

A 'Green' Referendum in Russia? Contribution to the Study of the Birth of a Civil Society

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On 12 June 2000, the tenth anniversary of Boris Yeltsin's election as head of the reconstituted Russian state, 180 people who had formed an 'initiative group for a pan-Russian referendum' launched a campaign to collect the two million signatures required by Russian law to organize a popular initiative referendum which included these three questions:¹

- Are you opposed to the importing of radioactive material from other states to be stored, buried or reprocessed on Russian territory?
- Are you in favour of the existence of a federal environmental protection agency which would be independent of those bodies concerned with exploiting and managing natural resources?
- Are you in favour of the existence of a legally independent state service for forests in Russia?

This was the response of ecological movements to the reform of government structures undertaken by Vladimir Putin in the days which followed his election as President of the Federation. On 7 May 2000, Decree No. 867 had abolished the State Committee for the Environment, the only official body charged with overseeing the implementation of the relevant laws, and the Federal Forest Service, whose task was to ensure their protection.² The powers of these two authorities were transferred to the Ministry of Natural Resources. Thus the authorities responsible for the exploitation of these natural resources (in this case, timber) merged with those responsible for their protection, so that the controller was also the controlled: a return to the statute of 1989.³ A whole series of measures taken at the same time – abolition of the speciality of 'professor of ecology' in schools, disbanding of the 'ecological police'⁴ in the Regions which had appointed them, a review by the Duma of the laws on the environment and the use of the atom, making their terms much less strict⁵ – served to convince people that this was only the tip of a devastating iceberg for ecology. Some people even saw denounced, in these measures a direct attack on democracy, thereby recalling the very important role played by the theme of ecology in the developments which led to the downfall of the Soviet system.⁶

However, the principal criticism levelled against Vladimir Putin by the organisers of the referendum was that he was sacrificing the future of the country to immediate economic choices: 'I repeat, from the point of view of the current financial and economic concerns of this government, which is made up of pragmatic technocrats, this is a fully justified and totally comprehensible approach. But is it as beneficial from a socio-economic and socio-ecological point of view?' (Yevgeny Salov, President of the Ecological

Sub-Committee of the Federation Council⁷); some people were more specific: 'At this moment, 14–15% of Russian territory is an ecological disaster area. About 50 million people live there. Since 1986, life expectancy has fallen (it has now stabilized at the unacceptable level of about 60 years for men); the population is in serious decline. Ecology is 30–40% minimum, and perhaps even 50–60%, responsible for this process' (interview with Alexei Jablokov, Boris Yeltsin's former adviser for ecology, a former member of the Security Council of the Russian Federation, President of the Centre for Political Ecology for Russia, and an influential member of the very important Socio-Ecological Union [SEU], 20.05.2000).⁸ And he attributed the following reasoning to the President of the Federation: 'Let us first of all resolve the economic problems, then we will find a solution to the ecological problems (. . .) in other words, ecology is for rich countries' (*idem*). In the same interview, he indicated that he thought that this amounted to the crime of non-assistance of a person in danger as defined by the Constitution of the Federation.⁹

Greenpeace, for its part, adds the following figures to these arguments: '(. . .) nine restructurings of the Federation's Committee for Ecology in ten years, with a decrease in the number of employees, and miserly funding (0.2% of the budget) (. . .) Each year Russia loses millions of dollars through not respecting legislation on the environment. As for estimating the threat to people's health because they ignore the most elementary of ecological standards, that is absolutely impossible'.¹⁰ To complete some of its tasks successfully, the disbanded committee even had to ask for financial aid from Greenpeace.¹¹ Whence the conclusion of Sergei Tsyplyonkov (Greenpeace), who has shifted the problem to the political level: as far as he is concerned, there has never been a real desire to deal with these problems in the Russian Federation, and nothing has changed since the Soviet era. This is what the expression 'project of the century' refers to: 'The liquidation of the Committee for the Environment of the Russian Federation and the Office of Forests is the result of a lengthy policy of systematic elimination of ecological controls which hinder the fulfilment of "projects of the century" put forward by the authorities responsible for the exploitation of natural resources, and industrialists. The implementation of the presidential decree will place the country on the brink of ecological catastrophe – all the elements for this are already assembled' (*id.*).

