

Strangers among us Non-governmental organisations in Russia

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The situation of the third sector in Russia, i.e. the civil society structures independent from the state, is worsening on a regular basis. The Kremlin's actions aimed at paralysing and destroying the independent non-governmental sector seen over the past four years have been presented as part of a struggle for the country's sovereignty. This is above all a consequence of the Russian government's efforts to take full control of the socio-political situation in the country while it also needs to deal with the geopolitical confrontation with the West and the worsening economic crisis.

The policy aimed against non-governmental organisations is depriving the public of structures for self-organisation, protection of civil rights and the means of controlling the ever more authoritarian government. At the same time, the Kremlin has been depriving itself of channels of co-operation and communication with the public and antagonising the most active citizens. The restrictive measures the Kremlin has taken over the past few years with regard to NGOs prove that Russian decision-makers believe that any social initiative independent of the government may give rise to unrest, which is dangerous for the regime, and – given the economic slump – any unrest brings unnecessary political risk.

The Russian government vs. the third sector

The 1990s were a time of intensive development of non-governmental organisations in Russia. However, the conditions for NGO development deteriorated when Vladimir Putin became president – a number of legal restrictions linked to their operation were introduced at that time. After Putin's two terms in office, the period of Dmitry Medvedev's presidency (2008-2012) became a time of relative prosperity for NGOs in Russia. The more liberal atmosphere in socio-political life and Russia's greater openness to international contacts allowed the third sector to develop at an appreciable rate. Human rights organisations independent from the government, e.g. Agora and Memorial, which are

respected in international circles, were at that time very active. Charity organisations, such as Podari Zhizn Foundation (Gift of Life) or Dr. Liza Glinka's aid initiatives, gained in popularity. Their effectiveness and increasing public prestige allowed them to receive support from the Kremlin. A number of grassroots civil movements which were formed to combat the government's abuse of power emerged at that time in Russia (for example, the Association of Russian Drivers, the movement for the protection of Khimki forest near Moscow). Their mobilisation was facilitated by the popularisation of the Internet. These rapidly developing structures also included independent organisations whose goal was to protect voters' rights (such as Golos (Vote), Grazhdanin Nablyudatel (The Citizen on Watch)), which were able to mobilise thousands of volunteers to ob-

serve the parliamentary election in 2011 and the presidential election in 2012.

Putin's new presidency marked a turning point in the Russian government's policy on the third sector. The 2011 election was accompanied by massive demonstrations against electoral fraud and in the Kremlin's opinion it was non-governmental organisations – on which the government had loosened its grip – who stirred up dissatisfaction among Russians and facilitated the protests. As a result, starting from spring 2012, the government became more and more engaged in combating independent NGOs, viewing their operation as the main threat to their interests. Repressive measures intensified in 2014–2015, as Russia's international position was deteriorating and the economic crisis was becoming ever worse.

The Kremlin's actions are aimed at eliminating independent NGOs from the Russian public sphere.

At present, the Kremlin is making efforts to remove independent NGOs from the Russian public sphere, the very same NGOs which make the struggle for citizens' collective interests possible and build a sense of solidarity and civic awareness. The government wants to deprive citizens of basic knowledge of civil rights and freedoms together with the methods for protecting them. Its aim is also to disassemble the institutional frameworks for possible public protests in order to maintain the present political system and strengthen its social legitimacy despite the deteriorating socio-economic situation within the country. The Kremlin wants to cut off independent channels for financing even strictly apolitical activity of NGOs and to establish a governmental monopoly on citizens' engagement and participation in the public sphere. Even organisations involved in scientific and educational activity are being repressed (independent education is often presented by the

government as 'subversive activity'). Depriving the public of sources of information and an education system autonomous from the state serves to prevent the possibility of educating independent-minded citizens and to block the emergence of potential counter-elites.

Methods of combating non-governmental organisations

The opportunities and threats to the present government system are subjectively evaluated by the ruling elite who arbitrarily decide which instruments will be chosen to protect their interests. The government has waged a campaign against the third sector using both indirect and direct methods. The former are based on an aggressive propaganda aimed at consolidating the public around the government, discrediting independent NGOs and discouraging the public from foreign contacts as a possible source of models for democratic and civil activity. The latter refer to repressive measures targeted against selected organisations and activists, and limiting the area of their operation. All of them are expected to suppress not only manifestations of active opposition but also any independent public-civil activity.

