

## Promoting Human Rights in Russia by Supporting NGOs: How to Improve EU Strategies

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### Abstract

The EU advocates a policy that includes a great deal of human rights promotion and support for Russian NGOs. The question for EU policy-makers is no longer whether but *how* to manage NGO involvement in a way that induces necessary changes in Russia's human rights behaviour. This paper argues that current EU policies often fall short of their potential to develop the non-state transfer of European ideas, norms, and practices to Russia or to assist the development of the Russian NGO community. If the EU is to become a serious actor in the field of human rights promotion, it will have to find new and creative ways to communicate with Russians about human rights matters. This paper offers policy recommendations to adapt EU strategies to the current context of the EU-Russia relationship and to redesign EU assistance programmes.

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# PROMOTING HUMAN RIGHTS IN RUSSIA BY SUPPORTING NGOS: HOW TO IMPROVE EU STRATEGIES

ELENA KLITSOUNOVA\*

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## Introduction

With increasing frequency and intensity the debate over human rights values is imbuing the EU-Russia dialogue with disconcerting undertones. Many within the EU are concerned about the weakening of Russia's European orientation – a trend that, according to EU policy-makers, is particularly noticeable in the fields of human rights and democratisation. There is also growing dissatisfaction among EU and Russian actors, stemming from the reality that the EU's grand ambition to induce Russia to adopt European values has produced relatively few achievements. Nevertheless, the EU is still expanding its human rights promotion programmes and constantly claims that it is eager to keep human rights a high priority in its relationship with Russia. For those within the EU and Russia who are still hoping for a strategic partnership between the two parties, a key practical issue is whether and how to develop and improve EU policies towards the Russian Federation.

The EU advocates a policy that includes a great deal of human rights promotion, which is based on the belief that the EU is capable of acting as a 'norm-sender': that by communicating and transferring certain norms and rules to Russia the EU can successfully stimulate Russia's adoption of the EU's human rights values. This policy presupposes the existence of non-state actors who can be involved in a 'Europeanisation-by-socialisation' process and are motivated to pressure the government to comply with human rights norms. Consequently, supporting Russian NGOs that are inspired by European values to enlighten the Russian public and government has become a goal of the EU's Russia human rights policy. The question for policy-makers is no longer whether but *how* to manage NGO involvement in a way induces necessary changes in Russia's human rights behaviour.

This paper considers the possibilities of strengthening the EU's Russia policies of human rights promotion and NGO assistance from two perspectives. First, it seeks to provide more insight into the complex relationship between Russia's government, civil society and the human rights NGO sector, and to analyse the potential of human rights NGOs to project a European vision of human rights in Russia and to be a catalyst for policy change. Second, it seeks to shed more light on what kind of policy instruments the EU has used and developed in recent years to facilitate human rights promotion in Russia. This second part of the paper focuses on the direct actions and initiatives of the Commission, European Parliament and Council rather than individual member state programmes and policies, and on why the EU has had relatively limited success in exporting human rights values to Russia. Finally, the paper offers recommendations for a realistic EU human rights policy toward Russia.

## 1. Russian human rights NGOs

Despite the crucial importance of human rights NGOs in Russia, we still know considerably little about their institutional capacity and practices. To paraphrase S. Mendelson and J. Glenn,<sup>1</sup>

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little is *known* – although much good and bad is *believed* – about the impact of NGOs on the Russian policy-making process. This paper aims to provide insights into the development of Russia’s human rights NGO community by using a modest approach: it examines several aspects of the community’s development in order to better understand its capability to project a European vision of human rights in Russia and to be a catalyst for policy change.

## 1.1 The number, roles and networks of human rights NGOs

In recent decades the number of NGOs in Russia, including those specifically addressing human rights, has grown exponentially. By 2001, Russia was home to approximately 19,500 human rights NGOs, which constituted approximately 5% of all registered NGOs.<sup>2</sup> Among active NGOs registered in Russia in 2007, hundreds were human rights NGOs.<sup>3</sup> Also in recent decades, the human rights movement has experienced rapid geographical expansion: while throughout the entire Soviet period the movement was almost completely concentrated in Moscow, human rights NGOs currently operate in all 89 regions of the Russian Federation.

Russian human rights NGOs are considerably diverse in size, structure and policy ambit: they set the agenda, establish standards, monitor and advocate enforcement, and act as aid and education organisations within the field of human rights. Some human rights NGOs primarily handle individual complaints and concern themselves with concrete cases of human rights violations. Others do not concentrate on defending individual cases but rather adopt a broad approach to human rights issues and offer general recommendations regarding the national human rights situation and proposals for changes in legislation or policies. Some human rights NGOs focus more on research, in-depth human rights education and providing expertise on specific policy issues, while others are less research-driven and instead engage in advocacy and the dissemination of ideas in accessible forms.

While the diversity of instruments, mechanisms and practices among human rights NGOs in Russia is striking,<sup>4</sup> an important characteristic of the Russian human rights NGO community in

<sup>1</sup> S. Mendelson and J. Glenn, “Democracy Assistance and NGO Strategies in Post-Communist Societies”, *Carnegie Working Papers*, August 2000, p. 6.

<sup>2</sup> By 2001, according to information from the Russian Ministry of Justice, over 375,000 NGOs were registered in Russia, and approximately 5.2% of them were human rights NGOs. See L. Konovalova and V. Yakimets, “Sotsialnoe partnerstvo mezhdru gosudarstvom I nepravitelstvennym sektorom kak factor razvitija grazhdanskogo obshestva I effektivnogo upravlenija”, *Obzornyj doklad, Moskovskoe bjuro UNESCO 2001*, available at <http://peace.unesco.ru/docs/konovalova.pdf>.

<sup>3</sup> According to data from the Committee on Statistics of the Russian Federation, in the beginning of 2007 there were at least 665,000 registered nongovernmental non-commercial organisations operating in Russia. Accurate counts of NGOs in existence were not available, as official government records of NGOs included all those that are formally registered, while many of them were no longer active. See *Doklad Obshestvennoj palaty Rossijskoj Federatsii o sostojanii grazhdanskogo obshestva* (Доклад Общественной палаты Российской Федерации о состоянии гражданского общества), 2007;

*CIVICUS Civil Society Index Report for Russia*, 2006, available at [http://www.civicus.org/new/media/CSI\\_Russia\\_Country\\_Report.pdf](http://www.civicus.org/new/media/CSI_Russia_Country_Report.pdf). By 15 April 2006, only 216,000 NGOs managed to re-register according to the new ‘NGO law’. See “NKO prodemonstirovali vysokuju lekvidnost”, *Kommersant*, 148 (3724), 20 August 2007, available at <http://www.kommersant.ru/doc.aspx?docsid=796618>.

<sup>4</sup> As L. Alekseeva noted, “Each particular organization has its own brand of vigor as well as its own successful field of activity. Krasnoyarsk and Novgorod became the first regions to bring law students into their public legal aid offices...In Ryazan, as well as in the regions of Arkhangelsk, Nizhnii Tagil and Kemerovo, a close interaction between human rights organizations and independent trade unions has developed...In Voronezh, Perm, and Tomsk, considerable access has been achieved in making a course

general is its intense involvement in various national and transnational knowledge-,<sup>5</sup> advocacy- and policy-based networks. Many human rights NGOs have already invested and continue to invest substantial effort and resources into fostering NGO networks. Examples include the Memorial Society, the Moscow Helsinki Group (MHG) and the Association of Regional Human Rights Organizations, to list just a few. At present, the Memorial Society is a network of dozens of organisations in different regions of Russia, Ukraine, Kazakhstan, Latvia and Georgia.<sup>6</sup> MHG is another large networking NGO in Russia, with about 200 regional organisations participating in MHG network initiatives.<sup>7</sup> The Association of Regional Human Rights Organizations was initiated in 1999 as a regional NGO network that united 75 organisations.<sup>8</sup> Many other networks tend to be less formal, less systematic or less open to public scrutiny, including those networks that developed among Russian, EU member state and international human rights NGOs. It is difficult to gauge the extent of diffusion of human rights ideas or policy approaches through these networks, but it is likely to be great.

Interaction between human rights NGOs at both the Russian and international (European) level has created forums where information is transmitted and skills and expertise are shared. It also appears that many Russian NGOs have become deeply involved, either directly or through their umbrella organisations, in pan-European human rights policy networks – where NGO, government and international organisation actors share the rhetoric, language, and scholarly discourses that shape the terms of public debate over human rights issues and underpin relevant policies. At present, many Russian human rights organisations seem to have integrated into the EU milieu and to be interested in projecting European norms and practices in Russia.

## 1.2 Public support and awareness

The extent of public awareness and support for human rights NGOs should be among the most important indicators of their development. Yet the question still remains: To what extent is Russian public opinion informed about the existence and work of human rights NGOs, and are Russians prepared to declare support for these organisations? To date, survey data on Russian attitudes towards the country's human rights situation and its human rights organisations have provided mixed evidence.

