



The Enforcement of Russia's “Foreign Agents Law”

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CREES-FMSO 2011-12 Research Assistantship

This publication is part of a collaborative program between the Center for Russian, East European and Eurasian Studies (CREES), University of Kansas and the U.S. Foreign Military Studies Office (FMSO) at Fort Leavenworth. This analysis does not necessarily reflect the views of the FMSO.



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Introduction by Ray Finch, FMSO

For much of its history, Russia has associated the notion of a strong state with political and economic security. This belief has become a central tenet in President Putin's power-vertical philosophy, where anything not controlled or monitored by the state is viewed with suspicion. Much of this mistrust stems from the trauma of the 1990s, when Russia was wracked by considerable economic and political instability. In the Kremlin-approved trope, rather than assigning blame on domestic factors for this distress and uncertainty, many Russian leaders have accused the west (particularly the US) for both inciting this volatility and also taking advantage of Russian weakness.

While brewing since Putin was elected to the presidency in 2000, these fears of foreign intervention/influence resurfaced after the questionable Duma elections and Putin's decision to return to the Kremlin as president in the fall of 2011. The Kremlin was concerned that public dissent might grow and spread in something akin to the Arab Spring. In an attempt to prevent protest (and to limit the foreign influence which Kremlin leaders maintained was the cause), legislation was enacted which severely restricted the activities of non-governmental organizations (NGOs) which receive funding from outside of Russia. In this brief study, CREES-FMSO Research Analyst, Dezeree Hodish examines the background and initial implementation of this legislation.



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Introduction

In July 2012 President Putin signed a law entitled, “Introducing Amendments to Certain Legislative Acts of the Russian Federation Regarding the Regulation of Activities of Non-commercial Organizations Performing the Function of Foreign Agents.” On 21 November 2012 the law went in to force. More popularly called the “Foreign Agents Law,” the purpose of this legislation was to place nongovernmental organizations (NGO)¹ and their finances under the purview of Russia’s Ministry of Justice.² According to the International Center for Not-For-Profit Law, Russia has approximately 220,000 NGOs,³ with over thirty types supported by donations and government, as well as nongovernment sources.⁴ The majority of NGOs work in the environmental and social spheres, while approximately fifty NGOs work specifically towards safeguarding human rights.⁵ According to the new legislation, all NGOs must register with the Ministry of Justice and agree to oversight by The Office of the General Prosecutor.⁶

After the Foreign Agents Law went into effect, all NGOs that are not supported by the state, and that work in science, culture, art, health protection, social support, animal and plant care, charity, and volunteerism had to register as foreign agents if they were involved in “political activities.” According to the law, “political activities” refer to “organizing political acts in order to exert an influence on the making of decisions by state organizations concerning changes in state policy exercised by them’ and influences public opinion ‘in those aims.’”⁷ In addition to registering as foreign agents, these NGOs must also publish biannual reports, undergo financial audits⁸ and inspections, and print on any published document that the document is a product of a foreign agent.⁹ NGOs who fail to register face a plethora of fines and possible jail time. Fines range from three thousand to one million rubles (that is, between roughly one thousand and three hundred thousand US dollars).¹⁰

The general public's inherent suspicion and lack of familiarity with NGOs has limited most discussion of the Foreign Agents Law to the realm of Russian television and the press. These media outlets, heavily controlled by the government, continually detail infractions of the law by popular NGOs in order to illustrate the law's effectiveness to the Russian populace. The BBC's *Russian Media Environment Guide* notes that the three state-run TV channels—Rossiya 1, Channel 1, and NTV—are still the most popular channels, and all three have “relentlessly attacked Putin's opponents and actively promoted the conservative, anti-Western backlash that has so far characterized his third term in office.”¹¹ Similarly, the Russian press, while not as influential as television, is still one of the main sources of information for over a quarter of the Russian population.¹² There are several independent papers that provide coverage of the Foreign Agents Law, but some of the most widely read papers are state controlled. Russia's media climate is not conducive to spreading objective reporting regarding the application of the law, thereby providing the majority of Russians with a one-sided (that is, a government-sided) viewpoint of both the enforcement of law and the activities of Russian NGOs.

This type of coverage exacerbates the anti-American narrative that has become embedded in Russian society.¹³ This narrative is attributable to the Kremlin's belief in America's “aggressive” expansion into Russia's business and social spheres after the collapse of the Soviet Union—expansion that ultimately contributed to, or alternatively caused, Russia's social and economic problems in the 1990s, including shock therapy and privatization.¹⁴ Applying this to civil society, the Kremlin often perceives Russian NGOs' collaborations with American NGOs as an inherent threat to the government's authority. Under this guise the Russian government is cracking down on NGOs that it views as a threat to the stabilization and affirmation of the legitimacy of Putin's administration, which, over the past year, has been challenged by increasing public criticism of its policies.