In the context of the geopolitical confrontation with the West, the Russian government has been making efforts with the help of media propaganda to paint a black-and-white picture of the world and to entrench a confrontational vision of social relations in the Russian collective consciousness. This message is based on what might be described as a besieged fortress syndrome and the myth of the enemy, reinforced through the militarisation of rhetoric – the latter is designed to shock the audience by presenting tensions in relations with the West as being of a quasi-military nature. It clearly emphasises the link between external enemies (the United States and the EU – to a lesser extent), allegedly intending to dismember the Russian state, and internal enemies, i.e. the 'fifth column' who are allegedly paid by the West to provoke a 'colo-

ured revolution' in Russia. The role of the 'traitor of the nation'¹ is attributed primarily to non-governmental organisations. They allegedly represent the interests of foreign countries and impose values which are contrary to the Russian idealized tradition and morality on which 'Russia's sovereign order and power' are based.

Struggle with NGOs is often conducted with the help of intentionally vague legal acts which allow discretionary interpretation. The most important of these, covering all areas of operation of the third sector and in fact providing means to ban or paralyse any organisation are: the 'foreign agents' act of 2012² and the act on 'undesirable organisations' of 2015³. The construction of these acts offers broad room for manoeuvre to civil servants and officers of law enforcement agencies of various ranks, who are encouraged to compete with each other in

manifesting eagerness and loyalty to the Kremlin. This is becoming particularly important at a time of the economic crisis and staff reductions in the state administration, and also ahead of local and parliamentary elections.

Intentionally vague legal acts which allow discretionary interpretation are often employed in direct struggle with non-governmental organisations.

Furthermore, even though state administration agencies have numerous legal instruments at their disposal, they often disregard or openly violate legal regulations⁴, including the non-retroactivity principle⁵. The blurring of the boundaries between legal and illegal operation is intended to discourage citizens from becoming engaged in the activities of civil society and to paralyse existing organisations with inspections⁶, tying them up in court procedures and imposing administrative penalties on them⁷. Additionally, more and more postulates to impose new restrictions on the third sector are made⁸.

¹ It is worth noting Vladimir Putin's statement during an FSB meeting in March 2015, when he directly accused non-governmental organisations of acting upon instruction from Western secret services planning to destabilise Russia ahead of the elections in 2016 and 2018. Путин рассказал коллегии ФСБ о правильной оппозиции, 26 March 2015, http://www.bbc.com/russian/russia/2015/03/150326_putin_fsb_opposition. Nikolai Patrushev, secretary of the Security Council, also warned in March that "nationalist and revanchist" Finnish organisations were trying to influence people of Karelia, using local NGOs: Патрушев объявил о росте влияния финских националистов и реваншистов в Карелии, 19 March 2015, <http://www.newsru.com/russia/19mar2015/patrushev.html>. Three months later, Putin accused "foreign and network organisations" of taking away ("sucking out") school children from Russia under the guise of foreign educational programmes: Путин: надо обратить внимание на работу иностранных НКО в школах, 24 June 2015, <http://ria.ru/society/20150624/1084949791.html#ixzz3i8YevKqN>.

² The amendment of the act on non-commercial organisations of July 2012 imposed on Russian non-profit organisations financed by foreign entities and at the same time engaged in 'political activity' the obligation to accept the 'foreign agent' status. Leaving aside the discrediting epithet 'agent', the definition of political activity in this act is very extensive and imprecise, and – as the practical implementation of the act has proven – the only real criterion for qualifying organisations as 'agents' is foreign financial and material support. As of 31 July 2015, 83 Russian organisations are on the list of the Ministry of Justice (<http://unro.minjust.ru/NKOForeignAgent.aspx>).