Citizens' dissatisfaction with the human rights situation has been well documented. In its 2006 countrywide survey, the Levada Center found that a majority (68%) of respondents did not feel protected by the law. Moreover, a third of respondents (32%) raised concerns about serious

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on human rights part of the mandatory school program. In Rostov, reports on the violations of the rights of conscripts and citizens on trial have been published...[I]n Nizhnii Novgorod, human rights activists monitored torture and beating at the city police stations". L. Alekseeva, "Private measures by which to ensure fundamental rights in present-day Russia: a view from inside", *Helsinki Monitor*, Vol. 11, No. 3, 2000.

<sup>5</sup> The RAPN Research Committee on Human Rights Issues is a good illustration of knowledge-based human rights networking. See <http://www.rapn.ru/?grup=291>.

<sup>6</sup> See <http://www.memo.ru/eng/about/whowe.htm>.

<sup>7</sup> See <http://mhg64.valuehost.ru/>.

<sup>8</sup> See <http://www.association.hrworld.ru/citis.htm>.

human rights abuses in the country.<sup>9</sup> The most recent survey found that 72% of respondents were certain that human rights are violated in Russia.<sup>10</sup>

However, although the public sees the human rights situation as a serious problem affecting an enormous number of people, surveys found that only a tiny minority (4%) believed that they would turn to human rights NGOs for assistance in situations of human rights abuses.<sup>11</sup> Again, survey data provide very mixed evidence as to why the idea of NGO involvement in human rights protection does not appeal to the public. On one hand, many Russians feel generally positive about the term “human rights protection”<sup>12</sup> and believe that national, sub-national and local governments should support human rights organisations in every possible way.<sup>13</sup> On the other hand, the majority seem to have very limited knowledge of human rights NGOs. When questioned about specific organisations, most respondents had never heard of the most prominent human rights NGOs. The surveys found that only 22% and 8% of respondents were familiar with the activities of the Memorial Society and MHG, respectively<sup>14</sup> (while these two organisations are seen by many EU policy-makers as Russia’s most important in the field of human rights). Moreover, Russians quite often understand human rights as being guaranteed by the state, which is responsible for its citizens’ social welfare, and not by NGOs. Those citizens who are aware of NGOs typically argue that the defence of human rights should not be their primary goal (see Table 1).

In sum, Russian human rights NGOs have not yet coalesced into a movement attracting a great deal of press coverage or public support; at present they are unlikely to be capable of dramatically shifting domestic incentives that define Russia’s current human rights policy. Human rights NGOs – their agenda, arguments and practices – do not engage many Russians. A host of problems has contributed to this situation. Human rights NGO representatives often accuse the mass media of providing very limited coverage of their activities and cite the increasing lack of press freedom. But the situation is also complicated by the fact that many Russian human rights NGOs lack carefully designed policies of strategic interaction with the public and media.<sup>15</sup>

NGO failures of public communication can also be explained by their difficult normative context. Recent surveys found that Russians perceive human rights in terms of three distinct normative dimensions: civil liberties (e.g., freedom of religion, association and expression),

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<sup>9</sup> “Voices from Russia: Society, Democracy, Europe”, EU-Russia Centre / Levada Center Research, February 2007, <http://www.eu-russiacentre.org/assets/files/EU-RC%20Levada%20Research%20Commentary.pdf>.

<sup>10</sup> “Narushenie prav cheloveka”, Levada Center, 9 November 2007, <http://www.levada.ru/press/2007110904.html>.

<sup>11</sup> VCIOM Press release no. 557, 19 October 2006, <http://wciom.ru/arkhiv/tematicheskii-arkhiv/item/single/3441.html>.

<sup>12</sup> Op. cit., “Voices from Russia...”, <http://www.eu-russiacentre.org/assets/files/EU-RC%20Levada%20Research%20Commentary.pdf>.

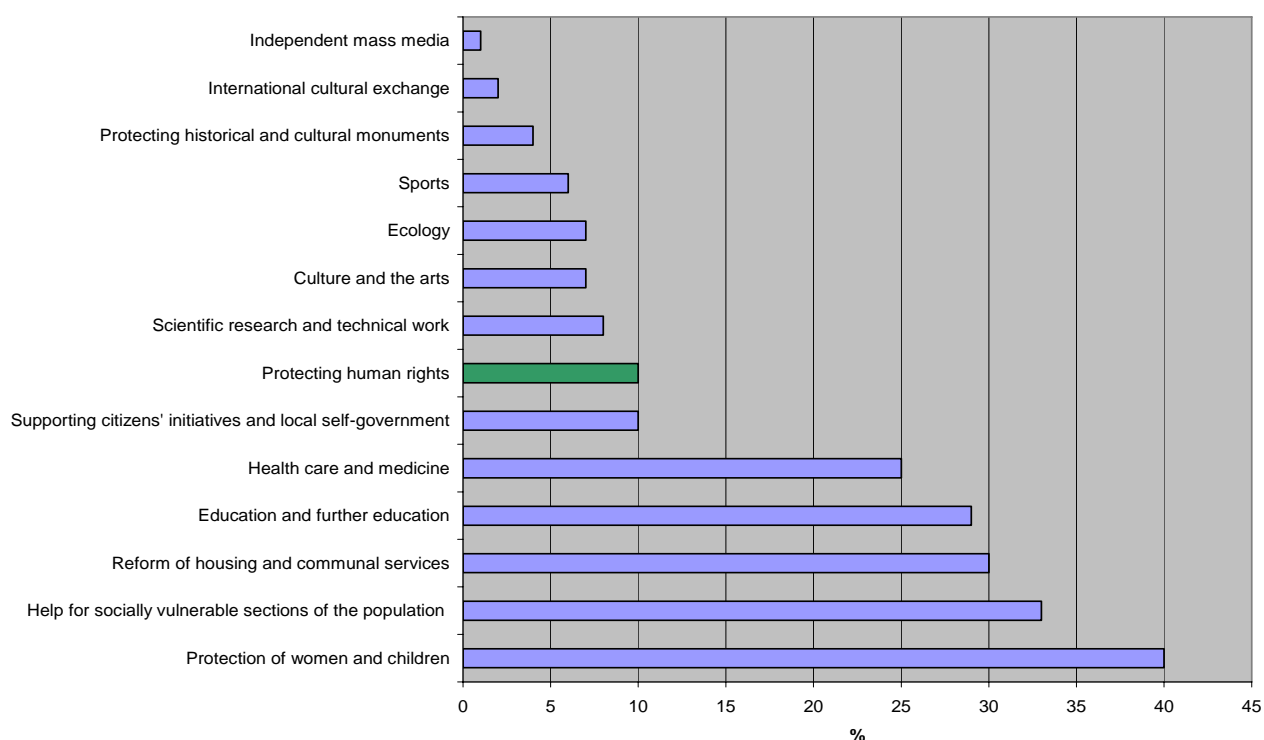
<sup>13</sup> A recent survey commissioned by the Russian Public Chamber found that 52% of respondents believed that national, sub-national and local governments should support human rights NGOs in every possible way. The overwhelming majority of local government servants who responded (67%) also agreed with the idea that human rights organisations should be supported. *Doklad Obshchestvennoj palaty Rossijskoj Federatsii o sostojanii grazhdanskogo obshchestva* (Доклад Общественной палаты Российской Федерации о состоянии гражданского общества), 2007.

<sup>14</sup> Theodore P. Gerber and Sarah E. Mendelson, “Strong Public Support for Military Reform in Russia”, *Ponars Policy Memo 288*, May 2003, available at [http://www.csis.org/media/isis/pubs/pm\\_0288.pdf](http://www.csis.org/media/isis/pubs/pm_0288.pdf).

<sup>15</sup> A. Sevorstyan, *Issledovanie effektivnosti raboty pravozashitnyh organizatsij*, Moscow, 2005.

economic rights (e.g., the right to work, to own property and to social welfare) and individual rights (e.g., freedom from torture and arbitrary arrest). Support for these varies greatly, with economic rights enjoying the most (65% of respondents) and civil liberties the least (12%), while support for individual rights falls somewhere in between.<sup>16</sup> Given that the majority of Russians back a cluster of economic rights while demonstrating a high level of indifference toward civil liberties, human rights NGOs should search for new ways in which to frame the problems they are trying to solve.

*Table 1. Areas in which NGOs should be active*



*Source: Donorskie i nekommercheskie organizatsii: chto my o nih znaem*, Moscow 2005, p. 39, available at <http://www.donorsforum.ru/images/stories/Resultsresearch.pdf>.

One tremendous challenge that Russian human rights NGOs face today is a resistant domestic normative context. They are unlikely to succeed in reaching the Russian public and becoming a catalyst for human rights policy change unless they manage to convert their claims and agendas into messages that resonate with norms that are already widely accepted by Russians.

<sup>16</sup> Theodore P. Gerber and Sarah E. Mendelson, "How Russians Think about Human Rights: Recent Survey Data", *Ponars Policy Memo 221*, December 2001.

