Russia Scoring off NGOs

The ‘foreign agents’ law

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1 Introduction

“It is often said that human rights override state sovereignty. This is undoubtedly true - crimes against humanity must be punished by the International Court. However, when state sovereignty is too easily violated in the name of this provision, when human rights are protected from abroad and on a selective basis, and when the same rights of a population are trampled underfoot in the process of such "protection," including the most basic and sacred right - the right to one's life - these actions cannot be considered a noble mission but rather outright demagogy.”¹ – wrote Vladimir Putin in 2012 short before his reelection to the president’s chair. This expression fairly reflects the attitude of the Russian administration towards the civil society and the international human rights networks present in the country. This ideology has materialized in the so called foreign agent law² which constitutes the center of this analysis.

The NGO law prescribes the Russian civil society organizations to register and label themselves as foreign agent if they conduct political activity in Russia and receive funds from abroad.

This measure is a crackdown on the civil society, the personal revenge of Vladimir Putin to the liberal movements and persistent protests following the parliamentary elections of 2011 – claimed Western newspapers and declared the politicians. This measure is a necessary act to avoid foreign influence in Russia and protect the citizens and the interests of the country – so the supporters to the law. Actually both reasoning can hold on in itself as many of the basic ideas, principles - self-determination, sovereignty, non-interference, need for transparency, human and civil rights - of the international relations clash by this topic. Conducting human rights advocacy, political education or monitoring the government’s activities or in short, promoting democracy can be assessed as exercising influence in another country but the liberalist view of international relations esteem the increasing linkages between the states as drivers of development.

In this thesis I focus on the transformation promotion in Russia with an emphasis on the civil society and the government’s attitude towards these efforts. I wish to describe and analyze the possible reasons and background of the adoption of the foreign agent

¹Russia and the changing world. Vladimir Putin - Moskovkie Novosti. Published on 27.02.2012
²Federal Law “On changing certain legislative acts of the Russian Federation with regard to regulating the activity of non-commercial organizations fulfilling the functions.” Nr. 121-FZ on 20 July 2012
law and to examine the scope of action left for the affected civil society organizations and their external supporters.

The first part of the thesis stands for analyzing the question of influence and for providing a theoretical background of the external support of civil society by examining the ‘5 W questions’ of democracy promotion formulated by Sandschneider: “*Who promotes what, whom, when and in what ways?*”

I will touch upon various perceptions of the role and function of civic organizations.

After the theoretical part I will turn to Russia and to the development of the Russian civil society and its relations with the prevailing administrations. The civic society concept of Vladimir Putin and his circle gets a special importance as they have dominated the country in the last 15 years.

In Chapter 5 I will display the legislative boom of the summer of 2012 following the reelection of Putin, the details of the law on foreign agents, its acceptance and its various interpretations. It is also inevitable to write about the effects of its operation in the last 1,5 years, however, its long term and so deep routing effects are yet unpredictable.

Supported by the already explored concepts and theories, besides presenting the international reactions, I will have a glance on the possibilities and limits for the scope for action of the affected donors.

Summarizing the outlines of the thesis my goal of the analysis is to see the law as a tool to avoid interference, to examine the characteristics of the possible and alleged influence and the possibilities for the international community to protect the organizations which are in Russia to represent them.

By this research I want to get answer to the following two points. Hypothesis (1) is that the relation of the NGOs and the Russian government has always been conflicts driven because the complex structures and the promotion of active citizenship reduce the possibility of control and as such increases suspicion in the leaders. Hypothesis (2) concerns the scope for action left for the international community in cases when exact measures are taken to counteract soft interference. The external civic empowerment is a weak method when restrictions are imposed against the foreign support of the civil

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3 Sandschneider, Eberhard Prof. Dr. (2003): *Externe Demokratieförderung. Theoretische und praktische Aspekte der Außenunterstützung von Transformationsprozessen*. Centrum für angewandte Politikforschung, München
society: the bearers are only left with ‘harder’ measures to protect their supported organizations.

