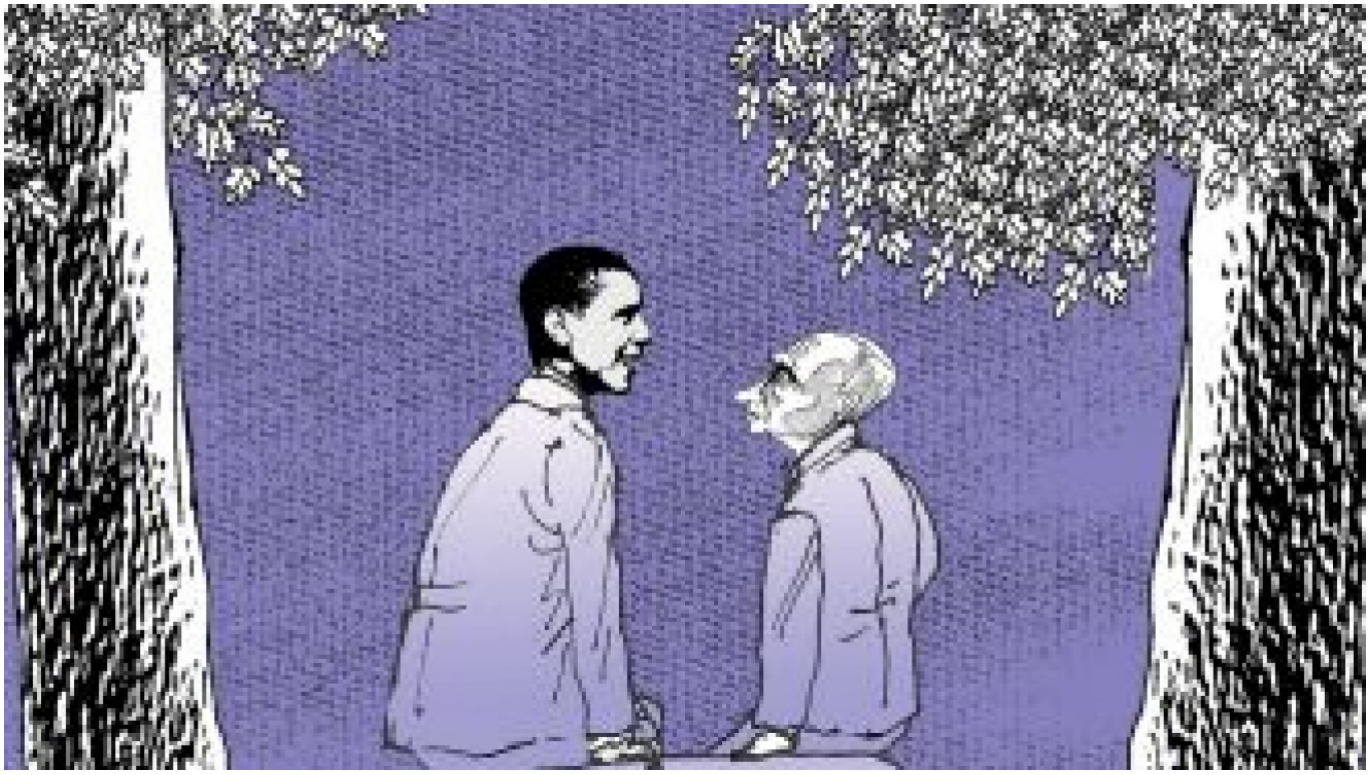
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Replace Jackson-Vanik With the Magnitsky Act

By Vladimir Ryzhkov

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A number of opposition leaders — including myself, Boris Nemtsov, Alexei Navalny and others — recently made an appeal to the U.S. Congress. We proposed that Congress repeal the outdated 1974 Jackson-Vanik amendment and replace it with a tough Magnitsky act. The proposed law would allow the United States to target sanctions against more than 60 specific Russian politicians and officials who are directly responsible for the death of citizens, for illegally seizing the property of others and for falsifying elections.

Not everyone understood our position on Jackson-Vanik correctly — as if we had somehow become soft on Russia's poor human rights record. They couldn't be more wrong. Our position differs substantially from that of the administration of U.S. President Barack Obama, and even more from the position taken by Kremlin hard-liners.