### 1.3 NGOs, state actors and human rights policy-making

Another crucial challenge for Russian human rights NGOs is building cooperative engagements with the government and establishing themselves in state-dominated policy networks. In the early 1990s, many human rights activists were members of federal and regional parliaments and governments and were deeply involved in drafting and implementing legal reforms in Russia. At that time, many legal reforms originated with human rights activists who, in the course of post-communist transformation, became prominent members of the decision- and policy-making community. However, by the end of Yeltsin's era, the political window that had allowed radical legal reform closed more quickly than anyone expected, and human rights activists and organisations were 'squeezed out' of government. By the end of the 1990s, they had relatively little access to decision- and policy-making and faced serious problems in their attempts to build new formal and informal channels of access to politicians and bureaucrats.

At present, Russian human rights NGOs can be discerned from one another by their attitudes towards cooperation with the government. A number of NGOs in principle oppose the idea of fostering cooperative relationships with politicians and bureaucrats from Putin's administration. In their view, such cooperation would provide Putin's authoritarianism with respectable 'democratic' clothes and insulate it from criticism of the deteriorating human rights' situation. Others argue that effective advocacy always requires an ongoing positive relationship with the government and that every chance must be taken to gain access to decision- and policy-making and to educate or socialise government decision-makers and actors about human rights ideas.

As non-state actors, human rights NGOs have a limited formal decision-making role and therefore cannot impose policies on a political system. What they can do is exhort. If governmental actors are not receptive to, or aware of, non-state actors' policy recommendations, then there is little hope for policy change. Yet the questions remain: (1) To what extent are decision-makers receptive to NGO ideas and recommendations; (2) and what are the opportunities and constraints to NGO involvement in policy-making? At present, the evidence is mixed.

#### 1.3.1 Constraints on NGOs

It is clear that a comparatively closed and centralised political system makes it difficult for societal actors, including human rights NGOs, to influence the policy-making process with their own independent expertise and creative proposals. In Russia, this reality appears to be worsening. The centralisation of political and state institutions has intensified in proportion to the leadership's efforts to design institutional and organisational arrangements that control the links between state and society and channel societal demands in carefully managed directions. This has constrained NGOs in two ways.

First, recent amendments to laws regulating NGO activities<sup>17</sup> have dramatically changed the legal environment in which NGOs operate, because they provide the government with more opportunities to exert tighter control over and directly interfere in the internal operations of NGOs.<sup>18</sup> See Box 1 below.

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<sup>17</sup> The law "On Introducing Amendments to Certain Legislation Acts of the Russian Federation", which is commonly referred to as the 'NGO law' and entered into force in April 2006, amends four Russian laws: the Civil Code, the Law on Public Associations, the Law on Non-Profit Organisations and the Law on Closed Administrative Territorial Formations.

<sup>18</sup> For a detailed analysis, see The International Center for Not-for-Profit-Law's "Analysis of Law # 18-FZ: On Introducing Amendments to Certain Legislative Acts of the Russian Federation", 17 February



*Box 1. The 'NGO law'*

What is commonly known as the 'NGO law' is part of the broader reform aimed at introducing amendments to the Civil Code, the law on non-profit organisations, the law on public associations and the law on closed administrative territorial formations. The entire reform package is relevant to regulating the work of NGOs, but so far only the changes to the law on non-profit organisations have been widely discussed by Russian and international observers.

On 23 November 2005, the State Duma accepted the bill "on measures aimed at implementing certain provisions of the Federal laws regulating activities of non-commercial organizations" on its first reading. Numerous Russian NGOs protested the decision, arguing that the bill was aimed at subjecting NGOs to tighter state control and obstructing their work. They also stressed that the bill was at odds with both international standards and the Russian constitution. Advocates of the bill had based their argumentation on security and political aspects. In justifying the need for stricter control over financial flows to Russian NGOs, officials cited the fight against terrorism and money laundering and other countries' restrictions of NGOs. President Putin repeatedly stressed that he opposed the foreign funding of the "political activities" of NGOs in Russia. The "colour revolutions" provided an additional discursive framework for those commentators who stressed the need for tighter control over NGOs funded by foreign donors.

Protesting NGOs managed to mobilise their networks and draw international attention. The Council of Europe, the EU, the United States and the international media engaged in the debate on the NGO law. Facing mounting criticism, Russian officials suggested amending the bill according to international standards and recommendations made by the Council of Europe. After intensive consultations and discussions held in both Moscow and Strasbourg, the text was amended in some respects: those requirements that directly contradicted the Russian constitution and international law were removed from the bill.

The implementation of the NGO law began with "Decree No. 212", which was issued by the Russian government on 15 April 2006 and came into effect with "Federal Law No. 18-FZ of 10 January 2006 on introducing amendments to certain legislative acts of the Russian Federation". The Russian Tax Authorities and a new governmental agency, *Rosregistratsia* [Federal Registration Service (FRS)], having existed only since 2004, will administer this process. The law has given considerable authority to the FRS, which, according to Decree No. 1315 signed by President Putin on 3 May 2006, will be expanded to 14 administrative units with a maximum staff of 375 (excluding security and building maintenance staff) and a budget of over \$900,000 for its Federal unit alone. Under the new regulations on registration procedures, Russian NGOs are subject to the system of double registration by both the tax authorities and the FRS. The authorities can reject an NGO's registration at their own discretion based on the content of their registration documents. Under the new regulations on accountability procedures, NGOs are now required to inform state authorities in detail about their activities and management, the funds they receive (including donations), their assets, and the planned and current use of funds for all programmes in Russia. NGOs are required to submit annual reports on their activities by April 15. Failing to submit timely, annual reports can lead to an organisation's disbandment. In addition, state authorities are allowed to demand *any* document from an NGO at any time, without a warrant, and be present at all NGO events.

The full consequences of the new regulations remain to be seen, but many NGOs have already evaluated the results of the law's first year of implementation as negative.<sup>19</sup> It turned out that registration-related expenses are several times higher for NGOs than for commercial enterprises. In 2006, 17% of NGOs applying for registration failed to acquire it. According to official data, as of 1 July 2007 less than 24% of registered Russian NGOs submitted their annual reports. Thus, according to the law, the FRS has the right to demand the disbandment of 76% of NGOs. Moreover, many of those Russian NGOs that submitted reports have already been deleted from the Unified State Register of Legal Entities, which actually resulted in the nearly complete termination of their activities.<sup>20</sup>

As the law's current wording is open to broad interpretations and there are no objective and clearly defined criteria for assessing NGO activities, the new law allows for arbitrary and selective enforcement and exerts new bureaucratic and political pressures on NGOs.

N. Patrushev, head of Russia's Federal Security Service (FSB), argued in July 2005, "Non-governmental organisations must not be allowed to engage in any activity they like... We are interested in unifying the respective laws of the Community of the Independent States into clear legislation on the activity of NGOs. The NGOs must be told what problems they should tackle and for what purpose and they should engage in activity of that kind..."<sup>21</sup> The new 'NGO law' seems to be a stronger incarnation of this way of thinking about the NGO sector. Moreover, the NGO law is not the only legal constraint, as other legal frameworks regulating the activities of Russian NGOs, including those related to unions, religious associations, political parties and business, are also in a permanent state of reformation and amendment. Consequently, Russian NGOs have had to cope with a wide range of reforms in recent years. Moreover, foreign grant programmes are revised quite frequently, which also leads to considerable changes in the relationship between the state, Russian NGOs and foreign donors. Explanations justifying the need for the reforms have also contributed to these changes. The Russian president has repeatedly stressed that he opposes the foreign funding of NGO "political activities". Meanwhile, non-permissible "political activities" are not defined in the laws and can be arbitrarily defined in practice given that in Russia the line between politics and policy-making is often blurred. Consequently, many donor organisations are careful not to interfere with the government's agenda and have changed – "de-politicised" – their policies and practices toward Russian NGOs. Given this reality, the Russian NGO community perhaps rightly fears that many foreign donors will withdraw and that NGO legislative reform will dramatically affect not only legal frameworks but also the political economy of NGO development.

Second, the Russian leadership seems to be concentrating more on the non-governmental domain of policy-making and has begun to dedicate more resources to developing networks of 'friendly' NGOs. "Policy intellectuals" who support the Kremlin have advanced the idea of the importance of "soft power" weapons, which include media outlets, Internet websites, expert

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<sup>19</sup> For more detail, see the Interregional Human Rights Group's report, "NGOs and the Federal Registration Service: Five Problems of Cooperation", available at [http://ngo.hrworld.ru/download/FA\\_2007\\_Report\\_send\\_10.doc](http://ngo.hrworld.ru/download/FA_2007_Report_send_10.doc).

<sup>20</sup> According to experts of Voronezh Interregional Group of Rights Defenders, in eight regions of Russia over 600 NGOs have already been deleted from the Register. See *Kommersant*, 20 August 2007.