The democracy promotion is a very sensitive topic: it lies on the border of the interference in the domestic politics of a state. For its normative nature it poses challenge to the analyst to remain neutral. During the research I all along strive for presenting the ideologies behind the steps of the different actors equally without judgment. Therefore I hope to balance using analyses both from European, American and Russian authors for the theoretical part. When displaying the ongoing events I refer not only to reports from the affected NGOs but also to statements and assessments of the Russian government.
2 Promoting transformation

States always did affect and wanted to affect other states – by influencing the domestic or foreign policy decision making process. The relationship between two or more states is determined by certain aspects of the bilateral political, economic, cultural relationship, by the international environment, and by the states’ internal societal and economic tendencies. Behind all the decisions of internal or foreign policy makers are the considerations to strengthen the security of the given state – to be geopolitical, military, economical or societal security.

The rejection of war and the non-violent conflict management have become a fundamental principle of the international relations. Besides the official, intergovernmental agreements, cooperation and the usually in harsh declarations asseverated friendly relations there is a grey zone, an area which is often on the verge of (prohibited) intervention to the internal life of a state: these are the diverse efforts of all the states to export its own values, structures and methods to other states. Each actor of the international relations, but also every individual in its life tries to promote his or her virtues and way of living – which can be translated to the political system and moral concept of a state. In case of democracies this endeavor is called democracy promotion.

2.1 Theoretical fundamentals of the research, limitations

My thesis focuses on the transformation efforts towards Russia from the aspects of foreign policy with an emphasis on the civil society, especially the NGOs. I wish to analyze the motives of various external and internal actors in the transformation of the internal structures of a country, the methods and instruments of the various actors. This chapter stands for providing a theoretical background for to the possible intentions of giving birth to the law No 121. on 20 July 2012 and its possible effects to the Russian civil society. I wish to focus on the “soft” methods of promotion which aim to change the standards and preferences of the target country and the role of interaction of civil society actors with the governing powers and their foreign partners. My preliminary reference frame will be the democracy promotion, however, I do not want to limit the whole thesis to any kind of political-ideological system. For this work the consolidation of transformation bears significance therefore I wish to examine the theory of international socialization.
It is important to note in the beginning that even in the second decade of the 21st century the promotion of democracy is not the only and exclusive way of promotion of a package of values. All the countries independent of their political system represent their own norms and standards. My choice on democracy promotion can be confirmed by its notoriety, the relatively broad spectrum of research dealing with it and last but not least that presently this is the mainstream ideology. By the detailed presentation of the democracy promotion my goal is rather the description of the process itself than analyzing its content. Promotion of any other type of values driven system would require the same instruments, would have the same stages, and would face the same challenges on the reception side.

Research on democracy promotion or other kind of support of transition faces one rudimental problem: explicit causality is almost impossible to determinate. The smallest steps can have deep routing effects - the acts of various actors, the influence of the environment are so overlapping and interrelated that the work of democracy promotion is almost immeasurable.

### 2.2 Motives for democracy promotion

In the treaties, agreements and official acts of the state are not only the interests but also its values and visions of the parties are therein contained. Moreover, not to fool ourselves, usually the hard interests are covered by the references to ideological bricks of the given state. The “hard” interests such as money, security, enlargement of the sphere of influence or roar materials are not essentially converse to values and ideologies – they are more better interrelated. By all deeds and steps taken a state represents its identity – its culture, history, ideological complex.

Promotion of ideologies and values is not a new phenomenon: the parties to the Holy Alliance, the Nazi Germany or the Soviet Union strained with a variety of neutral, violent, or more peaceful instruments that more and more states take the given contemplation and “life style”. The motives for spreading values are complex but all are intended to secure the safety and stability of the country.