Igor Chestin, the president of the Soviet branch of the WWF, takes up the arguments already quoted, but approaches the question from a less polemical angle than Jablokov and Tsyplyonkov. In an article published on 7 July 2000 in *Nezavissimaya Gazeta* with the title 'We cannot ignore the opinion of the people', in which he recounts the history of the referendum, he explains that Western buyers are now taking an interest in conditions of manufacture or extraction of the products which they import, and that already the largest buyers of timber have turned away from Russia, because it was overexploiting its territory and thus condemning it to desertification. It is, he says, this type of pressure which must be created in order to compel Russian governments to align themselves with countries with the most respect for the environment.

All these analyses have been gathered together by the weekly *Itogi*, one of the few press organs to have followed this affair closely. Juli Fremin sums them up in the expression 'legal and ecological nihilism', in an article which begins: 'The new stage of the large-scale operation to make the consequences of the Russian democratic revolution disappear has ended in success.' In the same article he extends the proposition of Chestin (WWF) by calling for pressure to be exerted by the large financial bodies, without which Russia

today would not be able to survive: '(. . .) the G7, and international financial institutions, above all the IMF and the World Bank, which have been quite sensitive, these last few years, to the ecological behaviour of their clients' (25.05.2000). The approach here is clearly political and just as clearly directed against Vladimir Putin, the Russian political system having granted the President powers which place him in the front line. Even if the tone is less radical, it is the same opinion as that expressed by the two dailies, *Nezavissimaya Gazeta* and *Sevodnya*, which have followed the polemic from day to day.

It is also surprising that so few newspapers have taken part in the debate, and that nowhere has an explanation been given other than that proposed by Alexei Jablov (SEU): 'We have received strong support from the population [for the organisation of the referendum] but the media have said nothing. We have serious reasons for thinking that this is not accidental: special orders have been given not to tackle this issue in the media'.¹² *ItoGUI*, *Nezavissimaya Gazeta* and *Sevodnya* all belong to the oligarch Vladimir Gusinski, who also owns the television channel NTV, the only one to have taken a critical stance with regard to Putin's electoral campaign, and his decisions. The fate that Russian justice, at the instigation of the authorities, has since reserved for Gusinski is well known.¹³

These same press organs are also following the legal action being taken by the FSB¹⁴ against the ecologists who gave information to foreign newspapers, or simply distributed it widely, thus allowing the evaluation of the dangers which the environment, and also the people living in the areas concerned, are being forced to run from the decommissioned nuclear-propelled ships or submarines, abandoned in the White Sea (the Nikitin affair) and in the Sea of Japan (the Pasko and Soifer affairs) without being emptied of their fuel. Aleksandr Nikitin, a former captain who retired several years ago, gave his Norwegian colleagues of Bellona, the Norwegian ecological association, information which the FSB declared amounted to a State secret. After five years of litigation with numerous twists and turns, he was finally acquitted in autumn 2000. Grigori Pasko, a military journalist on active service, passed to the Japanese data on nuclear pollution caused by the submarine graveyards in the Sea of Japan. Although the judgements handed down by the civil courts were in his favour, the FSB is contesting them one by one, sometimes a year after they have been given, always accusing Pasko of disclosing State secrets and of spying for a foreign power. The names of Vladimir Moiseev, accused of spying for Korea, and Professor Vladimir Soifer, an oceanologist from Vladivostok and a member of the Academy of Sciences whose activities have been declared to be endangering State security could also be cited; both are at the centre of protracted and complicated legal proceedings.

The accusations made against them are redolent of the tensest periods of Soviet history, as, for example, that made by G. Pasko's immediate superior who published a short article in the *Nezavissimaya Gazeta* of 24 August 1999 whose title summarizes the content: 'Let us not confuse ecology and spying'. As far as we know, no political spokesman has contradicted this presentation of the facts, which tends to support the accusations made by A. Jakovlev in an interview for *Russkaya Mysl*: 'When he (Putin) was still head of the FSB, he declared that ecologists were potential spies, and that ecological organizations were a "cover" for these spies'.