<sup>21</sup> "No Retreat from the Cold", *The New Times*, July 2005, [http://www.newtimes.ru/eng/detail.asp?art\\_id=1398](http://www.newtimes.ru/eng/detail.asp?art_id=1398).

networks and regular conferences.<sup>22</sup> The creation of government-organised NGOs – GONGOs – appears to have been devised by Russian officials to tackle criticism at international forums and to demonstrate the existence of Russian societal norms, including norms concerning human rights.<sup>23</sup> Certainly, the rise of human rights GONGOs will increase uncertainty and competition in a sector where hundreds of organisations already compete for resources and attention from decision-makers and the public.

### 1.3.2 Opportunities for NGOs

Ironically, Putin’s move to centralise decision-making power and to deal with NGOs in a more proactive manner – which many criticised as ‘smart authoritarianism’ – could actually facilitate NGO involvement in policy-making and make it more effective. Consider the following two examples.

First, several new institutions have been established to serve as forums for both government and NGO members. The Council for Fostering the Development of Civil Society, which replaced the Presidential Human Rights Commission, was founded in November 2004 in part to design institutional arrangements linking state and society. Moreover, in 2003-2006, the “public council and chamber boom” hit Russian regions and ministries.<sup>24</sup> In 2003, the Public Council was established at the Ministry of Justice. In 2005, the Public Chamber of the Russian Federation was founded with the proclaimed aim “to analyse draft legislation and the activities of the parliament, as well as to monitor federal and regional administrative bodies”. Representatives of many human rights NGOs became active members of these new organisations. Although many pessimists heavily criticise new public councils and chambers as a pale imitation of democratic practices, optimists see them as promising manifestations of the institutionalisation of (human rights) NGO involvement in policy-making. Since 2006 the Public Chamber has administered competitions for the so-called presidential grants and has thus become involved in managing new grant-based NGO activities. In 2008, approximately €35.2 million will be granted to NGOs, including approximately €3.8 million for NGO-run human rights projects.<sup>25</sup>

Second, President Putin made criminal procedure reform a clear priority of his first administration. Because problems with criminal procedure lay at the heart of some of Russia’s worst human rights violations, the passage of the new Criminal Procedure Code in 2001 represented an important advance.<sup>26</sup> The code’s passage and the Russian government’s effort in the years after 2001 to ensure its implementation created a window of opportunity for many actors, including human rights NGOs, to bring human rights norms and values into the policy-

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<sup>22</sup> Nicu Popescu, “Russia Soft Power Ambitions”, *CEPS Policy Brief*, No. 115, October 2006. Ivan Krastev, “Democracy ‘Doubles’”, *Journal of Democracy*, Vol. 17, No. 2, April 2006, available at [http://www.cls-sofia.org/uploaded/1146585071\\_\\_4\\_\\_krastev\\_pp\\_52-62.pdf](http://www.cls-sofia.org/uploaded/1146585071__4__krastev_pp_52-62.pdf).

<sup>23</sup> The initiative to establish “a Russian human rights organization for monitoring the observance of freedom of speech and the fundamental human rights in the United States, Europe, and other Western nations” was announced in the beginning of 2007 by Public Chamber Member Anatoly Kucherena. Recently, at the EU-Russia Marfa Summit, President Putin revealed plans to establish a non-governmental institute of freedom and democracy in one of Europe’s capitals, possibly Brussels. See *RB-Ru Daily*, 28 October 2007, available at <http://www.rb.ru/topstory/politics/2007/10/28/153604.html>.

<sup>24</sup> According to the List of Public Chambers, available at the website of the Public Chamber of the Russian Federation, there are 20 public chambers operating in Russian regions.

<sup>25</sup> *Kommersant* 204, 7 November 2007.

<sup>26</sup> Matthew Spence, “The Complexity of Success: the U.S. Role in Russian Rule of Law Reform”, *Carnegie Paper*, No. 60, July 2005.

making process. Drafting and implementing new legislation continue to be on the Russian political agenda, and this creates opportunities for NGOs to reach various professional groups who seek change in specific areas of policy regarding human rights issues. Certainly, the bureaucratically driven process of legal reforms may be too selective, slow or constrained by political consideration. Yet, it may provide those involved in policy-making with incentives to deepen their understating of human rights issues and those from NGOs with opportunities to communicate their ideas and foster formal and informal channels of access to the policy-making process.

In sum, human rights NGOs have an opportunity to gain a foothold in state-dominated policy networks, although to do this they must deal with two different government approaches to human rights issues. The first is the intensely politicised approach shared by many high level Russian politicians (whose diplomatic and political style is often a product of their ‘Russia’s own unique way’ philosophy). They reject criticism of the human rights situation in Russia as a whole and Chechnya in particular and perceive Western assistance to Russian human rights NGOs as attempts to impose on Russia alien values and models of political development. The second approach is less politicised and shared by government agency professionals involved in more technical aspects of planning and implementing legal reforms and who thus demonstrate more readiness to replicate many aspects of European policies that they consider appropriate to Russia. While the first approach is obviously apparent in numerous speeches and public statements by Russian politicians,<sup>27</sup> the strength of the second approach is not so obvious to the outside observer but should not be underestimated. A key practical issue for human rights non-governmental actors is how to broaden their access to sympathetic bureaucrats and politicians, how to act as a trigger for more social learning in government, and how to make NGO advice and expertise accepted as valid and useful by decision-making elites.

The Russian human rights NGO community is large, vibrant and diverse, with vast networks, though it exists in a controversial legal and normative environment and currently faces many serious challenges: they must re-contextualise the problems they are trying to solve, enhance public and media understanding of their activities and establish connections with ordinary Russians. Another crucial challenge is to cooperate with the government in a way that accomplishes their goal of acquiring a role in state-dominated policy networks. Certainly, how NGOs respond to these challenges will be shaped in large part by the domestic landscape. To date, however, foreign assistance to promote human rights has also exerted important influence in the relationship between the state, NGOs and the public. The crucial question is whether and how EU human rights promotion activities are appropriate to Russia. EU assistance to Russian human rights NGOs: mechanisms and results

EU policy regarding human rights in Russia has been shaped not only by EU interpretations of Russia’s political and human rights situation but also by the EU’s desire to present itself internationally as a devoted guardian of human rights. During the last decade the EU has gradually strengthened its rhetorical and financial commitments to assist human rights promotion around the world.

The EU’s willingness to develop a human rights policy was not apparent until the early 1970s. Once the European Court of Justice (ECJ) and other EU institutions established that respect for human rights was a general principle of European Law (from 1969 onwards), the human rights discourse began to infiltrate EU rhetoric and projects. It took another 20 years for the EU to

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<sup>27</sup> For instance, President Putin recently confessed once again that, in his view, criticism of human rights violations in Russia “is largely used as an instrument to influence political life inside Russia and as an instrument that helps some state to achieve its foreign policy goals in relation to Russia with the help of this kind of demagogy”, *Interfax*, 10 February 2007.

begin consolidating a human rights policy towards third states. Then, amidst the euphoria induced by the end of the cold war, the EU rushed to present respect for human rights as an essential element of both the EU and the European model that it upheld. Human rights played a more prominent role in negotiations and agreements between the EU and the newly emerging democracies in Central and Eastern Europe (CEEC). By the mid-1990s, the Commission began to be explicit in suggesting that respect for human rights should be among the key conditions attached to the “Europe Agreements” to be signed with CEECs seeking EU accession.

It was in this context that the EU developed its policy towards Russia and drafted the Partnership and Cooperation Agreement (PCA) between the EU and the Russian Federation. The PCA’s lengthy text was based on the EU’s conception of how its neighbourhood relations should be organised and became a weak derivative of the “Europe Agreements”. The first principle of the 1994 PCA with the Russian Federation declares “the paramount importance of the rule of law and respect for human rights, particularly those of minorities, the establishment of a multiparty system with free and democratic elections and economic liberalisation aimed at setting up a market economy”. The EU and Russia agreed that “respect for democratic principles and human rights as defined in particular in the Helsinki Final Act and the Charter of Paris for a New Europe, underpins the internal and external policies of the Parties and constitutes an essential element of partnership and of this agreement”. The PCA relationship was designed as one of soft political coordination rather than strict conditionality. The EU has persuaded Russia that human rights matters should be included in the EU-Russia cooperation agenda, but it did not take advantage of the mid-1990s window of opportunity to push for a more legally binding agreement regarding human rights.

Further events clearly demonstrate that cooperation between the parties suffers in large part from the continuing and even sharpening divergences that arise from the fundamental self-identification of either the EU and Russia and from their views of each other’s will and ability to seriously engage in human rights matters. While the EU has repeatedly stressed its commitment to serve as one of the principal guardians of human rights on the Eurasian continent, Russia questions the EU’s ability to develop a pan-European human rights regime and the very necessity of such attempts given the existence of the Council of Europe. While the EU criticises Russia for its poor human rights record, Russia questions whether EU policy actually matches its rhetoric.