Arguments Supporting the Law

The original bill was proposed by Alexander Sidyakin, a United Russia lawmaker, to combat perceived American influence in Russian politics. Sidyakin insists that the Kremlin did not instruct him to propose the law, although critics disagree.¹⁵ He was an active supporter of increased penalties for protestors, and has spoken about his support of the Foreign Agents Law, which he deemed necessary for Russia. On his personal web page and on the Website of United Russia, he wrote that he believes it is necessary to inform protestors that they are attending events supported by “non-commercial organizations fulfilling the functions of foreign agents.”¹⁶ Other lawmakers insist that America has funneled over 160 million dollars into Russian NGOs.¹⁷

Indeed, a common trend in the application of the Foreign Agents Law has been the Russian government's attempt to link Americans with financing Russian NGOs and to find ways to reduce foreign influence in Russian civil society, thereby cutting the puppeteers' strings. For example, *The Voice of Russia*, the Russian government's world radio service, released a report, citing Foreign Ministry sources, claiming that the U.S. State Department is intentionally interfering with Russian domestic politics through their continued support of NGOs. This allegation, coupled with attacks on Department of State supported grant programs¹⁸ and the fining of NGOs that invite Department of State experts to round tables, illustrates that the Russian government is trying to crack down on Western influences in Russian civil society.¹⁹

The most publicized instance of alleged State Department interference occurred late in the summer of 2013, when the pro-Kremlin newspaper, *Izvestiya*, attacked the U.S. Peer-to-Peer Dialogue Program, a newly created program sponsored by the Department of State and administered by the Public Affairs Office at the U.S. Embassy in Moscow. According to the embassy's website, the program "...will provide small grants to support collaboration, including meetings, virtual interactions, exchanges, and internships, between American and Russian organizations..." The description notes that "projects must be non-political in nature and focus on Russian-American peer-to-peer dialogue or people-to-people engagement on themes of mutual interest."²⁰

Izvestiya argued that the program was the U.S. government's attempt to "save Russian NGOs oriented toward Western values and those that are continually opposing the government"—specifically those that the Foreign Agents Law targets.²¹ Most importantly, the paper alleged that the new program was a direct competitor to the Kremlin's grant program: "[Russian] political scientists think that the [U.S.] Department of State was concerned about the possible withdrawal of Russian NGOs from under the American financial umbrella."²² Former Secretary of State Hillary Clinton responded to allegations of U.S. financial support of internal Russian politics as false.²³

Arguments Against the Law

There are many arguments against the law; most focus on the law's use of the terms "foreign agent" and "political activities," which the Council of Europe recently stated do not comply with international standards governing NGOs.²⁴ Many people believe that the term "foreign agent" carries a negative connotation reminiscent of spies during the Cold War era.²⁵ NGO leaders argue that the embrace of such a connotation harms their work in society, since the populace will be inherently suspicious of them. Sidyakin, the politician who introduced the law, countered these claims stating: "I think the idea that 'foreign agent' means 'spy' is more of a hangover from the Soviet period in which our parents grew up...I don't think younger generations see the

expression this way. We should try to get over Cold War terminology. I believe there is nothing insulting in this term.”²⁶

Other opponents of the term “foreign agent” have also suggested that the law is laced with Stalinist overtones. Thorbjørn Jagland, General Secretary of the Council of Europe, stated:

This [foreign agent] was an expression that was used against dissidents during this period [Stalin’s era]. It is also very often used in other authoritarian regimes against everybody that has different views. It’s a simple way to get people out of the debate and to get the views you don’t like out of the debate. Just call them a foreign agent and you can shut up – you have nothing more to say... This is unfair, it’s inappropriate, and it shouldn’t be used in a modern lawmaking – it belongs to the past and it does not belong to a democratic society.²⁷

Since the law’s passage, there have been efforts to address concerns over its wording. For example, Russian Human Rights Commissioner Vladimir Lukin filed a complaint in the Constitutional Court challenging the usage of the terms “foreign agent” and “political activity,” claiming that they are “politically and legally vague.”²⁸ This vagueness allows for the arbitrary enforcement of the law, which fines organizations and their leaders for anything perceived as political. The basis of his complaint are the fines imposed on four NGOs that the government claims are engaged in foreign activities.²⁹ One organization, Kostroma, was fined because it had invited the United States Embassy’s deputy political counselor to participate in a roundtable discussion on America’s “reset” with Russia.³⁰ Lukin’s complaint stated that the Foreign Agents Law violates several articles of the Russian Constitution, including freedom of speech and freedom of membership in organizations.³¹

The U.S. Department of State also harshly criticized the law for its potential to limit freedom of expression in civil society. A spokesperson for the Department of State commented:

“Our concern is that this law is designed to intimidate those civil society activists and organizations that Russia needs most to promote the development of a modern, democratic society that’s free from corruption, that’s based on rule of law, and in which human rights are respected.”³²

Even many within Russia criticized the law. Many NGOs stated that they would not comply with the law, and Russia’s Public Chamber did not support its passage.³³ Furthermore, Mikhail Fedotov, head of the Presidential Human Rights Council, stated, “we [Russia] may become the only European country that made this step backwards. It’s harmful for our international image.”³⁴ According to Fedotov, the word “foreign agent” has a negative connotation that infers

“foreigners are bad, foreign money is bad....this contradicts our economic politics. A mission of the president’s is that we want to attract foreign investment in the private sector. This is an intelligent, progressive, and promising idea.”³⁵ Fedotov is referencing President Putin’s recent recommendation that the Human Rights Council organize an International Investment Forum for the Attraction of Foreign Funds and International Charitable Organizations into Socially Oriented Russian NGOs.³⁶

President Putin’s Position

Even President Putin has been critical of the law’s wording. In early August, he admitted that there needed to be a clear-cut definition of what constitutes political activity, but he reaffirmed his position that the law does not need to be more strict or lenient.³⁷ Since this admission Putin has shown a public willingness to work with NGOs in order to improve the law’s application. On 4 September, he attended a meeting with the Presidential Human Rights Council, during which Council members shared three suggestions for the law’s improvement. First, they recommend that the term “foreign agent” be changed to “NGO financed from foreign sources.” Second, the Council also agreed with Putin that “political activity” must be better defined, specifically tying it to political party activity. Lastly, members believed that changing the term “foreign agent” in the civil code would improve the law.³⁸

A source close to the Duma leadership believes that the Council’s suggestions have little chance for success, since there is an “understanding that a conceptual revision will not occur since the law is effectively fulfilling its preventative function.” Although, the source admits that the law’s phrasing “may be clarified.”³⁹ Putin seems to have affirmed this source’s predictions: he agreed with the Council’s recommendation to better define “political activity,” commenting that “political activity is primarily in the sphere of political parties,” but he reaffirmed his position that NGOs “engaged in politics supported by foreign money should openly designate themselves as such.”⁴⁰ Additionally, he did not appear to support the suggestions to remove the word “agent.” The influential independent Russian business newspaper, *Kommersant*, reported that, “judging by appearances, it is precisely this word that Vladimir Putin likes: it is impossible to find fault with it (it is a copy from English of an American law) and it sounds offensive, thus reaching its goal.”⁴¹

Whether or not President Putin will accept the Council’s suggestions is yet to be determined. However, an editorial published in *Nezavisimaya Gazeta*, another independent newspaper, offers its analysis of Putin’s possible actions and motives:

The initiative of the Presidential Council is good because it will clarify the priorities of the government and the nature of the law. If the government wants to control the interference of foreign governments or foreign capital in Russian domestic politics, then the president would accept the proposals of the Council.... If the purpose of power is stigmatization and marginalization, and thus weakening [the government's] critics among NGOs...the president is unlikely to accept the recommendation of the Council.⁴²

While the Foreign Agents Law attracted much criticism within Russia and from abroad, it cannot be viewed as a radical departure from the Putin administration's stance toward NGOs. Putin has traditionally been suspicious of the possibility of Western intervention, specifically American intervention, in Russian domestic politics. He has even labeled NGOs "jackals...who count on the support of foreign funds and governments but not the support of their own people."⁴³

Scholars have attributed his concern over NGO activities to Ukraine's Orange Revolution in 2004, which many in Putin's cabinet believed was financed by Western NGOs.⁴⁴ Since then Putin has slowly increased the government's control of NGO activities. For example, he signed into law, "On Introducing Amendments to Certain Legislative Acts of the Russian Federation," in 2006, which created detailed registration, reporting, and tax requirements for NGOs. Failure to comply with the new guidelines or errors in required documentation resulted in operational delays for many NGOs.⁴⁵ Sergei Nikitin, head of Amnesty International Russia, stated that "the 2006 law diverted us from real work for some time and made us concentrate on paperwork."⁴⁶ The court system also distracted NGOs away from their work, as they spent time, energy, and funds battling the charges against them.⁴⁷ Thus, the 2006 law provided a foundation for the Foreign Agents Law.

Scholars have also suggested that Putin's tough stance on NGOs stems from his desire to construct a civil society that maintains Russia's national and spiritual identity.⁴⁸ Putin confirmed this belief at the most recent meeting of the Valdai International Club when he remarked:

Local governments and self-regulated citizens' organizations serve as the best school for civic consciousness. Of course, I'm referring to non-profits...A true civil society and a true, nationally-focused political elite, including the opposition with its own ideology, values, and standards for good and evil – their own, rather than those dictated by the media or from abroad – can only grow through effective self-governing mechanisms. The government is prepared to trust self-regulating and self-governing associations, but we must know whom we are trusting. This

is absolutely normal global practice, which is precisely why we have passed new legislation to increase the transparency of nongovernmental organizations.⁴⁹

The speech revealed Putin’s belief that a Russian-oriented political elite should work with trusted Russian NGOs to promote civil involvement and growth.