³ Maria Domańska, 'The law on 'undesirable' organisations: Russia deepens its self-isolation, 27 May 2015, OSW Analyses, <http://www.osw.waw.pl/en/publikacje/analyses/2015-05-27/law-undesirable-organisations-russia-deepens-its-self-isolation>

⁴ Contrary to regulations of the act on 'foreign agents', organisations active in the area of science (such as the Dynasty foundation), culture, healthcare, welfare, ecology and charity, and even those which co-operated with public administration bodies (for example, with the presidential Human Rights Council, as was in the case of Pavel Chikov, the head of Agora), have also been branded 'agents'.

⁵ One of the branches of *Golos* organisation, an election watchdog, has been put on the list of 'agents' after it received a grant from USAID before the law came into effect – the real intention was to eliminate *Golos* from watching elections.

⁶ The most spectacular was the massive control of almost one hundred NGOs in spring 2013 under the pretext of combating extremism.

⁷ See Katarzyna Jarzyńska, 'Kreml „porządkuje” trzeci sektor', 10 April 2013, OSW Analyses, <http://www.osw.waw.pl/pl/publikacje/analizy/2013-04-10/kreml-porzadkuje-trzeci-sektor>

⁸ See, for example, the statement from the deputy minister of justice Sergei Gerasimov, who appealed for offering state agencies broader competences as regards control over NGOs in order to streamline revealing the channels of financing opposition forces in Russia. Минюст рассказал о посредниках «иностранных агентов», 3 July 2015, <https://slon.ru/posts/53612>

Along with the arbitrary application of laws and repressive measures conducted by law enforcement agencies, mechanisms for administering justice outside the law are being created. They are based on 'public control' (which is supposed to serve as a tool of supervision parallel to the legal procedures) and 'public judgement' (tracking and stigmatising 'enemies' and pro-

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tecting 'vital interests of the state'). One example of such practices was when the Federation Council (the upper house of Russian parliament) adopted the so-called 'patriotic stop-list' in July 2015: a list of foreign non-governmental organisations whose activity in the Council's opinion posed a threat to Russia's internal security⁹. The Prosecutor General's Office applied the act on 'undesirable organisations' for the first time later in July, when it placed the American organisation National Endowment for Democracy on the stop-list. Such practices pose the risk that the distinction between legal regulations and 'moral and patriotic' standards which the Kremlin refers to in an attempt to garner stronger public support will fade away completely. At the same time, the public received a clear message that the government expects the organisations and citizens not only to cut off foreign contacts by themselves¹⁰ but also to actively co-operate with state authorities in order to spot such

⁹ See Katarzyna Chawryło, Maria Domańska, 'Organizacje zagraniczne na celowniku Kremla', 15 July 2015, *OSW Analyses*, <http://www.osw.waw.pl/pl/publikacje/analizy/2015-07-15/organizacje-zagraniczne-na-celowniku-kremla>

¹⁰ According to Konstantin Kosachev, the head of the foreign affairs commission of the Federation Council, the 'patriotic stop-list' is a kind of a 'warning' to Russian organisations (<http://council.gov.ru/press-center/news/57126/>).

'undesirable activity'¹¹. This approach inevitably leads to polarisation, atomisation and the destruction of non-governmental circles.

In parallel with this, the government has made efforts to take control over the third sector's activity via the system of state grants. These are sometimes offered to carefully selected, effective NGOs active in welfare sphere: supporting their operation is supposed to boost the Kremlin's image in the eyes of the society (as in the case of the Gift of Life Foundation). Entities dependent on governmental funds are often used for political purposes. Grants are also frequently offered to organisations with patriotic and nationalist profiles engaged in pro-Kremlin propaganda (for example, the Night Wolves motorcycle club allied to President Putin). Furthermore, the government has also employed the practice of replacing effective independent organisations with those controlled top-down: so-called GONGOs (government-organised 'non-governmental organisations'). Their operation is used above all to distribute funds within the public support base loyal to the Kremlin or to carry out political tasks¹².