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4 Sandschneider (2003)

5 Representation and promotion are close concepts, representation is already in itself a promotion, but the latter can be direct or indirect.
Nation states promote the erection and stabilization of similar or same types of systems with the perception that the cooperation with similar system will flow smoothly and with better results.\(^6\) Promotion of values and ideologies means also a longing for justification from abroad that the citizens of the given country live in the best system possible. Seeking the implementation of own values in an other country is also a verification and safeguard for the own citizens that their fundamental and civil rights will be secured abroad. Democracies anticipate that the democratic values and norms are not threatened by external actors or even in case of an international conflict the other countries will use the instruments of peaceful conflict management, will respect agreements and the internationally recognizes norms.\(^7\)

“Countries that govern themselves in a truly democratic fashion do not go to war with one another. They do not aggress against their neighbors, (...) do not sponsor terrorism against one another. Democratic countries form more reliable, open and enduring trading partnerships. Precisely because, within their own borders, they respect competition, civil liberties, property rights, and the rule of law, democracies are the only reliable foundation on which a new world order of international security and prosperity can be built.”\(^8\)

Sandschneider tailored the upper, widely spread glorifying perception from Diamond to the consolidated democracies.\(^9\) In this form it can constitute an argument for the work of supporting the consolidation and strengthening the democratic structures. This is a notion that the in domestic politics applied mechanisms – like negotiation and trade-offs will be used in the international affairs of the given state and the politicians will be more cooperative and persuasive.

The developments of the international affairs in the past few years clearly show that a country in transformation can endanger the international order and stability in a greater extent than a clearly authoritatively run state. Helping to avoid the radicalization of the society and supporting its drawing forces in completing the transformation in order to mitigate the economical and other fallback effects is one of the pursuits of the

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\(^6\) Sandschneider (2003)

\(^7\) Ibid.


\(^9\) Sandschneider (2003)
democracy promotion. Lawrence S. Eagleburger that time foreign secretary of the US summed up the motives behind the democracy promotion in 1991 as follows: 

"... we must continue to provide advice and technical assistance in the field of democratic institution-building. Our friends in the region tell us that such help to date has been absolutely critical to the success achieved thus far – the elections held, constitutions written and the like. Henceforth, we must concentrate on strengthening democracy at the grass-roots level, namely, the institutions of local government plus those bodies which safeguard and mediate a healthy pluralist society – such as unions, press organs, and the judiciary. Our aim must be to help create a system from top to bottom in which debate and opposition are channeled constructively and democratically, a system which can absorb the inevitable shocks to come."

In this expression Lawrence highlights the importance of strengthening the grass roots level but focuses mainly on securing democratic institutions and guaranties. Other, mainly European scholars formulate the role and importance of democracy promotion slightly differently: it is destined to help the state to the requirements of a consolidated democracy and as such the freedom of civil society, the human rights and productivity should be automatically part of the system. This deviation originates at the differences of the European and American perception and it is represented at the goals, aims and methods of democracy promotion. This difference appears at all levels of work of various agents in other societies, at their performance and way of action.

Democracy promotion is the generic term of all attempts of external actors in a certain country to alter the processes of political decision making that they meet the minimum criteria of democracies. Analyzing the work of democracy promotion first we must answer the “5 W-question” professor Sandschneider formulated in his executive study about the democracy promotion: “Who promotes what, whom, when and in what ways?”

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10 Quotation after Sanschneider(2003)


12 Sandschneider (2003)

13 Ibid.

14 The original sentence in German is the following: Wer fördert wann, wen, warum und wie?
2.3 Three phases of transformation

Democratization is a process – the structures of a state transform from a non-democratic system to a democratic one. This comprises the erection of impulsive forces claiming for change, the decreasing support of the governing elites, later on the change of the regime and the modification of the electoral system which all involve the transformation of the society and often alter the economical structures as well. These processes are structured to different phases in the transformation research: liberalization, transition and consolidation. Transformation and democratization have identical meaning – as in the last decades the tendencies show – both refer to a gradual alternation of a system. The process of democratization is a transformation but transformation can mean something crucially different, even a shift from democratic structure to an autocratic one. So it is important to highlight again that the process of democratization and the methods of its external promotion could be a framework for the establishment and reinforcement of a wholly different system as well.