Recent activities surrounding the application of the Foreign Agents Law attest to its role in Putin’s overarching strategy to achieve his version of civil society. This strategy entails the inspection of NGOs, placing restrictions on their operations, and expanding governmental oversight through appropriations.

Enforcement of the Foreign Agents Law

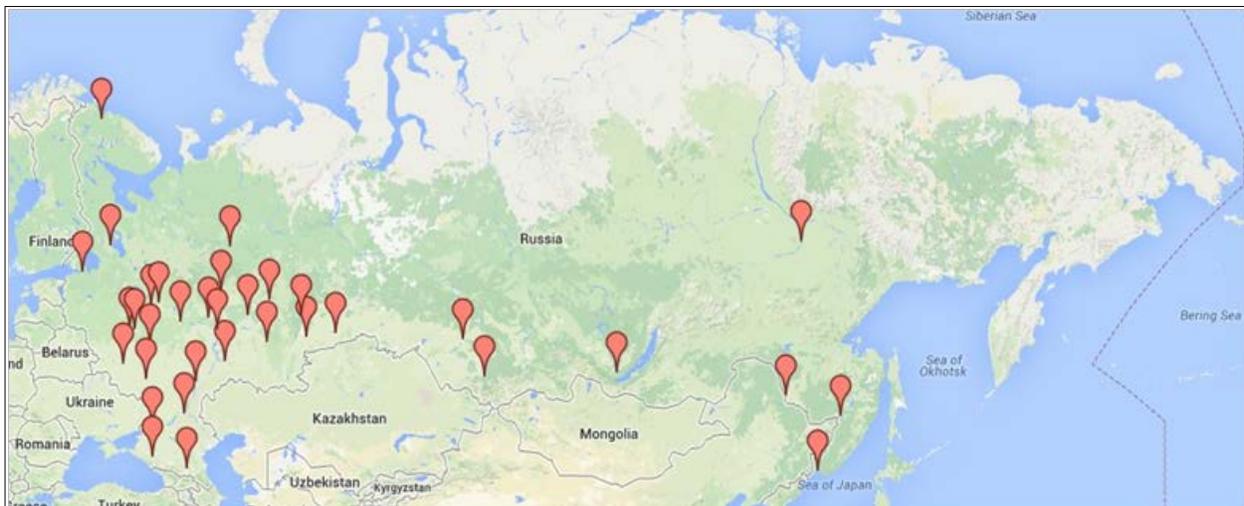
Although the law went into effect in November 2012, the Russian government did very little to enforce it until February 2013, when Putin, in a speech to the Federal Security Service, criticized “structures financed from abroad and serving foreign interests,” and mentioned the importance of the new law.⁵⁰ This ushered in the first wave of the law’s enforcement: unannounced inspections of hundreds of NGOs around the country. The checks were not uniform in nature; at any given



Actions, such as producing a map of election violations in December 2011, resulted in the monitoring association Golos (Voice) being targeted by the new Russian legislation concerning NGOs. Source: <http://www.nhc.no>

time local prosecutors, tax bureaus, sanitary departments (often accompanied by television cameras from state-run television channels) appeared at NGOs' offices and demanded to see operational and financial statements.⁵¹ At a recent news conference in Moscow the employees at Golos, a Moscow-based NGO that monitors elections, said its members were faced with open intimidation, including "phone-tapping, as well as breaking into mail boxes and accounts on social networking sites."⁵²

After the completion of spring inspections, Russia's Prosecutor General's Office stated that it found more than 2200 NGOs in Russia that have received nearly one million rubles from foreign sources; 22 of these organizations were guilty of law violations.⁵³ However, according to the Russian Ministry of Justice's website,⁵⁴ which tracks registered foreign agents, only one organization is officially listed: the Moscow-based Supporting Competition in the CIS Countries.⁵⁵ According to Human Rights Watch, the results of the inspections yielded suspensions of activities, civil law suits, administrative court cases, official notices of violations, and warnings. Most NGOs appealed the charges and are now going through the appeals process. The inspections affected nearly 90 NGOs working primarily on human rights and environmental issues. Although NGOs all across Russia were affected, NGOs in Moscow, Saint Petersburg, Perm, and Murmansk received the greatest number of charges and warnings.