Within Russia the debate is intensifying. On one hand, Russian political leaders repeatedly argue that modern ‘Russian-ness’ is deeply embedded in ‘European-ness’ and that Russia shares the EU’s values of democracy, good governance and respect for human rights. Culturally and politically, they say, Russia belongs to Europe; Russians value human rights as highly as other Europeans do; and Russia’s EU partnership is an expression and recognition of Russia’s European identity. On the other hand, many Russians argue that Russia is distinct from European civilisation, and rather than ape EU values, Russia should break its ideological dependence on Western theories, articulate its own unique values, and defend the ‘Russian versions’ of human rights, democracy, and good and effective governance. This argument leads to claims that the EU has not always been equitable, as it “employs” double standards in assessing the human rights situation in Russia and imposes alien values and governance models on the tacit understanding that, unlike EU member states, Russia requires constant scrutiny, shaming and the presence of potential negative measures to ensure human rights are respected. Against this backdrop, it is not surprising that Russia has resisted EU proposals to dedicate more time and space to human rights-related issues within the Four Common Spaces Agreement.

Debate is also intensifying within the EU. Some European decision-makers, concerned by the worsening human rights situation in Russia that is constantly reported by human rights NGOs,

go out of their way to place human rights at the top of the EU-Russia agenda and advocate the inclusion of appropriate clauses in the new PCA (which, in their view, will bind the Kremlin to abide by international human rights legislation). Others show much less eagerness to subordinate other key issues in the EU-Russian relationship to criticism of Russia's domestic situation and appear ready to sign "sectoral agreements" that will ensure trade, transport, energy and investment links with Russia at the expense of insisting on "problematic" clauses about human rights and rule of law. Many within the EU question how far the EU should go in deepening the declared "strategic partnership" when the human rights values gap between the two parties is widening. There are also questions about how to bridge the gap between the EU's ambitious goal of instilling Russia with European values and its relatively limited achievements in this endeavour. In this context, a key practical issue is whether and how to reform EU human rights policy and rule-of-law assistance to Russia.

To date, the EU has developed a complex mix of human rights policy instruments (see Box 2) and an ambitious external governance agenda that seems in large part to concern the transfer of EU visions and practices to its new neighbours. This agenda has been fundamentally shaped by the belief that the EU can act as a 'norm-sender', i.e. can succeed in inducing its neighbours to conform to its norms and rules and thus trigger policy changes in the new EU neighbourhood. The EU external agenda employs symbolic, material, and institutional means of influence and several strategies for promoting human rights protection, including:

- Shaming: creating an international and domestic climate of opinion critical of national human rights violations;
- Positive/negative conditionality: offering or withdrawing assistance, trade or association agreements and promises of potential EU membership in response to a neighbour's human rights-related behaviour;
- Cooptation: gradual and limited involvement of policy actors from neighbouring states in the EU policy-making process in a way that triggers their behavioural adaptation and induces social learning.

*Box 2. EU human rights policy instruments*

- ✓ Diplomatic pressure in response to human rights violations, through a confidential or public demarche, joint statement, refusal to act on partner initiatives or deferment of signatures needed to implement agreements; human rights dialogues and consultations can also be used as a form of diplomatic pressure.
- ✓ Scrutiny (monitoring) that is designed effectively and employs various sources of information (reports by Commission delegations and relevant member state embassies; assessment by international organisations including the Council of Europe; international and local NGO reports).
- ✓ Negative measures, which can include a number of graded responses to third country human rights violations (postponement of new projects; reduction of cultural, scientific or technical cooperation programmes; trade embargoes; suspension of cooperation with the state concerned).
- ✓ Positive measures that have been considered an essential element of external human rights policy and include technical and financial assistance programmes (such as PHARE, TACIS and, recently, the ENPI) and the EIDHR, which grants financial assistance to non-governmental actors worldwide.

For the topic at hand, it is important to stress that the EU proclaims its eagerness to introduce the non-governmental element into its policies. From a more theoretical perspective, the supportive conceptual framework informing EU human rights promotion policy seems to draw inspiration from at least two theories: liberalism and constructivism. EU policy presupposes the existence of non-state actors who (as liberals would argue) can be motivated to pressure governments to conform to human rights norms or (as constructivists would argue) become agents of a ‘Europeanisation-by-socialisation’ process that in due course would transform human rights values in Russian society and government.<sup>28</sup> From a policy perspective, it is important that both approaches merge in their conceptualising NGOs as influential agents of policy change. Against this background, it is not surprising that NGO involvement in human rights policy-making has become an obsession of EU policy-makers over the past decade.

The crucial importance of NGOs to human rights and democracy promotion has been acknowledged in official EU texts, and the idea of promoting human rights in Russia through Russian human rights NGOs has become embedded in EU policy discourses. Thus, at the rhetorical level, support for Russian human rights organisations has become an integral part of the working agenda by which Brussels has set out to transfer European norms and values to Russia. In general practice, the EU’s commitments include: maintaining and encouraging dialogue between EU institutions and Russian human rights NGOs; promoting NGO involvement in certain human rights-related practices (in particular, monitoring and consultation); ensuring access to funding resources; helping organisations to establish links outside their own country; and providing the sector with a higher profile. More specifically, EU assistance to Russian NGOs has been particularly intense in three of these areas.

First, the EU practice of monitoring and reporting human rights situations in third countries involves significant information-sharing between EU institutions and local human rights NGOs. Russian NGOs have become an important source of information and expertise concerning the human rights situation in the Russian Federation. Information provided by NGOs is used to prepare EU mission annual human rights “fact sheets”, EU Annual Human Rights Reports, and background papers for discussions and hearings at EU institutions. Sometimes, Russian NGOs bring actual cases of human rights abuses to the attention of the Commission’s directorates and the Delegation in Moscow.<sup>29</sup> In other cases, rather than waiting for information from local organisations, the Directorates General and European Parliament may commission Russian NGOs to prepare reports on the country’s human rights situation. By doing this, EU policy-makers not only obtain information but simultaneously establish an NGO’s reputation as an effective watchdog and valuable source of expertise.

In general, Russian NGO involvement in EU human rights monitoring is designed effectively and functions well. Closely monitoring the activities of Russian state agencies, many Russian human rights NGOs clearly demonstrate their ability to act as watchdogs. But organisations involved in scrutiny activities initiated by external actors usually face serious difficulties when trying to build trust and partnership with domestic governmental agencies. Thus active involvement in EU human rights monitoring may seriously restrict an NGO’s ability to build positive relationships with state actors and educate them using EU-sponsored human rights ideas. This is quite well illustrated by the dynamics of EU-Russia human rights consultations.

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<sup>28</sup> For more on theoretical discussions, see Hans Peter Schmitz and Kathryn Sikkink, “International Human Rights”, in W. Carlsnaes, T. Risse and B.A. Simmons, *Handbook of International Relations*, SAGE Publications, London, 2005: 517-538.

<sup>29</sup> Communication channels between Russian human rights NGOs and the Commission are so well developed that it can take less than two hours to report a case of human rights abuse in any Russian region to Commission offices in Brussels.

Second, the EU appears to be making a serious effort to bring human rights NGOs into the EU-Russia human rights dialogue. In 2006, the EU proposed design changes to EU-Russia human rights consultations, namely to broaden the list of participants from Russian ministries. The other proposal was for Russian officials to take part in additional, less formal consultations during which human rights issues are discussed with representatives of international and Russian NGOs. To date, this initiative has not been realised, in large part because Russian officials insist on keeping these talks “conventional and professional” and for the sole purpose of directly and constructively discussing sensitive issues with their European colleagues without the presence of the press or watchdog NGOs.

*Box 3. EU Human Rights Dialogues/Consultations*

EU Human Rights Dialogues (HRD) is a new type of human rights policy instrument, implemented in reaction to the inability of the UN Commission on Human Rights to address serious and well-documented human rights violations in China. The EU’s first institutionalised HRD was initiated with China, followed by Iran and, more recently, Central Asian countries (Uzbekistan, Turkmenistan, Kazakhstan, and Kyrgyzstan). In addition, HRD are conducted in the context of EU-ENP relations with Egypt, Morocco, Israel, Jordan, Lebanon and Tunisia.

EU HRD guidelines were developed and adopted in 2001 and then slightly revised in 2004. The main aims of HRD are (1) to improve the human rights situation in the country with which the dialogue is initiated and (2) to keep the channel of communication open with regard to human rights. HRD results are yet to be evaluated, and the Committee on Foreign Affairs-Subcommittee on Human Rights of the European Parliament is currently in the process of preparing a report on their functioning.