As democratization is a process the different stages can not be sharply separated from one another. The liberalization and transition phases are usually shorter and bring very spectacular and sharp changes while the starting and ending points of consolidation are very hard to define. For example the institutional reform can be considered definite but the rollback of detrimental innervations such as corruption is present for decades, the former elites can return, ideologies can recurrent. Consolidation is about the reinforcement and stabilization of the achieved results and the creations of a stable and long term prospering of the given system.

2.4 International socialization

This thesis focuses on the triangle of the Russian civil society, the external actors exercising influence on it and the Russian government trying to eliminate their power. These relations, the driving and opposing forces, motivations and allegedly used tools can be best described by the theory of international socialization.

The theory of international socialization – first published by Kenneth Waltz in the Theory of International Politics – deals with the mechanisms stipulations and conditions
affecting the internal political change. The departure point is that the behavior of all entities is influenced by the (international) environment, by the direct and indirect acts of other states and international governmental organizations and by the internal political forces.

The theory of international socialization is based on the perception that all states but especially the historically new states want to socialize to the international community and this is mainly possible by accepting its norms and rules – such as observation of international law and respect for human rights. The basic norms are the peaceful conflict management, the avoidance of interference to other countries’ internal order. The actors, mainly states and international organizations – albeit the media and the (world wide) campaigns initiated by international non-governmental organizations have an important role in this theory - and the internal societal tendencies triggered by them put direct or indirect pressure on the decision makers to help or make them to follow the internationally accepted norms and to open up to cooperation.

The interdependency, the asymmetric influence, the international environment and the internal aspects of the state are the powers and circumstances which facilitate the international socialization.

Today only a few states can and do completely avoid the communication with the external world while strongly interdependent states can not evade external influence. If this influence is asymmetric – the state lacks on some resources, its economy is endangered by any kind of crises, its former partners or allies alienated - the prospect to join a powerful regional or international community which can provide assistance or aid makes the country more open to compromises.

For successful and quick international socialization unanimous will both of the external and internal forces is needed: the will of international community and the will of leaders and electors of the given state. If the international community has a strong and unanimous will to socialize the given country or the tendencies shift to this direction in more places of the region the policy makers will be more open to trade-offs. In the more simple and fortunate cases the leaders seek cooperation with or support of the international community. The transformation will be more painful if only one part of

the community want to get closer to the given organization against the will of the elite. If driving forces are missing or many obstacles appear the socialization becomes a longer process with a mixture of various obstacles on the way.

The theory of international socialization has two separate models - the rational and constructivist direction which do not contradict but rather complement each other.

2.4.1 The rationalist model of international socialization

The rationalist approach sees the international socialization such as a bargaining procedure: the parties take their steps after rationally calculating their interests, the possible losses and gains. As it was stated above behind all the maneuvers taken lurks always the intention to maximize the wealth and security of the given state – in the less ideal cases the possible gain in power of the elites play a decisive role. So in a simplified summarization the extern norms will only be adopted if they are in line with these interests.

Accepting the norms of an other community, cooperating in certain fields can contribute to the economic boost or recovery. The state can get access to market, resources, know-how. In other cases the preferences appear in form of military protection, economical aid, or credits. In the third case the logic of consequences comes to play, the compliance is only to avoid sanctions, etc. All these “gains” are strongly connected with conditions: the given state has to meet the donor’s requirements.

Of course a transformation brings negative side effects along, there will be winners and losers in the society, the alternation of societal structures can endanger the position of the elites. For this reason the decision makers will calculate so that the possible gains cover the adoption costs. The higher the internal political costs are the less likely that the leaders take the norm. Democratic compliance limits the leaders autonomy, these norms does not allow undemocratic practices such as suppression of the opposition or limiting the freedom of press.\(^{16}\)

2.4.2 The constructivist model

The constructivist model focuses on the significance of ideas, values and knowledge which determine the behavior of the state actors.