What is more, the same line of argument has been taken up by Boris Yatskevich, the Minister of Natural Resources, who has inherited the Committee and Service of Forests. On 7 July 2000 his reply, during a press conference, to the numerous questions from journalists on the causes of the liquidation of the Committee and the reorganization of the

structures responsible for the environment, was that he knew nothing about anything.¹⁵ The following 1 August, he gave an interview to *Moskovskye Novosti*¹⁶ at which, for the first and, to our knowledge, only time, the causes of the restructuring of the Committee were revealed. The first quoted was the desire to economise on public funds and thus to unite in one within his ministry, three structures which 'when they all enjoy financial, economic and cadre-management autonomy' constitute 'an unforgivable waste for the State'; then that of making the current standards more flexible: 'But everyone knows that our standards are often the most rigid in the world. Russian businesses simply cannot conform to them because of their technological backwardness and lack of resources. Demanding that they comply is, if you will excuse me for saying so, the greatest ideological diversion directed against Russia. They are so strict that no Russian business will be able to comply with them, either in the near future, or even the foreseeable future. Everyone understands that and in the end no-one, by and large, is doing anything to safeguard the environment'; next came the necessity of simplifying multiple and complicated measures. Finally, to a question on the authorization granted to extract gold from a deposit which had been found in a Kamchatka Nature Reserve, he replied in a very violent tone of voice: 'And then wherever reasonable economic activity starts the idea of creating there "a World Heritage site under the aegis of UNESCO" soon appears. (...) Who needs competition in a firmly structured market? You might as well eliminate them, for example at the stage of ecological expertise or by skilfully manipulating public opinion. A long time ago I received an appeal from the governor of Sakhalin. He said to me: "None of the ecological standards which have been recommended to us can be followed, because they are more severe than those in Western countries". Here is a typical example of the *double standards* in respect of Russia which President Putin was talking about. (...) Russia is not the only country which uses the atom, but you will not find a country which is more afraid of nuclear power. And who benefits from that? A huge question. I will limit myself to a half-reply: that is a field in which we are competitors on the world market. So, understand it however you want, however you can'. No other explanation was given, so these replies, a neo-theory of a fortress under siege, which appeared to rise out of the past, and were aimed specifically at a named international organization, gave real weight to the accusations of attacks on democracy made by some ecologists and taken up by *Itogui*.¹⁷

The ecologists protested against a measure taken by the government. A minister, without being contradicted, called them spies, and the media that supported them were hounded by the authorities. Do these defenders of the Committee and of the 'democratic revolution', actually constitute a political opposition in a Russia where such a thing has not existed up till now?

The ecologists have been joined in their opposition to the Decree of 17 May by the religious authorities in the person of the Patriarch,¹⁸ 66 deputies from the Duma, the Council of the Federation which has unanimously voted for the measure to be reviewed, the Academy of Sciences whose annual General Assembly had sent a letter of protest to Putin,¹⁹ 20 members of the Federation and nine regional legislative bodies.²⁰ This rather eclectic gathering has benefited from a delay of a few weeks, granted by the Russian President to implement the reform, to put pressure on him. They received no reply to their letters, and it was this silence on the part of the authorities which pushed the ecologists to enter the political arena. Igor Chestin clearly said: 'For a whole month public opinion has attempted to attract the authorities' attention to the situation and put an end

to the process, but in vain. This survey commissioned by the WWF, even though it was at Federation level, has shown that 87% of the population are in favour of the existence of an independent control body for the protection of the environment. That means that environmental questions are important to people. But can the same be said for the authorities at this time?²¹

A little further on in the same article, he defined the tactics which he thought most suitable now to get the authorities to act with respect for nature: 'I understood, even when I was working with the *druzhini*,²² that if one obtained something simply through force, this type of solution was only temporary and not at all certain. The real solution is the one which has advantages for all the partners. You have to negotiate.'²³

Russian ecologists already have a certain amount of experience in the matter of referenda. In 1995 they organized one in Kostroma against the construction of a nuclear power station, and another at Krasnoyarsk against the construction of a pipe factory; they were successful in these two referenda, but the results were overturned by the courts, after being referred there by the federal authorities. Since these factories came under the jurisdiction of the federal authorities, their fate could not be settled by a local vote.²⁴ The Greens also won a victory over the project to extend the port of Gelendjik, a seaside resort on the Black Sea, thanks to the support of the local authorities. More interesting, from our point of view, is that they consider a protest over green spaces in Moscow in 1998 to be a victory won by Greenpeace: whilst a local referendum was in the process of being organized, the municipal council adopted a law which took up the proposals which had been put forward by the movement, and so put an end to the proceedings.

