2011*, November 2, 2011; *The Second Statement of the Golos Association*, November 30, 2011, at <http://www.Golos.org>.

⁹ CEDR, December 2, 2011, Doc. No. CEP-950041.

2003 election (224 seats). The losing parties garnered about 5% of the vote (another 1.57% of the votes were deemed invalid). Russian authorities praised the CEC for the turnout of 60.1% of 109.24 million registered voters, a slightly smaller turnout than in 2007 (about 64%), but more than in 2003 (56%). The North Caucasus republics continued their “tradition” of reporting improbably high turnouts and vote counts for the ruling United Russia Party. Despite harsh weather, 99.51% of Chechnya’s voters turned out and 99.48% voted for the United Russia Party. According to one observer, these republics deliver reliable support for the government in return for substantial self-rule and federal budgetary assistance.

Golos reported that it had long-term monitors in 48 regions and short-term monitors in 40 regions that visited 4,000 polling stations. Because of last minute pressure, however, electoral commissions blocked it from fully monitoring some of the regional elections. In its preliminary report, Golos concluded that the election was characterized by “significant and massive violations of many key voting procedures.” It argued that several political parties had been prevented from forming and participating in the election, that electoral commissions had been packed with government officials lacking knowledge of electoral procedures, and that many officials campaigned for United Russia as part of their duties. Golos observers reported instances in which absentee ballots appeared to be abused, groups appearing to be transported from polling place to polling place to vote repeatedly, folded or even tied batches of votes were seen in the ballot boxes, and the counting of votes appeared to violate procedures.¹⁰

The OSCE’s preliminary report on the outcome of the election echoed many of the findings of Golos and other observers. The report judged that close ties between the Russian government and the ruling party, refusal to register political parties, pro-government bias of the electoral commissions and most media, and ballot-box stuffing and other government manipulation of the vote marked the election as not free and fair. The report stated that monitors had received numerous credible allegations of attempts by local officials to pressure civil servants, factory workers, and social organization employees into voting for United Russia. The voting process appeared orderly, but the vote count was assessed as bad or very bad in about one-third of 115 polling stations observed. Frequent procedural violations and instances of apparent manipulation were observed, including serious indications of ballot-stuffing in 17% of these polling stations. Vote tabulation was observed to be poor in 16% of 73 territorial electoral commissions. Observers were deliberately obstructed from carrying out their activities in a number of cases.¹¹ In contrast to the OSCE assessment, observers from the Commonwealth of Independent States reported that the election was “held legally and without serious violations.”

¹⁰ *A Brief Statement of the Association ‘Golos’ on the Observation of the Elections to the State Duma of the Federal Assembly of the Russian Federation*, December 5, 2011, at <http://www.golos.org/asset/5223>.

¹¹ OSCE, *International Election Observation, Russian Federation, State Duma Elections, 4 December 2011: Statement of Preliminary Findings and Conclusions*, December 5, 2011.

Table I. Parties that Won Seats in the State Duma

Party	Percentage of Vote	Seats
United Russia	49.32	238
Communist	19.19	92
Just Russia	13.24	64
Russian Liberal Democratic	11.67	56
Total	93.42	450

Source: Central Electoral Commission, December 9, 2011 (final results).

Notes: The other 3 parties running—Patriots of Russia, Yabloko, and Right Cause—all received less than the 5% necessary to win seats. Yabloko received 3.43% of the vote, Patriots of Russia received 0.97%, and Right Cause received 0.6%.

Although Yabloko did not win any seats, it received enough votes (over 3%) to be able to receive public financing and free airtime in the next election.

In addition to the electoral issues mentioned above, several websites belonging to opposition or independent news organizations or civil society NGOs were disabled on election day, allegedly by denial of service attacks, including the Golos website. These cyberattacks have raised concerns by Russian and U.S. observers (including Secretary of State Hillary Clinton; see below) about new efforts to curb freedom of expression on the part of the Russian government.¹²

Implications for Russia and Putin

Meeting with his supporters the day after the election, Medvedev hailed the “completely free, fair, and democratic election,” and argued that the United Russia Party “got more or less what the various sociological agencies predicted.... Discussion and debate between people usually end up producing more balanced decisions.... I therefore think that a ‘livelier’ and more energetic parliament will be good for our country, and I hope we will have just such a parliament.”¹³ Putin reported to United Russia officials on December 6 that “United Russia has won a majority, a stable majority. True, there are losses, but they ... would be inevitable for any political force ... that has borne the burden of responsibility for the situation in the country for years.”¹⁴ The First Deputy Chief of the Presidential Staff, Vladimir Surkov, asserted that “in a society which is colorful, irritated and far from being united, I repeat that United Russia's 50% is an excellent result.... Attempts to rock the boat and interpret the situation in a negative and provocative light are doomed to failure. Everything is under control. The system is working. Democratic institutions are working.”¹⁵ Russian officials denounced the OSCE's preliminary report as biased and hypocritical, but seemed to focus their ire on a statement by Secretary Clinton (see below).