\(^{16}\) Spaiser (2009)
This model is based on the perception that the preferences, interest are socially constructed and stipulated by norms. The constructivist model of the international socialization focuses on the individual and tries to affect its preferences, norms since the decision makers are individuals and the society and its institutions rest also on individuals. Affecting the values and identity will alter the preferences and thus the decisions.

Olga Spaiser mentions three main mechanisms related to the international socialization: imitation, argumentation and social influence.\(^\text{17}\) Imitation is a reproduction of behavioral patterns that help the given actor to get along in the new space easily – the EU conception called model control\(^\text{18}\) stands for supporting the countries in this stage.

Using the power of words instead of power of money to change the identity – is the basic principle of the constructivist model. The education and training of the elites and other layers of the society is a very strong and widely implemented tool. The understanding and attainment of the norms and values is more effective if it proceeds within non-formal frames, there is space for discussion and during the cooperative process of consensus or solution building the actors automatically internalize the behavioral norms.

The process of social learning intends to alter the identity which can provoke changes in legitimacy of the leaders. If changes occur in the population’s attitude or preferences the voters lose their trust in the competency of the governing political elites and will push them towards change. This occurs mainly if the leaders and the institutions are too corrupted, rights are often violated and the will of citizens is not taken in consideration – it is enough to refer on the recent events\(^\text{19}\) in Ukraine. The critics from abroad can affirm these tendencies: if a leader is often criticized and not

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\(^{17}\) Ibid.

\(^{18}\) Model control or in German Leitbildsteuerung - is a concept developed by Thomas Conzelmann. The steering of a model can be measured as repeated references on certain cognitive and normative ideas and the effect of these guidelines on the actual politics.


\(^{19}\) In November 2013 demonstrations started on the main square of Kiev protesting against the government’s decision to step back from the Partnership Agreement with the European Union. The rallies began as a demonstration of the populations will for the European norms but later on the people started to express their claim to stop the corruption, implement rule of law, the freedom of gatherings and speech. As a result of the revolts the governing elites had to step back leaving a political vacuum.
accepted as a genuine politician, the judgments of the international community can cause a dangerous loss of legitimacy.

The legitimacy as a factor of international socialization has a third aspect: the legitimacy of the ideologies transmitted from abroad. If the given norms and values fully contradict the existing values, rules, practices the actors of the given country can not conform with them and the tendencies of the environment will not push for opening to a change the external promoter will have difficulties in triggering an effect or domesticate a deep routing change.

As it was mentioned above the realist and constructivist model do not contradict each other but are rather complementary: changing the equation to some ideas, adopting values will diminish the putative adoption costs or reversed: if not only pure ideas, values are offered but the benefits of change are economically measurable the transition will happen smoothly. Whether the enforcing methods – such as sanctions or conditionality of aid will result in an in-depth change is disputable.

### 2.4.3 Instruments of transition promotion

The concept of democracy promotion subsumes all strategies and instruments which are intended to contribute to the process of democratization or democratic consolidation in a given country. The central challenge for the actors is to establish the necessary roadmap towards transition, to define steps and instruments needed at certain stages of the process, to adjoin the needed resources and techniques and to coordinate these with other actors on the field so that in the end the resultant is the sum of the total efforts made. In the end all should go in the same direction and not contrary, extinguishing one another.

The scale of possible instruments of transition promotion in a certain country is very wide. Which of the here presented measures will be applied in certain cases depends on possibilities, feasibilities, disposition, motives and interests of the external actor and as well as on the freedom of their action in the transformation country. The applied instruments can be overlapping, can be used by various actors for different goals. Many

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21 Sandshneider (2003)

22 Ibid.
of the organizations deal with more topics and tasks of democratization in the same time, but structuring them helps the better understanding.

The classical – and lot disputed but for this thesis being of importance - categorization is to differentiate enforcing and inducing instruments. At enforcing instrument the concept of pressure takes the central role – they are applied if the country is not willing to develop in a democratic direction. Diplomatic non-acknowledgement, diplomatic or economic isolation, pressure and other steps come under enforcing instruments which all worsen the image and constrict the scope of action of the ruling elites. By inducing instruments we understand those measures which give incentives for better action.