This testifies to a specific relationship with power, which is not one of opposition but of conciliation, the aim being to see the recommended policy adopted and implemented, and not to appropriate power in order to do it themselves. This beyond the level of a political struggle. In June 2000, ecologists were hopeful that the Moscow scenario would be repeated.²⁵ Igor Chestin, President of the Russian WWF, represents the line of action current in that organization: 'The staff of the WWF (nearly 80 in Russia at the moment, plus thousands of specialists who are working on contract to the Fund) do not organize protest actions or dramatized performances, they do not block exits, break through cordons or chain themselves up. They just carry out their projects with the authorization of the regional and local authorities. They do not only concern themselves with the study of rare species (. . .) but establish business plans, look for business partners, train production specialists (. . .) and, of course, take part in talks.'²⁶ Since the WWF served as the headquarters for this campaign in June 2000, it has left its imprint on it. The peaceful civic activism of Chestin, who asks neither to participate in power nor to become a political opposition, seems a long way from the imprecations of Alexei Jablov. Apart from specializing in the same field, biology, everything about them sets them apart: age, career, and way of working.²⁷

In 1989, the period in which the regime allowed hand-picked intellectuals to express their dissent from within the ecological movements came to an end. These were men who were already mature, with a well-established reputation both at national and international level. Alexei Jablov, a famous biologist and a member of the Academy of Sciences, was one of them. They enjoyed a kind of privilege, the right to protest, in exchange for which the authorities had an opportunity to control their organizations. This policy of compromise, which constituted the basis of the Brezhnev deal, brought about a specific political

culture of collaboration and lobbying, and the outcome of the story of the 'green referendum' shows the impact on the attitudes of all generations.

In November, the central electoral commission, charged with verifying the acceptability of the signatures collected by the Greens, accepted less than two million of them, thus putting an end to the enterprise. In doing this, it sent an official letter to Vladimir Putin, to the Duma and to the government in which it asked them to take account, in the legislation, of the ecological concerns so widely held by public opinion. This apparently paradoxical action demonstrates another of the elements which prevent for the moment the emergence of a culture of opposition like that known to the former democratic regimes: the confusion of powers, which was also undoubtedly inherited from the Soviet era.

The ground was thus prepared for a general meeting on an ecological theme, beyond political or tactical differences. On 30 March 2001, the Greens offered public opinion and all those elected to office in the Federation a kind of common programme on the subject, the 'Ecological doctrine of Russia', in response to a request from President Putin drawn up in January.²⁸

If one can say, without the risk of being mistaken, that there is no political opposition in Russia today, it seems justifiable to reflect on the emergence of a civil society which constitutes its premiss. If a civil society is defined as the sum of social organizations which, without participating directly in power, still influence its decisions, it is clear that a civil society already exists. The activities of the ecologists, in the case which concerns us, correspond to the definition of the civil society which O. Duhamel and Y. Mény give in their *Dictionnaire constitutionnel* [*Constitutional Dictionary*], as both the fight against a State which is judged to be totalitarian and a form of community life contributing to the dynamics of society.²⁹ Applying the first definition to communist societies during the 1970s and the second to liberalism during the 1980s, offers us a double definition whose two elements can be applied simultaneously here, and thus characterize the ambiguity of the current period of transition in Russia, from a past whose culture of lobbying and absence of clear demarcation between the different power organs remained actively involved until today, to a future that these two characteristics, so deeply ingrained, will perhaps make quite unique.

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Notes

1. This study has been carried out from the written Russian press and Internet sites of the large Russian ecological organizations.
2. The State Committee for the Environment was itself a product of the reform of the 'organization of the federal organs of executive power' (Decree of the President of the Russian Federation of 22.09.1998). As far as the ecological expertise which it was meant to implement was concerned, it had been defined by the federal law of 23.11.1995 (see Maureen Suchar, *Le droit de l'écologie* [*Ecology law*], a dissertation on DEJA supervised by Professor Yves Hamant, University of Paris X - Nanterre, 1999 [in Russian]).
3. In Russia, the prescriptive texts date back to the 11th century. They regulate the proper use of a law or prohibit certain practices, and thus only affect one particular aspect of the question. The Commission for the Protection of Nature at the Academy of Sciences was created in 1955, the first scientific institution whose name leads us to think that it might have adopted a global approach to the problem, and at the end