Map illustrating cities with affected NGOs. Data obtained from Human Rights Watch.⁵⁶

Over the past year, the Moscow-based Association of NGOs in Defense of Voters' Rights "Golos" and The Regional Public Association in Defense of Democratic Rights and Freedoms "Golos" suspended their activities. Russia's Ministry of Justice has the authority to suspend an organization from working for six months if it has not registered as a foreign agent. During the suspension organizations have limited control of their bank accounts and cannot engage with the

media or public outreach.⁵⁷ Both organizations were each fined \$10,000. Both groups unsuccessfully appealed the charges.⁵⁸ The Association of NGOs in Defense of Voters' Rights "Golos" closed due to the financial burdens of the fines, and later reorganized itself as a new NGO.⁵⁹

Four NGOs face civil actions. According to Human Rights Watch, a prosecutor's office can file a lawsuit "in defense of rights, freedoms and legitimate interests of citizens, general public or interests of the Russian Federation, its subjects and municipal entities."⁶⁰ Prosecutors began to file civil actions after courts did not uphold these prosecutors' initial charges brought against the organizations. Two of the civil cases were brought against two Saint Petersburg NGOs, Anti-Discrimination Center "Memorial" and Coming Out. These organizations received funding from the United Nations, Norway, and the Netherlands. The NGOs work in the human rights fields, including support of LGBT rights, reporting police abuse of minority populations in Russia. Both NGOs are still awaiting court hearings.

Another civil suit was brought against the Novocherkassk-based Women of the Don. Russian prosecutors accused Women of the Don of being a foreign agent because it organizes public discussions concerning police reform and also publishes reports of its activities on its website.⁶¹ The civil trial is still pending, but Valentina Cheravatenko, leader of the organization, wrote an online appeal questioning the foreign agent status:

More than 7,000 people – military and civilians, teachers and students; members of parliament and local administrations, journalists, and police from all over Russia have taken part in our projects. In the last two decades, we have dealt with violence against women, gender discrimination, peace and cooperation between different peoples, cooperation with law enforcement, and human rights... So, are we really foreign agents? Who are we working for, if not for our own people? How can our activities be viewed as 'political'?... In the last eight months, following the March raid on our organization, we have spent hours and hours trying to prove that our only aim is to help ordinary people in their everyday lives – is this a political ambition? Maybe this should be the ambition of all politicians.⁶²

The last of these four civil suits was brought against the Saratov-based Center for Social Policy and Gender Studies for its connections to Dutch NGOs and its publications that details political history and culture in Russia. The prosecutor's office charged that this could influence public opinion in elections.⁶³ In late November the court upheld the civil suit against the Center and ordered it to register as a foreign agent, making it the first successful civil suit against an NGO. If the organization fails to register, its leaders face jail time. The NGO stated that it plans to appeal

the ruling.⁶⁴ Tanya Lokshina, Program Director at Human Rights Watch, discussed the ruling, stating: “The court’s ruling in Saratov sets a dangerous precedent... forcing a research organization to register as a ‘foreign agent’ casts an ominous shadow over every independent group in Russia.”⁶⁵

In addition to the civil cases, Russian prosecutors have brought administrative charges against nine NGOs which, if found guilty, would be fined a combined total of up to \$16,000. The organizations’ leaders could also be fined up to a total of \$10,000.⁶⁶ All of the affected organizations work in the area of human rights in Moscow, Saint Petersburg, Kostroma, and Perm. Their funding sources include the Norwegian Helsinki Group, the United Nations, the C.S. Mott Foundation, and the governments of Norway and the Netherlands. Projects subjected to prosecutors’ criticisms included inviting a U.S. Embassy official to participate in a roundtable, participating in campaigns promoting awareness of LGBT issues, and publishing studies on political activism. Thus far, only the administrative charges against the Moscow-based Golos organizations were upheld.⁶⁷



Tanya Lokshina, Russia Program Director and Senior Researcher at Human Rights Watch, based in Moscow.

Source: <http://www.hrw.org/>

Eighteen NGOs received official warnings mandating that they must register as foreign agents or face penalties. These include NGOs in Perm, Irkutsk, Saratov, Yekaterinburg, Moscow, Novocherkassk, Kazan, Yaroslavl, and Saint Petersburg. The majority of these organizations work in the human rights area, addressing social policies, totalitarianism, youth participation in government, election monitoring, and constitutional law. Sources of funding include the United Nations and the National Endowment for Democracy. The results of these charges have been more varied than in the previous categories of charges: some were dismissed, others upheld, and some are yet to be determined.⁶⁸