Professor Eberhard Sandschneider in his work about the external democracy promotion differentiates two types of influence after Ruth Zimmerling. One can impinge on the facts or affect the preferences: influence what the actors can do by altering the facts and circumstances – and / or to influence what these actors want to do by causing a change in their values, standards, roles and behavior. The influence on facts or preferences can be exerted both by external or internal actors.

Furthermore we can determinate bottom-up and top-down strategy. In the case of a top-down strategy, the steps are riveted on the government of the target country to conform the international norms, to defend human rights. These are usually enforcing methods, though counseling and education of leaders is appertain to here as well. The targets of bottom-up strategy are the actors of the various elements of the society; the strategy can materialize in the form of financial support, education, and consultancy. The external actors try to reach the upon-mentioned goals by reinforcing the civil society and attain change throughout them.

In the different phases of democratization different measures play crucial role. The external influence concentrates to change the three foundation of the system: ideological, institutional and personal rudiments. In the phase of liberalization, the outward environment has a higher influence, the financial and economic aid aimed at avoiding the immersion in the crisis imputable to the structural change plays a crucial

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role, later on those actors come to the forefront who help the transition with softer incentives.

Especially in the first phases of the transition the practical, technical, financial and other support takes a significant importance, the consultancy is predominantly relevant. For example the EBRD performs this mission supporting the market by research and advices, but it also tackles the challenge of structural transformation by technical guidance and financial aid. A consultancy indeed covers seminars and trainings provided for the people in power on the field of politics and economy. The various instruments and frameworks of the World Bank take the same role. International organizations and nation states provide assistance also for the establishment of political-institutional framework of the democracy: they give advice for shaping the institutional foundations of a system such as designing the electoral system, liberalization of market, forming of new parties or supporting work unions.²⁶

During the consolidation phase of the transformation the overall goal is to secure the achievements obtained so far and to assist that the adopted values become deep-routed in the society. Sandschneider founds also crucial to strengthen the new institutions e.g. monitoring the elections, to give assistance that they become efficient and economical.²⁷ The work of consolidation can be structured to the following tasks: structural consolidation, representational consolidation, behavioral consolidation and attitudinal consolidation.²⁸ In this phase mostly those instruments get big importance which come under the group of bottom-up strategies trying to affect the preferences rather than the facts. The this time very important work of monitoring belongs to top-down strategies – but it is by all means of inducing instruments.

However, the financial and technical aid, the conditionality, the process of legitimization and similar instruments, the structural and representational consolidation, all aimed at forming or strengthening the foundations of a state are very important and effective tools – but bear with lesser relevance for the topic of the thesis. To examine the presumable intentions of the Russian leaders by adopting the law *On NGOs carrying functions of foreign agent* and its possible effects the instruments of the behavioral and attitudinal consolidations come of importance.

²⁶ Ibid.
²⁷ Ibid.
²⁸ Nepomuk (2011)
The most effective instrument to alter anyone’s attitude and behavior on the long run is education. Its external promoter can be anyone: a nation state, an international governmental or non-governmental organization; at the reception side can stay the elites, national public or non-governmental organizations or a branch of international NGO-s or any actor of the society but the role of the civil society participation is of exceptional importance.

Education like the concept of lifelong learning expresses is a never-ending procedure. In the phase of consolidation the external support stands for familiarizing the society with the promoted values and making them to be deep-routed. If a country seeks that its citizens live consciously and take active part in the community’s or the country’s life, if the government seeks stability, the values behind our deeds and the values which form the basis for various institutions have to be explained again and again to those generations who grow up in the mature democracies as well.

By knowledge transfer we understand all steps of improvement of human capital. The conveyance of norms and information can happen in the frames of formal and non-formal education such as trainings, seminars and international exchange. The various exhibitions, the support for research work and the transfer of know-how of democratic procedures are all intended to deepen the comprehension and broaden the knowledge of the given, value-based systems.