Russia became the third country, after China and Iran, with which bilateral discussions on human rights were organised. It was agreed at the November 2004 EU-Russia summit that the EU and Russia would have senior level Human Rights *Consultations* twice a year; Russia refused to accept the term “dialogue”, as they did not want to be perceived as occupying the same category as China and Iran. Russia is represented by officials from the Department of Humanitarian Cooperation and Human Rights of the Russian Ministry for Foreign Affairs; and the European Union by officials from the EU Presidency (current and forthcoming), the European Commission and the Council. To date, there have been six rounds of EU-Russia Human Rights Consultations (with the most recent being held in October 2007), which have addressed a wide range of issues. As these consultations are deemed to be held on a “reciprocal basis”, their agenda includes discussions on human rights and fundamental freedoms not only in Russia but also in the EU and worldwide. Facing constant difficulties in drafting a joint press release, the Russian and EU sides issue separate press releases summarising discussions during the Consultations.

At the time of this writing, it is clear that all parties involved feel the consultations are unsatisfactory (see Box 3). To the EU, the consultations continue to be important, as they help to keep the channel of communication open with regard to human rights, but they also seem to be ineffective and limited to repeating the same message year after year. Russian NGO representatives argue that the consultations have reached a dead end, mainly because EU representatives, Russian officials, and international and Russian NGOs have so far failed to hold joint talks.<sup>30</sup> In the official Russian view, the effectiveness of the consultations is seriously

<sup>30</sup> RFL/RL, 3 October 2007, <http://www.rferl.org/featuresarticle/2007/10/D264D180-8A70-4CC6-92E1-A0B0894184D1.html>.



undermined by the incoherence between EU internal and external human rights practices: human rights issues acquire a much more significant presence in the EU's Russia policy than they do internally. The EU has developed an effective structure of human rights scrutiny for external, including Russian, cases, but still lacks any systemic approach to address human rights problems within the EU.<sup>31</sup>

Third, the EU has spent and continues to spend considerable financial resources on a complicated variety of programmes and projects to assist NGOs. EU assistance to Russia, including civil society assistance, has been embedded in and shaped by the larger institutional landscape of EU foreign aid.

For over a decade, the main instrument of EU assistance to Russia was the TACIS programme,<sup>32</sup> which was launched to provide grant-financed technical assistance to support the transition of Russia (and all other former Soviet Republics with the exception of the three Baltic states) to a market economy, democracy and the rule of law. From 1991 to 2005, among post-Soviet countries, Russia received the largest amount of EU support: €2.7 billion, or about half of all TACIS funding.<sup>33</sup> Human rights promotion and assistance to actors involved in fostering the rule of law in Russia was proclaimed as a TACIS priority.<sup>34</sup> The EU implemented a number of TACIS-based programmes designed primarily to support Russian civil society. They include the LIEN (Link Inter-European NGOs) Programme and its successor IBPP (Institutional Building Partnership Programme), which aimed to link Russian NGOs and local/regional authorities with their EU counterparts.<sup>35</sup> Although EU officials often state that Russian NGOs constituted the majority of organisations selected as TACIS project partners, at the time of this writing no complete data on TACIS financial aid to NGOs were available.

From the very beginning, the process of offering EU assistance was confusing, particularly financing and project selection. But in 1994 many resources were categorised under one budgetary heading entitled the European Initiative for Democracy and the Protection of Human Rights (EIDHR).<sup>36</sup> Created by a European Parliament initiative, the EIDHR uses a more thematic approach, offering assistance to NGOs active in democratisation and human rights. The EIDHR is unique among EU programmes because it does not require host government

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<sup>31</sup> Author's interview with Mikhail Evdokimov, 16 February 2007.

<sup>32</sup> In the last year of its existence, TACIS was known as the EU-Russia Cooperation Programme.

<sup>33</sup> This money, a proportion of which was channelled through or granted to NGOs, was used in 1,500 projects in 58 regions. TACIS used a project-management approach, with projects proposed either by the Commission or by member state delegates. Once a project is adopted, a call for tender follows to solicit proposals on project implementation. A call for tender normally included both general and specific objectives and a description of eligible costs. Applicants were normally given either 60 or 90 days to submit the full application including proof of eligibility documentation and a detailed budget. The European Commission selected the final project partner from among completed tenders submitted on time.

<sup>34</sup> The "Country Strategy Paper 2002-2006 on Russia", adopted by the European Commission within the TACIS framework, stipulated that "the EU cooperation objectives with the Russian Federation are to foster respect of democratic principles and human rights, as well as transition towards a market economy". Since 2000 TACIS national programmes had three priority areas for each target country. The last TACIS regulation, which covered the years 2000 to 2006, identified the following priorities for Russia: support for institutional, legal and administrative reform, support for the private sector and economic development, support for addressing the social consequences of transition.

<sup>35</sup> From 2001 to 2005, the IBPP-CS programme budget has totalled €28 million and 135 projects have been supported.

<sup>36</sup> It was renamed the European Instrument for Democracy and Human Rights (EIDHR) in December 2006.

consent and offers assistance only to NGOs based in the recipient country.<sup>37</sup> Thus the EIDHR can enable the EU to develop civil society support to some (albeit modest) degree in opposition to governments. Moreover, some European politicians see the EIDHR as unique among other EU human rights and democracy assistance programmes since it is “the single mechanism left for the EU to influence the Russian human rights situation as all other purely democratic projects have turned out to be almost totally fruitless”.<sup>38</sup>

Since its 1997 launch in Russia, the EIDHR has supported over 250 projects. From 1997 to 2000, it assisted Russia with approximately €8 million for projects covering a wide range of EU policy objectives including raising human rights awareness. The overall indicative amount available for Russia under the 2005 Call for Proposals was €870,000. For 2005, the European Commission received 94 applications and chose to fund 11 Russia-based micro-projects. For 2007, 15 Russia-based micro-projects were assisted with approximately €1.45 million.<sup>39</sup> According to the Country Strategy Paper on Russia (2007-2013), the EIDHR will continue to be an EU financial instrument in support of enhancing respect for human rights and bolstering the role of civil society in the promotion of human rights. Funding will be provided to national and international NGOs and international organisations, including certain UN bodies.

Since January 2007, the European Neighbourhood and Partnership Instrument (ENPI), in liaison with the European Neighbourhood Programme (ENP), has been the principal new tool for providing assistance to the EU’s neighbouring countries. This instrument has been designed to finance activities that had previously fallen under TACIS budgetary lines. The ENPI will be the main EU financial instrument for supporting partnership implementation with Russia. External assistance under the ENPI is subject to a six-year programming cycle: every six years the European Commission drafts Country Strategy Papers, which elaborate assistance priorities for the following six years. In the spring of 2007, the Strategy Papers for 2007 to 2013 were released, according to which Russia’s national allocation will be €30 million per *annum* – that is, less than half the average annual allocation to Russia in recent years under the TACIS programme.<sup>40</sup> Certain proportions of the national allocation will support actions mentioned in the Four Common Spaces, the development of the North Caucasus and Kaliningrad Region and complement the so-called Russian ‘national projects’. Although the Country Strategy Paper states that the Delegation in Moscow will take human rights issues into account when designing financial instruments for projects based in Russia, the amount of human rights assistance under ENPI is not yet clear.

These changes in EU assistance to Russia are certainly part of the broader reform recently launched to replace a complicated variety of external assistance programmes with a single, more effective and policy-oriented instrument: the ENPI. At the same time, they are also shaped by the dynamics of EU-Russia relations. It appears that previous assistance programmes largely failed to contribute to radical improvements in EU-Russia relations, at least with respect to human rights. The growing debate within the EU and the dramatic reduction of EU assistance to Russia planned for the budgetary period 2007-10 can both be seen as signals that EU policy-

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<sup>37</sup> In contrast to the EIDHR, all assistance under TACIS is dependent on the recipient country government’s approval.

<sup>38</sup> Edward McMillan-Scott’s speech at the EU-Russia Centre Public Hearing held at the European Parliament, Brussels, 22 November 2006.

<sup>39</sup> See [http://www.delrus.ec.europa.eu/ru/docs/award\\_notice1.pdf](http://www.delrus.ec.europa.eu/ru/docs/award_notice1.pdf).

<sup>40</sup> “EU Country Strategy Paper (2007-2013): Russian Federation”, (see [http://ec.europa.eu/external\\_relations/russia/csp/2007-2013\\_en.pdf](http://ec.europa.eu/external_relations/russia/csp/2007-2013_en.pdf)). National allocations for the budgetary period 2007-10: Russia, €120 million; Georgia, €120 million; Moldova, €209.7 million; Ukraine, €494 million.

makers are dissatisfied with the result of Russia-oriented programmes implemented before 2007. A number of interviewees in Russian NGOs and governmental agencies confirmed that EU assistance to Russian NGOs can hardly be considered a success story.