of 1972 the authorities, political this time, gave a ruling on this question (order of the Supreme Soviet of the USSR of 20 September 1972 'Measures for subsequent improvement of the protection of nature and a rational utilization of its resources'; order of the Central Committee of the CPSU and of the Council of Ministers of the USSR of 29 December 1972 'Reinforcement of the protection of nature and the improvement of the utilization of its resources'). But responsibility remained scattered between the numerous ministries which existed in the USSR. In 1988, a central body, the Committee of State of the USSR for the Protection of Nature and the Utilization of its Resources (*Goskomprirroda SSSR*) was created, which shared responsibility in these matters with the Councils of Ministers of the Federal Republics. It was Federal Law No. 2060-1 of 19 December 1991 which laid the legal foundations in this field in Russia (see Maureen Suchar, *op. cit.*).

4. On 23 June 2000 A.F. Poriadin, the President of the Liquidation Commission of the State Committee for the Environment, gave the order that fines were no longer to be paid for the illegal discharge of pollution into rivers, lakes, seas, etc.
5. Session on 18 July 2000.
6. The most illuminating work on this subject is Jean-Robert Raviot's doctoral thesis, 'Écologie et pouvoir en URSS' ['Ecology and power in the USSR'], supervised by Hélène Carrère d'Encausse, submitted at the Institut d'Études Politiques de Paris [Institute of Political Studies in Paris] in 1995.
7. The Federation Council is the upper chamber of the parliament of the Russian Federation.
8. *serpress@voxnet.ru*. The extent of the demographic crisis which Russia is going through was revealed publicly on 24 October 2000 at the reading of the annual report of the Minister of Health on the state of health of the country. According to the figures of the Minister of Labour, as well as a real fall in the birthrate, an increase in accidental mortality and a decrease in life expectancy, there will in addition only be 2.5 million young people doing military service in 2015 (Y. Pismennaya, The government launches a battle to save the nation, *Vremia*, 16.2.2001); speaking of the decrease in population by the year 2015, some press agencies have suggested figures up to 15 million, with a minimum estimated by the Committee for Statistics of 2 to 3 million (V. Malyutina, Russia will become a country of immigration, *Gazeta.ru*, 15.2.2001).
9. Sections 24, 25, 26 and 34 of the Penal Code of the Russian Federation, which came into force on 01. 01. 1997, draw up a list of counts of indictment for ecological crime; article 42 of the Constitution declares the right to compensation for endangering the health or possessions of a person as a result of a crime against ecology, a right defined by articles 1064 and 1082 of the Civil Code, in force since 1 March 1996 (Maureen Suchar, *op. cit.*).
10. Interview with Sergei Tsyplonkov, Director of Greenpeace Russia, 25.5.2000, *www.greenpeace.ru*
11. See Juli Fremin, 'The Useless Committee', *Itogui*, No. 22, 25.5.2000.
12. The 'green' referendum, an interview with Alexei Jablov, *Russkaya Mysl*, 23.11.2000. *Russkaya Mysl* is a weekly Russian-language paper published in Paris; for the last ten years or so the majority of articles have been written by Russian journalists.
13. Born in October 1952, Vladimir Gusinski is one of the Russian 'oligarchs', that is, one of those businessmen who has been endowed with a great deal of influence over politicians thanks to a considerable fortune amassed during *perestroika*, although he has never held any political post, strictly speaking. By turns a theatre director, a businessman and a banker, he became one of the main press, radio and television barons. Accused of fraud on 13 July 2000, he was quickly tried, then left for Spain where he was arrested shortly afterwards, then released on substantial bail. He negotiated the conditions for the transfer of shares which he held in the NTV channel with Ted Turner, director of CNN. Accused of money-laundering, a new international arrest warrant was issued against him in 2001.
14. Formerly the KGB.
15. Boris Jukov, 'Aristarkh, come to an agreement with public opinion!', *Itogui*, 7.7.2000.
16. A weekly distributed and read in Russia, but basically aimed at a foreign audience and considered to express the official point of view on the subjects it addresses.
17. It will be noted that Boris Jatskevich, totally engrossed in ideological arguments, made no allusion to the actual reason for reviewing a system in which a real confusion of genres has been established. The Forest Service's task was to maintain and supervise the safeguarding of forests, to distribute the plots to managers, to control their activity, and to collect taxes and possible fines. The exploitation itself has been entrusted to industrialists who are represented by the Union of Forest Managers and Timber exporters, the Association