United Russia's control of over 50% of the seats and the leadership positions assure the passage of legislation it supports. Some analysts suggest that United Russia will need to seek allies in the

¹² CEDR, December 4, 2011, Doc. No. CEP-950013; Doc. No. CEP-950005; *OSC Feature*, Doc. No. FEA-024818.

¹³ The Kremlin, President of Russia, December 5, 2011.

¹⁴ CEDR, December 6, 2011, Doc. No. CEP-950124.

¹⁵ CEDR, December 5, 2011, Doc. No. CEP-950239.

Duma in order to pass legislation changing the constitution, which requires a 60% vote. Others discount this as a serious impediment, since the LDPR in particular has usually supported United Russia on major issues. Debate and the tenor of legislation may be affected, however. The minority parties that gained seats in the Duma are socialist-nationalist parties, reflecting increasing “leftist” and nationalist views among the public, according to some polls.¹⁶

The Post-Election Protests

The day after the election, about 5,000 protesters rallied in central Moscow against what they viewed as a flawed election. When many of them began an unsanctioned march toward the CEC, police forcibly dispersed them, reportedly detaining hundreds. Protest attempts the next two nights were suppressed. The Kremlin quickly mobilized pro-government Nashi and Young Guard youth groups to hold large demonstrations termed “clean victory” to press home their claim that minority groups would not be permitted to impose their will on the “majority” of the electorate.¹⁷

On December 10, 2011, demonstrations under the slogan “For Honest Elections!” were held in Moscow, St. Petersburg, and dozens of other cities. In Moscow, the crowd was estimated by the police at about 25,000 (other estimates were up to 70,000), one of the largest such demonstrations in years. Police presence was massive, but there were few if any detentions. At the rally, Boris Nemtsov, the co-head of the unregistered opposition Party of People's Freedom, issued a list of demands that included the ouster of the CEC head, the release of those detained for protesting and other “political prisoners,” the registration of previously banned parties, and new Duma elections. In some other cities, the protests were broken up by police. Additional protests against the election are planned for December 17 and 24, 2011. Some observers suggest that public dissatisfaction over the election may contribute to further unrest, but that security forces appear determined to prevent a “color revolution” such as occurred in Ukraine, Georgia, and Kyrgyzstan after tainted elections.

Until the post-election protests, most analysts and observers appeared to discount any effect of the Duma election on the prospects for Putin's (re-)election as president in March 2012. However, the widespread public dissatisfaction with the electoral results appears to have emboldened those who object to Putin (re)assuming the presidency. Since the Duma election, several individuals quickly announced that they intend to run against Putin, including Just Cause's Sergey Mironov, LDPR's Vladimir Zhirinovskiy, Other Russia head Eduard Limonov, retired General Leonid Ivashov, and businessman and former Right Cause head Mikhail Prokhorov. Putin's popularity also may have been further harmed by the perceived problems of the Duma election, in which case he will need to bolster his image in the run-up to the presidential election.

¹⁶ *Twenty Years Later: Confidence in Democracy and Capitalism Wanes in Former Soviet Union*, Pew Research Center, Global Attitudes Project, December 2011.

¹⁷ *CEDR*, December 6, 2011, Doc. No. CEP-950086; December 7, 2011, Doc. No. CEP-4006.