President-elect Vladimir Putin, in dealing with the West, would like to exclude any discussion of democracy, human rights and corruption. This would get in the way of the ruling elite's main goals: to reap profits from the sale of the country's natural resources and to transfer

those funds into safe havens in the West.

The Kremlin would like to fashion its relations with the West along the lines of its current relations with Germany and France. For many years, French and German leaders have diligently acted as if Russia had a good record on human rights, democracy and fighting corruption. Paris and Berlin are solid supporters of Putin and have a tolerant attitude toward Russia's pervasive corruption and other crimes committed by senior officials. In return, French and German companies receive numerous trade preferences on the Russian market and have become privileged partners in state corporations.

This is the type of realpolitik that the Kremlin has repeatedly tried to get the United States to adopt. The Kremlin would clearly be willing to make concessions to the United States on minor issues if Washington were to repeal Jackson-Vanik, curtail its support of Russian nongovernmental organizations and decrease its criticism of Russia's human rights violations and corruption.

Obama's administration cites the "reset" as one of the main reasons to repeal Jackson-Vanik. In addition, with Russia slated to accede to the World Trade Organization this year, it is in Washington's interests to quickly remove the barriers to the Russian market that Jackson-Vanik places on U.S. businesses.

At the same time, however, the Obama administration opposes linking the repeal of Jackson-Vanik to the passage of a new law that would increase U.S. pressure on Moscow over democracy and human rights. Moreover, it prefers its own abridged and softer version of the "Magnitsky list." On the whole, it appears that the Obama administration is going out of its way to avoid irritating its implacable and vengeful partners in Moscow.

In this way, U.S. policy under Obama has drifted from a focus on democratic values to an emphasis on pragmatic economic and geopolitical interests. Obama's Russia policy is much more advantageous to Putin and his inner circle than that of former U.S. President George W. Bush, when he carried out is a mission of "spreading democracy" throughout the world and practiced an expansionist foreign policy that encroached on Moscow's national interests in the former Soviet republics.

In our appeal to the U.S. Congress, my colleagues and I are proposing a different approach. In our opinion, a failure to repeal Jackson-Vanik could hurt the development of economic cooperation between Russia and the United States and could badly limit needed investment in the country. Without a developed economy, democracy has little chance of taking hold in Russia. The driving force behind democratic change in Russia is the "Decembrists 2.0" movement — protests against Putin's authoritarianism by young, educated and politically savvy middle-class Russians who grew up during the past 20 years of market reforms. These are the people who have gathered on Russia's streets to demand democracy, the rule of law and punishment for criminals and corrupt government officials. The larger Russia's middle class becomes, the better chance that it will be able to influence political change in a peaceful manner and strengthen the country's democratic institutions.

U.S. businesses that have invested in Russia help develop the economy and thereby expand the social base of the country's budding civil society and democracy. Any laws that act as barriers to that process should be repealed.

At the same time, Washington should take concrete steps to address the increase in human rights violations in Russia, election fraud and media censorship. The United States should not look on silently as Russian officials organize the killing of innocent individuals, while they amass enormous fortunes and move them, along with their family members, to the United States and Europe.

It is in the interests of the Russian and American people to create a well-functioning mechanism for punishing criminals and corrupt officials. We oppose foreign interference in Russia's domestic affairs, but we also oppose Russia's corrupt officials becoming an accepted part of the world's political and financial elite. Does the West really want to legitimize violent crime and corruption? Could a single Western politician be found who would openly admit this?

The Magnitsky act, authored by U.S. Senator Benjamin Cardin and currently being considered by Congress, could help protect freedoms and transparency in Russia's government. An extremely effective tool for fighting corruption and defending democratic practices and human rights would be the annual compilation of lists of officials who have been implicated on solid grounds for corruption and violent crimes, banning their entry to the United States — a move the European Union would undoubtedly support on its own territory — and freezing their illicitly obtained assets. It will be a strong show of strength if the repeal of the obsolete Jackson-Vanik is coupled with a strong Magnitsky law that is sharply targeted at those implicated in serious crimes, not at the general population.

If the West were to adopt a policy toward Russia that boosts economic cooperation and, at the same time, punishes specific officials, it could aid the rapid development of civil society in Russia while becoming an ongoing nightmare for the Kremlin kleptocrats who have operated with complete impunity for years at home and abroad.

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