of Cellulose and Paper Manufacturers and the Pan-Russian Union of Manufacturers and Contractors. Maintenance work by the Forest Service has very quickly provided them with an enormous quantity of cut timber available for sale, which the State, which did not have the means to finance the Service, authorized them to sell, seeing in this a way for the Service to finance itself. Very quickly, commercial functions overtook maintenance functions and the Committee became the biggest producer in the world, with 14 million cubic metres of timber cut per year! It sold the timber all the more easily because it was exempt from exploitation taxes (which it was responsible for collecting from its rivals). So the representatives bodies of the managers sent Vladimir Putin a letter in which they asked, not that the initial distribution of work should be adhered to, but that they themselves should be made a part of the committee (Juli Fremin, 'A stubborn suitor', *Itogui*, 28.4.2000). This surprising reaction – Western industrialists would probably have asked for the opposite in their place, that is to say the disbanding of a Service which was unacceptable because it was a competitor and also enjoyed privileges which were inadmissible in a market economy – seems to me to show well how much less clear the idea of the regulatory role of the State is in the new Russia, and doubtless also the idea of the simple separation of economic and political powers.

18. *Russkaya Mysl*, 23.11.2000, interview with A. Jablovok.
19. *Nezavissimaya Gazeta*, 7.7.2000, article by I. Chestin.
20. *Itogui*, 27.6.2000. The law allows ordinary citizens the right to organize a national referendum. Some of them have decided to exercise this right.
21. *Nezavissimaya Gazeta*, 7.7.2000.
22. Groups of volunteers, during the Soviet era, who carried out surveillance. Here, they were concerned with fighting poachers.
23. Boris Jukov, 'Chestin's Way', *Itogui*, 4.8.2000.
24. In the USSR factories were classed by their strategic importance. Each of the levels of this economic hierarchy came under the jurisdiction of the corresponding State administrative and political apparatus.
25. 'The initiators of the current referendum do not deny that a "variant of Moscow" would be most welcome', *Itogui*, 27.6.2000.
26. *Itogui*, 4.8.2000. To return to a distinction which is now widely accepted, the members and staff of the WWF are environmentalists rather than ecologists, scientists rather than politicians. On the relationship between science and power (let us not forget that Communism wanted to be a science) and more particularly ecology and power, as well as the role of ecology today, see J.-M. Drouin, *L'écologie et son histoire [Ecology and its history]*, Paris, Flammarion, Coll. Champs 1993, ch. 7.
27. *Itogui*, 4.8.2000.
28. 'The authors of this document [The ecological doctrine of Russia] believe that a wide-scale debate on the ecological doctrine of Russia is one of the principal elements which will allow constructive collaboration between society, the world of business and the authorities; the development of a civil society; the implementation of the constitutional right of Russian citizens to take part in the running of the State' (<http://www.seu.ru/documents/doctrine/join.htm>).
29. 'Civil society is a community in which citizens exist, sometimes identified with and sometimes opposed to the political society or the State.

The recent history of the expression "civil society" mixes scholarly and political use. In the 1970s, critics of Communist regimes characterized totalitarianism by the fusion of the State and civil society, then those in opposition, above all in Poland, identified the struggle for civil rights with the civil society's fight against the totalitarian State. At the same time, in the West, sociological analyses of the State took the strength or weakness of the civil societies to be variable. The recovery of "the civil society" was also linked to the attempt to produce a doctrine of co-operative management in France: the expression became a symbol for the second left, but also for the liberalism of the 1980s. It refers to social life organized according to its own, notably community, logic, which would assure economic, cultural and political dynamics. The expression also served to implicate "political society" or "political class" sometimes presented as ineffective or corrupt. But, continuing on its way more spectacularly in the East, civil society seemed to triumph in the collapse of the communist regimes (. . .) O. Duhamel, Y. Mény, *Dictionnaire constitutionnel*, Paris, PUF 1992, pp. 984–985.