The unhindered flow of information is crucial here: various non-governmental or intergovernmental organizations work on the monitoring and implementation of the freedom of speech and freedom of press.
3 External influence and the civil society

3.1 Various interpretations of the civil society

The civil society is present and has a crucial role during all phases of transformation. Although while in the former stages the transformation can proceed steered from up in the phase of consolidation the role of NGOs becomes ineludible. They have a great deal in consolidation of the democracy throughout (non-)formal education but their watchdog function is also worth for mentioning. The establishment and empowerment of a functioning civil society is of double importance: an autonomous civil society can ensure services that the state is either incapable or not willing to do – such as securing free flow of information, activities on the education and culture but also helping out the state at social issues.29

The variety of definition and interpretations concerning the civil society’s role in the democracy promotion is already visible. The pluralist theory emphasize its agenda setting function: the organizations can represent and enforce the interest of various groups of the society - channeling certain topics to the broad public opinion and by this mean influence the political agenda.30 Habermas called the civic sphere as a forum where the different opinions clash together to create the best political practice.31 Other theories focus on the watchdog mission of the civil society which monitors the political sphere to make it more transparent. A broader approach point out that the civic society is not only a control of the politics but also an important agent in the spheres the state can not reach.

In this thesis I use a broad approach which highlights both the institutionalized order of civil society and the informal nature of its formation. Civil society is the arena, outside of the family, the state, and the market – where collective actions are done to advance shared interests.32 Civil society embraces many type of formal and informal

31 Ibid.
32 This definition is based on the one which is used in the CIVICUS World Alliance for Citizen Participation researches. (www.civicus.org/index.php/about-us-125 last accessed:22.04.2014). CIVICUS also includes political parties and political participations to its analysis but referring to
organizations, networks associations, clubs, movements – excluding political parties and profit-oriented formations.

A civil society organization will be interpreted here as formal (often professionalized) organization which aims to promote a progressive change of social or political matter. The naming NGO, non-governmental-organization can be misleading here due to the latest civil society developments in Russia – as explained in Chapter 5. Definition civil society organization can include independent and top-down designed or financed organizations; socially oriented (often humanitarian) organizations and those who are perceived to be political – aiming to alter certain policies, politics, the authorities behavior or monitor elections, provide advocacy those whose right was violated, work on political or human education. An important element which links the members or volunteers to these organizations is the common cause or the common ideal they work for.

A leader of Memorial defined its organization as follows: “It brings together people united by a common civic sensibility too large to be reduced to the electoral program of any one party. The idea of the individual responsibility of each citizen for the country’s future is part of this idea.”

Many researcher emphasize that the civil society organizations should not be automatically valued as something positive as the simplification can lead to misuse. So can the civil society organizations represent private interest or extremist thoughts, turn to unethical methods. This warning can hold on in so far as it warns to avoid superficiality but the most political actions to ban or limit the operation of civil society organization use the same reasoning. Independent from appreciation of the activities of civic organizations negative or positive they are very important tools to preserve pluralism in the country.

3.1.1 Between cooperation and confrontation: state-civil society relations

In this analysis the state-civil society relations bear with an outstanding importance. Simplistic, the relations between the state and its civil society can viewed as

confrontation or cooperation driven but in practice – as Chapter 4.4 and 5 will show – the mixture of cooperation, confrontation, support, dismay, in one word: independency is to observe. The perception of civil society determines the evaluation of this relation.

If we understand civil society as a provider of social service its complementary to the state function gets into the focus. The civil society organizations are present in the spheres where the state can not appear, have professionalized knowledge and direct contact to the people, give aid, food for the poor, help out in housing issues, work with HIV infected, provide basic education. In this case the state-civil society relations are strongly cooperation driven: the state needs the assistance of the civil society actors for well performing, the civil society actors get the tasks and often the financial means from the state. The socially oriented organizations also address the (local) social problems to the central authorities. In this view the civil society acts as an interlocutor which helps the elite not to lose the anchor to the society.35