But the impact of foreign assistance on Russian NGO development has been hotly disputed by policy analysts. Some argue that foreign funding has fundamentally shaped and even created the Russian NGO community, while others insist that it has had a limited effect. I support the argument that foreign assistance almost always has an impact on the NGO sector it supports, but the results of this influence depends in large part on how the assistance has been managed and on its broader strategy.<sup>41</sup>

Certainly, it would be a mistake to dismiss the importance of EU assistance programmes to Russian NGOs. The very existence of such programmes encourages and facilitates the activities of NGOs that aim to introduce European values, norms and practices into Russian policy-making. To some extent it is true that “the EU may not act – in a conventional sense of this word – but in the meantime exercise influence by the virtue of its ontological existence, its very presence, even *without taking particular actions*... The EU subjectivity is manifested, to a large extent, through a force of example”.<sup>42</sup>

For many Russian human rights NGOs EU assistance provides additional but very important opportunities to gain access to European policy networks and to aggregate transnational (European) knowledge and competence. EU-sponsored initiatives provide both a rationale and an opportunity for NGO actors to come into contact with their EU counterparts, share common vocabularies, world views, professional knowledge and become involved in skills transfers. Thus EU assistance offers Russian NGOs at least three important opportunities: knowledge, network connections and funding.

However, EU human rights NGO assistance policies often fell short of their potential to develop the non-state transfer of European ideas, norms, and practices or to assist the development of the Russian NGO community. The cause of these failures is an inherently flawed EU external assistance policy. Four shortcomings in particular are to blame.

The first important shortcoming of EU policy is that EU policy-makers, all their rhetoric notwithstanding, have yet to decide how important and in what respect their support for Russian NGOs should be. While NGOs are addressed through different EU programmes, there seems to be no clear strategy or prioritisation of assistance across different fields and areas. At present, EU assistance to Russian NGOs represents ad-hoc project-based financing rather than a coherent policy of building NGO capacity to extend Europeanisation into Russia.

Second, the EU has been reforming its external assistance for years, and the reforms have so far produced controversial results. Driven by valid concerns over financial accountability and effectiveness, the EU has been using financial regulations that require stricter financial control than the usual standards of either the public or private sector.<sup>43</sup> Consequently, given the complexity of the application and reporting requirements, EU assistance has not been easily accessible to local non-state actors lacking expert knowledge of EU systems. Grants are repeatedly awarded to organisations with a proven ability to follow EU procedures and

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<sup>41</sup> Lisa McIntosh Sundstrom, “Foreign Assistance, International Norms, and NGO Development: Lessons from the Russian Campaign”, *International Organizations* 59, Spring 2005, p. 421.

<sup>42</sup> Andrey Makarychev, “Subjects vs. Structures: Conceptual Interrogations of the EU Pathways of Influence upon Russia”, *Promoting Four Freedoms and Four Spaces in the Baltic Sea Region*, Research Bulletin No. 2, 2006, pp. 9-10.

<sup>43</sup> K. Raik, *Promoting Democracy through Civil Society: How to Step Up the EU’s Policy towards the Eastern Neighbourhood*, CEPS Working Document, No. 237/February 2006.

reporting requirements, while newer, smaller NGOs with short grant histories are often left without funds. The other problem is that EU policies and practices often lead to self-censorship among NGOs and greater conservatism among EU officials. Organisations that are able to communicate by using the language and referring to the agenda current among EU policy-makers are more likely to be successful in their grant applications. As a result, grants are quite often awarded to organisations that have learned the EU's bureaucratic language and agenda rather than to NGOs that are ready to experiment with innovative projects and eager to find new ways to realise transformative change in sensitive political contexts.

Third, although current EU human rights assistance programmes are expanding in Russia, there is still a lack of accumulated knowledge about 'lessons learned' by both EU policy-makers and human rights NGOs. Although NGOs are required to present official reports as evidence that they take seriously the need to reflect on their own work, very often these reports are purely descriptive rather than analytical and strategic. Remarkably scant writing has come from the human rights policy community about the experience of Russian NGOs in the field that are trying to instil human rights norms and practices.

Fourth, it is crucially important to note that the kind of interactions that the EU desires with Russian policy-makers and non-state actors regarding human rights is far from obvious for many in Russia. Many Russians seem to lack a clear understanding of how they can benefit from a multitude of EU-sponsored projects implemented by Russian human rights NGOs. This can be partly explained by the paucity of media attention paid to the positive aspects of the EU's Russia human rights policy. EU criticism of Russia's human rights situation has usually attracted a lot of media coverage. Yet information on what the EU and NGOs have been doing in addition to critically monitoring the Russian state is difficult to find in the mass media. This can be partly explained by the serious lack of timely and easily accessible information about EU policy and implemented EU-sponsored projects, which in turn can be explained by EU and human rights NGO failures to overcome communication challenges. In the broader field of human rights assistance, the challenge has been to translate the overarching idea of human rights into a series of clear and appealing messages that can be communicated to decision-makers and the general public. At a more basic level, the challenge has been to develop an effective communication strategy to disseminate timely and valuable information about implemented EU-sponsored projects.

## **2. What should be done?**

Surely, the EU can sustain its human rights dialogue with Russia by continuing its current policy, but the result of this formal, modest and fragmentary process is very likely to disappoint both parties. If the EU is to develop as a serious actor in the field of human rights promotion, it will have to find new and creative ways to talk with Russians about human rights matters.

At a strategic level, EU policy-makers should answer several crucial questions about whether and how to re-design existing EU strategies for inducing Russia to protect human rights. First, how much emphasis should be placed on shaming, given that all EU efforts to shame the Russian government appear to have been unsuccessful? Shaming always requires domestic public support. To date, EU shaming strategies have succeeded in creating an international climate of opinion critical of Russian human rights behaviour but failed to undermine the Russian government's reputation at home. Moreover, EU shaming strategy has not resulted in major policy victories and has tended to increase the detachment from the wider Russian population of those human rights NGOs that are involved in shaming and monitoring. Second, how effectively can positive or negative conditionality be used regarding a country that is voluntarily distancing itself from the EU and with which the EU seems to exist in great interdependence? At the moment, there is little evidence from Russia that positive or negative

conditionality in support of human rights are effective. Moreover, for many in Russia the credibility of human rights conditionality has been undermined because of widely accepted views that EU conditionality measures regarding Russia are not always guided by objective and equitable criteria. Third, how successfully can a cooptation strategy be employed, given that Russia has refused to be part of the ENP and has resisted EU proposals to place more emphasis on human rights issues within the Four Common Spaces Agreement? The problem is that Russia finds such a strategy unacceptable unless it has a say in designing EU policies, but non-members cannot be part of EU internal decision-making.

EU human rights promotion strategies seem to be ill-adapted to the current context of the EU-Russia relationship. These strategies are largely designed as an experimental, weaker derivative of the policy developed in the course of EU enlargement and are based on the belief that the EU acts as a magnet, leading neighbouring countries to revolutionary policy changes, as evidenced by Central and Eastern Europe in the 1990s. EU policy-makers have often commended the enlargement policy and role played by NGOs in human rights promotion in Central and Eastern Europe, and repeatedly professed themselves as eager to duplicate this experience elsewhere. However, this success may be difficult to replicate, since the contemporary situation in Russia is very different from that of early 1990s Central and Eastern Europe. In contrast to the latter, neither the majority of Russian policy-makers nor broad sectors of Russia are convinced of the benefits of the policies offered and models espoused by the EU. Therefore, it would be a serious mistake to expect that ‘European-ness’ would be quickly instilled in Russia in the same way it was in other neighbouring countries.

Russia puts EU policy to the test, as demonstrated by the lack of real progress in the ongoing dialogue between the two parties. This situation demands a profound rethink of the EU approach to human rights promotion: either existing EU policy will be restructured to meet new challenges or Russia will continue to limit EU-Russia human rights cooperation.

In response to this situation, the EU should adopt a three-fold policy. First, the EU should put aside unrealistic expectations of speedy policy change in Russia. Fostering human rights protection should be extended through a slower process. The EU not only does not need to rush to change Russian views; strongly pressuring actors inside and outside the government to commit themselves to the EU’s understanding of human rights before they are ready to voluntarily accept it is to invite disappointment and open non-compliance. Second, the EU should focus on engaging Russia through other multilateral organisations that share a common human rights vision. While it is difficult to develop direct dialogue between the EU and Russia over human rights, opportunities exist to use other human rights regimes in which Russia has been involved. It is important to foster a sense of Russia’s belonging to the pan-European milieu where human rights norms, values and practices are shared. In particular, the EU should take advantage of mechanisms and commitments that Russia has entered into within the framework of the Council of Europe. EU support for Russian human rights NGOs could also be channelled through the Council of Europe. Third, EU assistance should be increased to Russian civil society organisations in the field of human rights and rule of law promotion. To date, the EU has largely escaped the opprobrium attracted by many other Western donors and could use its comparatively neutral image to continue support for those Russian actors who have been trying to advance human rights-related projects. But there is also a dire need for improving the quality of EU assistance.