The remaining 53 NGOs received warnings that they may need to register as foreign agents in the future. They are located throughout Russia and work in a variety of areas, including human rights and environmental protection. Their sources of funding include NATO, Golos, the European Union, and the U.S. Embassy in Moscow.⁶⁹ Many NGOs challenged the warnings and, in at least one case, the warning was dismissed by a court. Golos-Siberia successfully defended itself against a prosecutor’s warning that it was a foreign agent engaged in political activities. A No-

vosibirsk judge ruled that the prosecutor's warning was "illegal and invalid," stating that Golos-Siberia is not a foreign agent, despite the prosecutor's observation that the organization contributes to the development of civil society through the dissemination of legal knowledge and studies of electoral institutions and legislative bodies.⁷⁰ Observers are now awaiting the judge's written explanation of his findings. Many believe that the decision could set a precedent for other regions and for other NGOs wishing to challenge prosecutors' findings.⁷¹

Despite all of the appeals, the Russian government has shown no signs of easing the enforcement of the Foreign Agents Law; in fact, in mid-September, the Duma's Parliamentary Committee for Public Unions and Organizations recommended the passage of a bill which would authorize more unannounced checks on NGOs, specifically for those organizations that have not addressed specific complaints against them in a timely fashion.⁷² The Presidential Human Rights Council requested that the checks be postponed until Russia's Constitutional Court could review the law's wording.

Yurii Chaika, Russia's Prosecutor General, stated that he will not suspend current checks. Chaika's decision is unsurprising, since he has been a driving force behind the application and enforcement of the Foreign Agents Law. He has accused members of the Presidential Council of being foreign agents, and onlookers believe that his desire to locate foreign agents may be due to his own ambition for political power.⁷³

Critics worry that the checks will continue to be carried out on an arbitrary basis, since much of the law's continued enforcement depends on regional leaders and their willingness to seek out and prosecute local and regional NGOs that may be in violation of the law. Regional governors were reminded of their responsibilities in mid-November, when Sergei Ivanov, head of the Presidential Administration of Russia, met with them to discuss domestic policies. He instructed them to ensure that "the forces that, under the cover of NGOs receive funding from abroad, either register as foreign agents or cease their work."⁷⁵ Furthermore, he instructed regional governors "... to attentively follow these processes, including at the local level, because many non-governmental organizations work actively mainly or primarily at the local level." Whether or not regional governors will adhere to Ivanov's suggestions remains to be seen.

Public Support and Historical Trends

Assessing the law's enforcement reveals that the public is widely supportive of the law and its effectiveness. Many newspapers and government officials have cited the results of a Levada Center poll, published during the summer, which suggests that the Russian people support the law's

application and the government's actions. A majority of those surveyed—53 percent—supported the government's sanctioning of NGOs that violate the Foreign Agents Law, while nearly half of those surveyed supported the government's more restrictive measures on NGOs. Furthermore, 19 percent of Russians surveyed had a negative opinion of NGOs—a six-percent increase from last year. Only 50 percent of those surveyed had a favorable opinion of NGOs. Most notable was the fact that 52 percent of respondents had no “clear idea” of what purpose an NGO served. A remarkable 29 percent responded that they had never even heard of the term NGO. According to officials, the number of Russians supporting the Foreign Agents Law has risen since this poll. Sergei Ivanov, the head of the Russian Presidential Administration, has stated that roughly 80-90 percent of the population now supports the Russian government's crackdown on NGOs receiving funds from abroad.⁷⁷

Aleksei Grazhdankin, Deputy Director of the Levada Center, attributed Russians' perceptions to “television propaganda,” but notes that this remained a “weak influence,” since Russians know very little about NGOs. Russians' weak understanding of NGOs and their purpose, coupled with incessant negative reports of their activities, understandably contributes to the government's ability to enforce the law, since they are met with little resistance from the bulk of the population.⁷⁸

This lack of support of NGOs is further complicated by trends in Russian volunteerism. *The Moscow News* recently published an article which cites statistics from the Center for Studies of Civil Society and the Nonprofit Sector (CSCSNS) at Russia's Higher School of Economics. According to CSCSNS, only three percent of Russians engage in volunteer activities with NGOs. A Levada Center survey from last year reports that the percentage of volunteers is actually only one percent. The article cites several possible reasons for the dearth of volunteers, including public distrust of NGOs and overbearing local and federal government bureaucracies. One NGO organizer commented that “Volunteer work, where one man wants to help another, is the cornerstone [of civil society]...But we see how the government destroys this public trust.”⁷⁹ Perceived American involvement in Russian domestic affairs also challenges this trust. According to Denis Volkov, a representative from the Levada Center, “...the moment there's any [suspicion of] American funding, then that's it.”⁸⁰ This creates an inherent dilemma: how do Russians, who have statistically low levels of volunteerism, become interested in building civil society through NGOs when they inherently distrust them and are fearful of persecution?