The third sector as viewed by the Russian public

The propaganda campaigns waged against NGOs fall on fertile ground in Russia. This is mainly because most citizens indiscriminately accept what the most popular Kremlin-controlled mass media (especially television, their

¹¹ Andrey Kliskas, a deputy of the Federation Council, has stated that "Russian civil society should know how (...) to avoid concealed influence of foreign countries" (<http://council.gov.ru/press-center/news/57126/>), and deputy minister Valeri Gerasimov has appealed to the public to help detect 'undesirable' organisations (*Минюст РФ призвал россиян «сигналить» о «нежелательных» НКО*, 3 July 2015, <http://www.znak.com/urfo/news/2015-07-03/1042292.html>)

¹² For example, the expert-analyst foundation Institute of Socio-Economic and Political Studies (ISEPI) established upon the Kremlin's initiative or the Safe Internet League (an organisation lobbying for stricter state control in the Internet; it was founded by Marshall Capital Partners, a company established by Konstantin Malofeev, a businessman with close links to the Kremlin).

main source of information about the world) say about the operation of NGOs in Russia¹³. People believe what is said about NGOs because few of them have direct contact with non-governmental organisations, and for this reason their chances of forming independent opinions about these organisations remain limited. Only 5% of respondents say they have NGO workers among their friends¹⁴, and only 16% of Russian citizens know precisely what functions non-governmental organisations perform¹⁵.

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The general level of trust and self-organisation is very low among the Russian public – for most Russians the particular needs of their narrow family circles are much more important than the interests of a social group. This mindset became entrenched in the Soviet period, when any civil activity was strictly regulated by the government, and commonplace denunciations and repression from the state authorities led to the disintegration of elementary social bonds which turned out impossible to rebuild. The Kremlin skilfully employs this legacy in its rhetoric, making citizens fearful and suspicious of NGOs and convinced that civil activity is inefficient and entails high personal risk. In effect,

¹³ TV coverages broadcast on the major Russian TV channels, accusing NGOs of subversive activity following instructions from the USA(for example, in the popular news programme hosted by Dmitry Kiselyov), have had a devastating effect on the perception of NGOs in Russia. See for example <https://www.youtube.com/watch?v=myAl7m0Mh0c>

¹⁴ Levada Centre Report, <http://www.levada.ru/books/potentsial-grazhdanskogo-uchastiya-v-reshenii-sotsialnykh-problem>

¹⁵ Levada Centre Survey, <http://www.levada.ru/11-07-2013/otnoshenie-k-nko>

over 50% of Russians believe that organisations engaged in political issues which receive financial support from abroad and do not register themselves as ‘foreign agents’ should face sanctions or even be banned¹⁶.

The lack of support for the operation of NGOs among the Russian public also stems from the scarce knowledge of the role the third sector plays within the democratic system. In the opinion of most Russians, the highest and often the only entities capable of protecting their rights are state institutions, above all the president, who is the personification of the state. The Kremlin government has intentionally made efforts to entrench this mindset. Thus, Russians in general are unaware of the fact that eliminating NGOs from Russia would adversely affect the poorest and the most vulnerable social groups, as their activity might compensate for increasing dysfunctionality of the state in the welfare sector, and might help to protect citizens from ever more repressive state administration.

Survival strategies adopted by non-governmental organisations

The new legal environment, the implementation of restrictive legal acts and the deterioration of the socio-political climate in Russia have led to the paralysing of a significant number of independent NGOs and outright disintegration of independent non-governmental circles. Only a few organisations have been able to adapt themselves to the new situation, but even they operate under constant pressure and with the awareness that they may face inspections and repression at any time. One consequence of the NGO witch-hunt in the media are the problems they have with everyday functioning – they experience difficulties in finding an office for rent, settling administrative matters or finding associates, because intimidated citizens are

¹⁶ Ibid.

afraid of establishing contacts with the 'enemies'. The Russian government has managed to instil the self-censorship reflex into part of the non-governmental circles and the public in general, as well as a fear of civil activity and foreign contacts. This additionally aggravates the polarisation and isolation of the third sector in Russia, contributing thus to strengthening the authoritarian government system.

Some organisations, after receiving prior admonition in connection with the 'foreign agents' act, decided to reject foreign financial support, and thus avoided being put on the list of 'agents', yet now they find it much more difficult to operate. Those which have been able to find additional funding sources continue their work, for example the Levada Centre which deals with public opinion research in Russia (the program for surveying pre-election sentiments in Moscow, sponsored by the US-based NED has been closed, but domestic funds, including government grants¹⁷, have allowed it to continue the other programmes¹⁸). Others have changed their names and ways of operating, which at least temporarily allows them to act, albeit in a restricted form (for example, the Moscow School of Political Studies, now known as the Moscow School of Civil Education).