At an operational level, EU policy-makers should answer the question of how to tailor large budgets and a complicated amalgam of assistance programmes and instruments to the Russian context. Derived from the analysis of current practices, the following steps are recommended:

1. *Develop new forms of cooperation between various EU institutions and actors and Russian NGOs.*

This would require not only consultations with individuals representing the Russian NGO community, and not only support for various NGO-led projects, but also the consistent involvement of civil society organisations in discussing and preparing new partnership agreements between the EU and Russia. Cooperation between EU policy-makers and Russian NGOs should not limit itself to the modest input of information from NGOs on the country's human rights situation or to new European initiatives and tenders from the EU. Russian actors must provide regular input on the design and implementation of human rights assistance programmes and other EU human rights initiatives. Russian policy analysts could be encouraged to provide independent assessments of project success, to submit reports on the extent of EU support for human rights in Russia, and to produce human rights and the rule of law strategy papers. This would ensure that EU-sponsored initiatives and projects would be more tailor-made for Russia.

## *2. Develop and implement effective public communication strategies.*

To date, the striking aspect of EU policy is the limited amount of effort devoted to reaching the Russian public and raising the visibility of EU human rights projects. Perhaps it is partially the result of the highly bureaucratic nature of EU policy towards Russia and the role of Brussels bureaucrats as the principal intermediaries. EU officials almost never share their hopes, aims and misgivings with the Russian public or even the elite. But if the EU is serious about playing a greater role in human rights promotion, it should develop its public diplomacy capabilities and consider how to better address and listen to the Russian public. For example:

- The EU must become increasingly sophisticated in composing messages for the Russian public (and the state) regarding human rights observance. The ability to frame human rights issues in terms appealing to Russians would help to build public awareness and change the way human rights and human rights NGOs are seen and treated.

At the moment, EU actors, both collectively and through key bilateral contacts, have challenged what they see as Russian excesses in Chechnya and the Russian path to democracy. But neither EU concerns over Chechnya nor its worry over the lack of democracy have been much help. Had the harsh criticism over human rights issues been framed in more easily understood ways, the dialogue between the EU and the Russian public might have been more effective. Because of the Russian normative context discussed above, the ability to frame problems in terms of economic and personal rights are more likely to raise public awareness and support for human rights NGOs.

- The EU must increase its support for the public diplomacy and communications activities of the EU delegation to Russia. At the moment, the Moscow delegation appears to be working hard to make the delegation's website more user-friendly and raise the EIDHR's profile, but much remains to be done. There is a great need for timely, more detailed and user-friendly information in Russian about projects and programmes supported and run by the delegation.
- It is important to develop and harmonise communications activities of NGOs and recipients of EU support (including strategic communications planning and coordination, better research and feedback, enhancing project public profiles, and better use of multimedia and Internet tools). It would be useful if EU-supported human rights projects would have a proportional budget for communications and media outreach activities. NGOs must be encouraged to reach out to local media and other civil society organisations and improve their communications strategies.

## *3. Expand and improve EU assistance for Russian NGOs.*

Feedback from local actors highlights how EU initiatives have seriously suffered from the rigidity and inflexibility of funding procedures. There are many technical problems, because EU financial instruments are not user-friendly. Therefore, the EU has paradoxically discouraged rather than encouraged Russian NGOs to benefit from EU funds. The establishment of a coordinating unit within the Commission and/or EU foundation to deal specifically with all assistance to NGOs is worth serious consideration. In the meantime, the EU should re-design and simplify its contracting and accounting procedures and become more responsive to NGO requests.

- To make the application procedure more user-friendly, new tenders should be well publicised and calls for proposals announced well in advance. Although exact details may be provided at the time of the call, advance notice should provide a tender's basic rationale and purpose. It is useful to organise regular information campaigns to communicate to local NGOs in various Russian regions opportunities, requirements and conditions of EU-funded programmes, and to publicise a set of minimum standards and requirements for NGOs that, in the Commission's view, are eligible for EU funding. This information will eventually help NGOs to identify grants and programmes for which they can apply.
  - Reporting procedures for EU-funded projects must be simplified. Demand for written reports and various financial reporting documents has increased and rules gradually tightened in Russia. NGO staff at all levels already put many hours into writing detailed reports to various Russian state agencies. Therefore, the EU's extremely tedious reporting procedures are not well tailored to the reality of Russian NGOs, especially given that this reality has been dramatically challenged by new Russian legislation on NGOs.
  - It is crucial to provide funding for small local NGOs. At the moment, EU funding programmes are predisposed to large professional NGOs with the ability to meet the cumbersome application and reporting requirements and, often, with a good command of English and strong understanding of the EU system. Certainly, many Russian human rights NGOs are led by experienced experts and project managers and can cope with complicated EU funding schemes. But there are also many small, active NGOs across many regions, managed by people with strong social and human rights principles. For many of them EU support would allow them to survive and grow in a difficult environment, but most of these organisations cannot afford to engage in a battle for EU funding. Establishing a new system of flexible micro-projects would bring EU support to these small local NGOs.
4. Place more emphasis on assessing and publicizing success stories and lessons learned from more than a decade of human rights assistance to Russia.

A systematic 'lessons learned' exercise, examining the effectiveness and shortcomings of EU human rights assistance to Russia over the past decade, would help the EU develop more sophisticated and nuanced initiatives and provide further accountability for its policies. What is at stake here is determining the EU's ability to deliver results and act as a problem-solver.

## References

- Alekseeva, L. (2000), “Private measures by which to ensure fundamental rights in present-day Russia: a view from inside”, *Helsinki Monitor*, Vol. 11, No. 3.
- CIVICUS Civil Society Index Report for Russia (2006), Moscow (retrieved from [http://www.civicus.org/new/media/CSI\\_Russia\\_Country\\_Report.pdf](http://www.civicus.org/new/media/CSI_Russia_Country_Report.pdf)).
- Doklad Obshestvennoj palaty Rossijskoj Federatsii o sostojanii grazhdanskogo obshestva (2007), Moscow (retrieved from <http://www.oprf.ru/files/final.pdf>).
- European Commission (2006), EU Country Strategy Paper (2007-2013): Russian Federation (retrieved from [http://ec.europa.eu/external\\_relations/russia/csp/2007-2013\\_en.pdf](http://ec.europa.eu/external_relations/russia/csp/2007-2013_en.pdf)).
- Gerber, T. and S. Mendelson (2001), “How Russians Think about Human Rights: Recent Survey Data”, Ponars Policy Memo 221.
- Gerber T. and S. Mendelson (2003), “Strong Public Support for Military Reform in Russia”, Ponars Policy Memo 288 ([http://www.csis.org/media/csis/pubs/pm\\_0288.pdf](http://www.csis.org/media/csis/pubs/pm_0288.pdf)).
- Krastev, I. (2006), “Democracy ‘Doubles’”, *Journal of Democracy*, Vol. 17, No. 2 ([http://www.cls-sofia.org/uploaded/1146585071\\_4\\_krastev\\_pp\\_52-62.pdf](http://www.cls-sofia.org/uploaded/1146585071_4_krastev_pp_52-62.pdf)).
- Konovalova, L. and V. Yakimets (2001), “Sotsialnoe partnerstvo mezdu gosudarstvom I nepravitelstvennym sektorom kak factor razvitija grazhdanskogo obshestva I effektivnogo upravlenija”, *Obzornyj doklad, Moskovskoe bjuro UNESCO*, Moscow (<http://peace.unesco.ru/docs/konovalova.pdf>).
- Makarychev, A. (2006), “Subjects vs. Structures: Conceptual Interrogations of the EU Pathways of Influence upon Russia”, *Promoting Four Freedoms and Four Spaces in the Baltic Sea Region Research Bulletin*, No. 2, pp. 9–10.
- McIntosh Sundstrom, L. (2005), “Foreign Assistance, International Norms, and NGO Development: Lessons from the Russian Campaign”, *International Organizations*, Vol. 59, pp. 419–449.
- Mendelson, S. and J. Glenn (2000), “Democracy Assistance and NGO Strategies in Post-Communist Societies. Democracy and Rule of Law Project, Global Policy Program”, Carnegie Endowment for International Peace Working Papers, Washington, D.C.
- Moravcsik, A. (1995), “Explaining International Human Rights Regimes: Liberal Theory and Western Europe”, *European Journal of International Relations*, Vol. 1, No. 2, pp. 157–189.
- Popesku, N. (2006), “Russia Soft Power Ambitions”, CEPS Policy Brief, No. 115, Brussels.
- Raik, K. (2006), “Promoting Democracy through Civil Society: How to Step Up the EU’s Policy towards the Eastern Neighbourhood”, CEPS Working Document, No. 237, Brussels.
- Schmitz, H.P. and K. Sikkink (2002), “International Human Rights”, in Walter Carlsnaes, Thomas Risse and Beth A. Simmons (eds), *Handbook of International Relations*, London: Sage Publications, Ltd., pp. 517–548.
- Sevorstyan, A. (2005), *Issledovanie effektivnosti raboty pravozashitnyh organizatsij*, Moscow.
- Spence, M. (2005), “The Complexity of Success: the U.S. Role in Russian Rule of Law Reform”, Carnegie Endowment for International Peace Paper, No. 60, Washington, D.C.
- Williams A. (2004), *EU Human Rights Policy: A Study in Irony*, Oxford: Oxford University Press.



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