Distrust of NGOs and those low levels of volunteerism are also related to historical trends. Sarah Henderson, author of *Building Democracy in Contemporary Russia: Western Support for Grassroots Organizations*, attributes many of the problems facing leaders in civil society to a historical distrust of Soviet mass associations, which relied on compulsory participation rather than volunteerism. These associations led many individuals to distrust association leaders, programs,

and goals. Working within the Soviet system led many to rely on personal networks to solve private and communal needs. These trends underscore many problems NGOs have relating to everyday Russians.⁸¹

The Foreign Agents Law as a Backdrop

The Foreign Agents Law is one aspect of the Russian government's larger campaign to influence civil society. An examination of the law reveals that it provides the legal groundwork that the Russian government has used to weaken "oppositional" NGOs; however, a study of the law must also include contemporary developments in the dispersal of presidential grants, the expansion of "socially oriented" NGOs, and the personalities of government officials involved in the law's enforcement.

Presidential Grants

In 2006 President Putin initiated the presidential grant program, which awarded funding to NGOs working in the development of civil society. In its first year the government disbursed 250 million rubles to over 1000 NGOs through the Public Chamber and Presidential Administration. The administrators of the grant money are no longer the Public Chamber and Presidential Administration, but rather NGOs approved by the Presidential Administration. The number of presidential grants has also risen in each subsequent year since the program's inception, ranging from the original 250 million rubles in 2006 to 2.32 billion in 2013.⁸²

Putin has stated that "If we introduce tougher conditions for the organizations' activity, we must increase our own funding from the federal budget no less than three times, from one to three billion rubles"⁸³ During the past summer 2.3 billion rubles in grants were awarded to NGOs throughout Russia. In total, the Public Chamber announced that there were 1087 successful applications selected out of the total pool of 5855. *Kommersant* reported that this is a significant increase from last year, when only 64 organizations were selected to receive grants. Recipients include the Moscow Helsinki Group, Agora, and "For Human Rights," all suspected of being foreign agents. Unsurprisingly, Golos, an NGO accused of being a foreign agent that was quite vocal about the Foreign Agents Law, did not receive a presidential grant.⁸⁴ *Izvestiya* reported:

A source close to the president's administration explained that out of all of the disloyal organizations toward the government, Golos is the only one which demonstrates an unwillingness to obey the current NGO law. The organization categorical refuses to receive the status of a foreign agent, even though, according to information from the General Procurator, it receives money from other countries.

Gregory Melkonyants, leading activist of Golos, told *Kommersant* that “the [presidential] grants are only for pseudo-NGOs, created under the authority of the government.” He added that “the government is not afraid to acknowledge corruption, problems in the army and prisons, but elections are a sacred cow.” Melkonyants infers that the government will not support a project that demonstrates the illegitimacy of elections, since their results are the basis of its power.⁸⁶

After the first wave of presidential grants were disbursed, President Putin confirmed that the Russian government would contribute an additional 250 million rubles to the 3.2 billion rubles already disbursed to NGOs working in the field of human rights in 2013. These funds were distributed through a transparent contest administered by three coordinating agencies.⁸⁷ More than 1400 applications were submitted to the three coordinating organizations during the one-month application window.⁸⁸ Ella Pamfilova, a leader of one of the coordinating agencies and former head of the Presidential Human Rights Council, insisted that her coordinating agency has “complete freedom of action” to determine the recipients of the funds, and that no administrative orders have been given to her organization to dictate who receives these funds. According to her, organizations that best demonstrate how their proposal will address Russian human rights issues will be the most successful.⁸⁹ In early December the results of the second contest were announced, and 124 organizations will receive funds, including Golos, For Human Rights, and the Moscow Helsinki Group, all of which have been accused of being foreign agents.⁹⁰

Pamfilova's focus on the independent evaluation of proposals was an attempt to assuage critics' accusations against the coordinating agencies who cherry-picked organizations that toe the Kremlin's line. Most of these criticisms are excellently summarized in an October *Vedomosti* exposé of the presidential grant awardees, which revealed that grant recipients were former or current members of Russia's Public Chamber, and that the grants were often given by, and awarded to the same NGOs. The report also noted that the selection of Ms. Pamfilova and her organization as one of three independent grant operators was in response to public criticism concerning the unfairness of the selection process.⁹¹ Despite the criticism, President Putin has publically commented that during the next three years the government will add an additional 500 million rubles to its support for human rights organizations.⁹²

Socially Oriented NGOs

In addition to the awarding of presidential grants, there has been a concerted effort to expand the term “socially-oriented NGOs,” thereby bringing more private organizations under the umbrella of state financing and, by extension, control. Government financing of socially oriented NGOs began in 2010 under President Medvedev to provide “...direct financial support for individual NGOs and substantial subsidies to regional governments to provide logistical support and some financial support to local organizations.”⁹³ Socially oriented NGOs include those working in areas of “social and legal protection of citizens; disaster relief; social conflicts; protection of the environment and cultural monuments; prevention of socially dangerous behavior and corruption; charitable, educational and volunteer activities; development of international cooperation; and patriotic education.”⁹⁴