Some organisations, despite being on the list, are making efforts to continue operation and to be removed from the ministerial stop-list, for example, the Russian Memorial and the Union of Committees of Soldiers' Mothers, which helps soldiers and their families and is the best-recognised non-governmental organisation among citizens¹⁹. Characteristically,

some members of Union started being subjected to pressure when its activists began to investigate into cases of deaths of Russian soldiers fighting on the separatists' side in Ukraine.

At present, virtually all independent non-governmental organisations encounter serious problems in operation.

Some organisations branded as 'foreign agents' wound up their activity (in protest at being labelled as 'spies'), for example, the respected Dynasty foundation, which financed the development of science in Russia. When the organisation was placed on the 'agent' list and subsequently liquidated, this provoked demonstrations of protest in academic circles, since the support offered by it to talented researchers will not be replaced with budgetary funds for education²⁰.

Only a handful of organisations have been able to successfully appeal against court decisions, for example *Golos*, which has been removed from the list of agents. However, the structures and the image of this organisation have been adversely affected to such an extent that it will not be able to resume its operation on the previous scale. Furthermore, sanctions have not been lifted from regional branches of this organisation²¹.

¹⁷ The Levada Centre received a presidential grant of 5 million roubles in 2014 (<http://rbcdaily.ru/society/562949991750668>) and 1.4 million roubles in the first grant competition in 2015 (<http://www.vedomosti.ru/politics/articles/2015/07/02/598933-krupneishie-prezidentskie-granti-poluchili-proekti-patrioticheskoi-napravlenosti>).

¹⁸ Interview with Lev Gudkov, 30 July 2015, <http://www.golos-ameriki.ru/content/article/2886469.html>

¹⁹ According to data from the Levada Centre, 82% Russians have heard about their activity.

²⁰ For the 13 years of its operation in Russia, the Dynasty foundation allocated over 2 billion roubles towards supporting education and the popularisation of science. Rumours that it supported the opposition activist Alexei Navalny might have served as a reason for putting pressure on this organisation.

²¹ For example, the *Golos – Privolzhye* organisation was branded a 'foreign agent', and its head was punished with a severe fine. The official reason for putting it on the list of agents was the fact that the book *Is free election possible in Russia* and the report titled *Putin. Corruption* developed by oppositionists were found in the organisation's office, which was recognised as political activity.

Conclusions

In the present situation, virtually all independent non-governmental organisations encounter serious problems in operation. The intentional discrediting and stigmatising of NGOs and the ongoing increase in the cost of civil activity is likely to mean that fewer and fewer people will be willing to become involved in having any contacts with non-governmental organisations. Thus, the isolation and degradation of the third sector in Russia will only get worse.

It appears that the government's stance on the third sector may evolve in the future, depending on such factors as the development of the domestic economic situation and the quality of Russia's international relations. The expected long-term stagnation and the related socio-political risks are likely to make the government's repressive policy more entrenched, since NGOs are treated as a potential hotbed of public unrest. Given the deterioration of conditions in

the social sector (partly due to budget cuts), the Kremlin will even increase its forethought in this area. Nevertheless, the government may also allow selected organisations to perform certain social functions under strict governmental supervision in order to alleviate tension caused by welfare problems²². Since the Kremlin's policy with regard to NGOs co-operating with foreign partners is correlated with its relations with the West, it cannot be ruled out that the normalisation of these relations will make the Kremlin slightly less determined in stigmatising non-governmental organisations. However, given the present political system in Russia, the government's co-operation with the third sector is unlikely to become normalised.

²² In August 2015, increased support was promised for non-governmental organisations involved in welfare issues. Vyacheslav Volodin, deputy head of the Presidential Administration, made a statement regarding this issue. *Кремль оценит регионы по НКО*, 10 August 2015, <http://znak.com/moscow/articles/10-08-10-02/104283.html>

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