Implications for U.S. Interests and Congressional Concerns

The Obama Administration selectively has praised Russia for respecting human rights and the rule of law in some areas, but also has stressed that serious problems remain.¹⁸ In the run-up to the election, the Administration mostly avoided open calls for free and fair polling, but reportedly about \$9 million in U.S. assistance was provided over several months for voter education and other non-partisan efforts to enhance the electoral environment.¹⁹ The day after the Duma election, on December 5, 2011, Secretary of State Clinton stated that the United States has “serious concerns about the conduct of the elections,” as detailed in the OSCE observers’ preliminary report, including ballot-box stuffing. She stated that “we are also concerned by reports that independent Russian election observers, including the nationwide Golos network, were harassed, had cyber attacks on their websites, totally contrary to what should be the protected rights of people to observe elections and participate in them and disseminate information.” She averred that she was “proud” of Golos and other Russians who attempted to bring about a fair and free and credible election, and that “Russian voters deserve a full investigation of all credible reports of electoral fraud and manipulation.”²⁰

Prime Minister Putin retorted that he considered Secretary Clinton’s comments to be a “signal” to the Russian opposition to “begin active work,” with State Department help, to foment unrest. He stated that it was “unacceptable” that “foreign money is pumped into electoral processes,” and called for new laws to limit such alleged funding. Secretary Clinton responded to Putin on December 8 by stating that while the United States values its relationship with Russia, “the United States and many others around the world have a strong commitment to democracy and human rights.... We expressed concerns that we thought were well-founded ... and we are supportive of the rights and aspirations of the Russian people....”²¹ The White House also responded that the United States would continue to speak out about human rights violations in Russia and elsewhere and would continue to seek engagement both with the Russian government and with civil society groups.²² Seeming to heighten tensions, on December 9, Russian media reported alleged emails between Golos and the U.S. Agency for International Development (USAID) that *ipso facto* were claimed to show U.S. interference in electoral processes. Also, on December 9, Russian Federation Council Deputy Speaker and United Russia Party official Svetlana Orlova asserted that the CIA was fomenting the opposition demonstrations in Russia.²³

Russian opposition leaders Garry Kasparov and Vladimir Ryzhkov have called for the United States and the European Union not to ignore what they term the flawed election. Kasparov has

¹⁸ U.S. Department of State, *Remarks to Russian Human Rights Activists Visiting Washington*, Michael H. Posner, Assistant Secretary, Bureau of Democracy, Human Rights, and Labor, May 27, 2011. The State Department has set up a website of recent statements about human rights in Russia. See <http://www.state.gov/p/eur/ci/rs/c41672.htm>.

¹⁹ White House spokesman Jay Carney appeared to endorse the \$9 million as a correct estimate. See The White House, Office of the Press Secretary, *Press Briefing*, December 9, 2011.

²⁰ U.S. Department of State, *Remarks at the Bonn Conference Center*, December 5, 2011.

²¹ U.S. Department of State, *Press Availability in Brussels, Belgium*, December 8, 2011.

²² Open Source Center, *Central Eurasia: Daily Report*, December 8, 2011, Doc. No. CEP-950049; The White House, Office of the Press Secretary, *Press Briefing by Press Secretary Jay Carney*, December 8, 2011.

²³ “Election-Meddling Fiasco Hits US-Russia Relations,” *Agence Presse France*, December 9, 2011; *CEDR*, December 9, 2011, Doc. No. CEP-950095.

called for sanctions against Russia's leaders, including by targeting investments and visas, and he has endorsed the sanctions called for by the U.S. Congress as a result of the 2009 death of Sergey Magnitsky while in Russian detention. Ryzhkov calls for PACE to refuse to recognize the credentials of the Russian Duma delegates, for the new EU-Russia Partnership and Cooperation Agreement to include strong provisions on democratization and respect for human rights, and for the EU to impose a visa ban and economic sanctions against Russian officials who commit human rights abuses.²⁴

Some observers have raised concerns that campaigning by the United Russia Party and Russian political leaders speaking on its behalf during the election could represent a shift in official views of the United States that might damage U.S.-Russia relations. A major element of United Russia's campaign, as mentioned above, included anti-Americanism, in an effort to foster and appeal to ultranationalists and jingoists. It remains unclear whether these anti-American themes will be continued, but if they do, there could be harm to U.S.-Russia relations and cooperation. Such anti-Americanism may play a greater role in Putin's presidential campaign as well as in the campaigns of other prospective candidates.

To date, the Administration has not indicated that it would impose travel bans or other sanctions against officials responsible for the Duma election and repression against protesters after the election, as it did in the wake of the 2010 Belarusian presidential election. Some U.S. analysts recently have called for boosting U.S. assistance to Russian civil society and human rights groups.²⁵ However, Putin's increased criticism of such U.S. aid in recent days may place it in added jeopardy, particularly in the wake of past Russian tightening of reporting requirements and other restrictions on the use of such aid.