These organizations are also eligible for legal help from the government and tax rebates.⁹⁵ In 2013 Putin pledged \$75 million in financial support of socially oriented NGOs.⁹⁶

This year Russian politicians have tried to substantially expand the scope of the program and its funding. First, in early fall the Russian government expanded the classification “socially oriented” to include private drug rehabilitation centers in Russia. Prior to 25 September 2013, the government did not provide any financial support to private rehabilitation centers, many of which have religious affiliations. According to the Russian government, there are nearly 8.5 million drug users in the country, but only 25,000 of them are receiving rehabilitation services. The government states that it is trying to reach more addicts through the extension of federal support, but some observers working in NGOs claim that the government is trying to reduce foreign influences, especially those of Protestant denominations, who have traditionally taken a more active role in Russia’s rehabilitation sector.⁹⁷

The liberal-oriented newspaper, *Novye Izvestiya*, reported that “...experts surmise that NGOs loyal to the government or to the Russian Orthodox Church, which has been opening rehabilitation centers, will receive the funds.”⁹⁸ This development supports scholars’ observations that Putin has been working with the Orthodox Church to construct his ideal civil society. More specifically, political scientist Professor James Richter noted that Putin has publically urged Orthodox leaders to become more involved in society, and that Orthodox organizations were not subjected the surprise inspections that their Muslim, Catholic, and Protestant counterparts underwent last spring.⁹⁹

In November the category of “socially oriented NGOs” expanded to include NGOs who fight corruption and those that support cultural heritage.¹⁰⁰ This drew less criticism than another proposed expansion into the field of illegal immigration. Sponsors of this bill want to classify organizations who aid police in identifying illegal immigrants as “socially oriented,” since these organizations would improve economic stability and reduce crime.¹⁰¹ Opponents, such as Muhammad Amin Madzhumder, President of the Federation of Russian Migrants, believe that the expansion would encourage nationalists who already collaborate with police to harm migrants.¹⁰² Critics also believe that the expansion illustrates the Kremlin’s desire to work with select NGOs to enforce its anti-immigration campaigns to rid Russian cities of Central Asian immigrants.

Conclusion

The Foreign Agents Law builds upon historical trends that have gradually limited the activities of Russian NGOs, by bringing them more closely under the Kremlin’s supervision, limiting their funding from abroad and reducing their interaction with other NGOs working in the international arena. Additional reporting requirements have also distracted NGOs from their primary operational goals, which are already difficult to achieve, given the general lack of understanding among the general populace of NGOs and their activities. The Soviet legacy of a rigidly controlled civil society dominated by mass associations, coupled with low trends in volunteerism, produces a social climate in which NGOs face an uphill battle in attracting attention and interest in their projects. Labeling any organization as a “foreign agent” carries a negative connotation that further stigmatizes NGOs in Russian society.

Assessing the law’s successes and failures depends on who is performing the assessment. Proponents of the law, such as Russian Prosecutor General Yuri Chaika, claim that the law has served its purpose: it has revealed that foreign agents are operating in Russian society hoping to influence Russia’s political landscape. Opponents deny this accusation, instead arguing that the Russian government uses the vaguely worded law to marginalize and punish Putin’s critics. International observers critique the law because it fails to conform to modern standards governing NGO activities in America and European countries.

Although the law affects Russian NGOs and their activities, it also has an effect on relations between Russia and the U.S. Even after President Obama’s “Reset,” the state of these relations has quickly deteriorated. The ban on the adoption of Russian children by U.S. citizens, the decision to grant temporary asylum to Edward Snowden, and Obama’s canceled trip to Moscow are just a few examples illustrating the tensions between the two countries. The Foreign Agents Law is another stumbling block in America’s relationship with Russia, and it effectively limits—and

in some cases even cuts off—Americans' relationships with the everyday lives of ordinary Russians.

Public diplomacy is a cornerstone of the American government's overseas goals, with the U.S. Department of State and US NGOs seeking to build relationships between individuals at the most basic levels. These relationships help individuals learn about one another and about each other's culture, and overcome stereotypes, thereby building relationships that are mutually beneficial to all involved. The Foreign Agents Law's criminalization of international interaction reduces Americans' ability to interact with Russians, thereby breaking down relationships that have helped to foster cross-cultural communication. In doing so, US public diplomacy campaigns in Russia are severely limited, and Russians' willingness to explore collaboration with Americans is also reduced. This, in turn, reinforces decades-long stereotypes that included distrust, suspicion, and an unwillingness to work together to address common problems. Any further application of the Foreign Agents Law will continue to weaken the relationship between ordinary Americans and Russians, will jeopardize the recent diplomatic progress in U.S.-Russian relations, and will also endanger Russia's developing civil society.

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