In mid-December 2011, the Ministerial meeting of the World Trade Organization (WTO) in Geneva is expected to invite Russia to join the WTO. In the period leading up to and after the Russian legislature's ratification of membership in the WTO, perhaps in the Spring of 2012, Congress may consider whether to extend permanent normal trade relations to Russia, or to invoke the non-application provision of WTO rules.²⁶ Some observers argue that Russia's membership in WTO would enhance the rule of law in Russia, through the necessity of bringing Russian trade legislation and regulations into compliance with WTO rules. Others dispute that the rule of law will be substantially strengthened, unless Western countries continue to press for further reforms. They argue that Congress should either retain the so-called Jackson-Vanik provisions of the Trade Act of 1974 as one means of monitoring human rights and democratization progress in Russia (albeit indirectly, since Jackson-Vanik specifically applies to freedom of emigration), or enact other measures to sanction Russia or restrict U.S. assistance if Moscow violates human rights standards.²⁷

Many in Congress have had continuing concerns about democratization and human rights progress in Russia, as reflected in calls in recent foreign operations appropriations bills as well as other legislation and hearings for added Obama Administration attention to Russian

²⁴ *London Times*, December 10, 2011; *The Moscow Times*, November 22, 2011.

²⁵ Ariel Cohen, "Rethinking Reset: Re-Examining the Obama Administration Russia Policy," *Hampton Roads International Security Quarterly*, October 1, 2011.

²⁶ For details, see CRS Report RS21123, *Permanent Normal Trade Relations (PNTR) Status for Russia and U.S.-Russian Economic Ties*, by William H. Cooper.

²⁷ Anna Borshchevskaya, "Human Rights, Russia, and the WTO," *The American Magazine*, December 6, 2011.

democratization. Among recent Member attention, Speaker of the House John Boehner in a speech in October 2011, called for conditioning U.S.-Russia relations on Russian progress on democratization and respect for human rights, and offered the support of the House of Representatives for such a policy.²⁸ On December 2, 2011, Members of the U.S. Commission on Security and Cooperation in Europe criticized a court action against Golos just days before the election, and on December 7 criticized the balloting as the “most controversial election in decades.” The Commission also raised concerns about the detention of those protesting against what the Commission termed the flawed election.²⁹ Senator John McCain raised concerns on December 7, 2011, that democratization and human rights have been declining in Russia, as evidenced by the problematic Duma election—as well as by the death of Sergey Magnitsky, the new conviction of Mikhail Khodorkovskiy, and worsening corruption—and called for protesters detained after the election to be released. He also warned that “as Russia's Government grows less tolerant of its own people's rights at home, we should not be surprised if it treats us the same way.”³⁰ Also on December 7, Senators McCain, Joseph Lieberman, and Jeanne Shaheen issued a statement condemning Russian police crackdowns on those demonstrating against the “blatant fraud” of the Duma election and calling for their release.³¹

These challenges to Russia's democratic development likely will continue to be of concern to Congress and the Administration as they consider the course of U.S.-Russia cooperation on matters of mutual strategic interest and as they monitor problematic human rights cases. A major question of U.S.-Russia relations is whether Russia can be an enduring and reliable partner in international relations if it fails to uphold human rights and the rule of law.

Author Contact Information

Jim Nichol
Specialist in Russian and Eurasian Affairs
jnichol@crs.loc.gov, 7-2289

²⁸ “Rep. John A. Boehner, R-Ohio, Speaker of the House of Representatives, Delivers Keynote Remarks at the Heritage Foundation Seminar on ‘The Risks of the Reset: Why Washington Must Watch Its Step With Moscow,’” *Political Transcript Wire*, October 25, 2011.

²⁹ U.S. Commission on Security and Cooperation in Europe, *U.S. Helsinki Commission Statement on Russian Government Harassment of NGO Golos*, December 1, 2011; *Helsinki Commission Leaders Call On Russian Authorities To Respect Democracy Commitments*, December 7, 2011.

³⁰ *Congressional Record*, December 7, 2011, pp. S8395-S8398.

³¹ U.S. Senate, *Lieberman, McCain, Shaheen Statement on Russian Elections*, December 7, 2011, at <http://lieberman.senate.gov/index.cfm/news-events/news/2011/12/lieberman-mccain-shaheen-statement-on-russian-elections>.