At the same time the civil society structures can represent the interests of the society in contradiction to those of the state. Civil society actors are seen as constituent part of the democracy by their capability to monitor or control the government. In case of problems they raise awareness of the broad public, represent its interest in the form of concrete political demands, and influence the decision makers.36 This more confronting behavior can result in measures that the state makes efforts to hinder the civil society actors to articulate interest, trigger dialogue or work independently in the community.37

The civil society depends on the state which creates the legal framework of its operation where it can function.38 Furthermore the state can limit the work of civil society actors by using administrative resources: by providing selected support for the cooperative organizations, changing rules in taxation or using the power of force, by actuating inspections using the police forces or banning the operation of these organizations. By controlling the media outlet the state can manipulate the public

36 Pergler (2010)
37 Beichelt, Schimmelfennig (2010)
38 Pergler (2010)
opinion and weaken the mobilization and protest potential of the opposing organizations.\textsuperscript{39}

### 3.2 External actors

Tough it was expressed many times above for a deep-routing transformation the changes have to grow from within, the external influence - the support and stabilization of civil society actors - is almost inevitable. On the field of promoters there is a broad variety of bearers, concepts and a wide range of services.\textsuperscript{40} The spectrum of external actors can be put under three different subgroups: international and multilateral governmental organizations, states, non-governmental organizations.

David Potter differentiates\textsuperscript{41} three approximation of their work of promotion - modernization, transition and structural approach. This divergence helps to deepen and broaden the transformation as the actor’s activities are exerted at different segments and institutions of the society; the variety of instruments and methods decrease the chance that the potential resistance or sanctions clamp down on the process of democratization.

By promotion of democracy the states try to export their values and standards and by these means broaden their sphere of influence and increase their political weight. The same values eliminate the possibility of conflicts and ease the cooperation at all levels.\textsuperscript{42} Since the leaders have to answer their voters the promotion will be utility-maximizing, planned for short terms and influenced by the electoral cycles.\textsuperscript{43} The need of internal political legitimation limits also the choice of consignees, the choice on tools and subsidies. Therefore the duty of democracy promotion, the support of the countries in their transition is often referred to regional organizations – as the tendencies of the past decades in Eastern Europe prove.\textsuperscript{44}

The work of intergovernmental actors is more persistent from this point of view, though the intergovernmental compounds and the different interest of their member states can deflate their efficiency – as the multi-level system of the EU shows. The

\textsuperscript{39}Ibid.
\textsuperscript{40}Sandschneider (2003)
\textsuperscript{42}Spaiser (2009)
\textsuperscript{43}Sandschneider (2003)
\textsuperscript{44}Beichelt, Schimmelfennig (2010)
unquestionably most effective tool of the regional IGOs is the offer of accession prospect. The international socialization of the given state will get on by the means of positive or negative conditionality of the accession or by the other approach of internalization. At the same time financial or technical assistance provided by the international governmental organizations will smooth the structural transformation. They role is inevitable at promotion of social groupings by consultancy, by opening up the financial channels for them and by providing them opportunity to take part on trainings and seminars.

The different civil society organizations are beneficiaries to external democracy promotion but at the same time they are stakeholders of different programmes and projects of the upon-mentioned organizations. Therefore the donors make much account on the strengthening of the mobilizing, coordination and organization skills of the actors of the civil society.45

3.2.1 The importance the external aid

The operation of the civil society organizations –as they work on not for profit base - can be secured by fundraising, private donors and foundations, financial support from NGO networks or intergovernmental organizations and by state grants. The field of donors is a “grey zone” difficult to grasp having constantly changing actors with even changing motives.

By foreign donors one usually understands transnational actors who provide material, technical or educational assistance to civil societies.46 The international donor agencies - as defined by Sandschneider - are formally independent, private organizations but in the reality they are strongly dependent on financial support from the state and partially act as an extended arm of the state institutions to carry out projects.47

The support to the civil society actors is a complementary to the institution building and consultancy with the authorities in strengthening democratic structures. The bottom-up approach the civil society organizations represent, their knowledge and experience on the field and their links to the people are crucial if the external actors aim

45 Sandschneider (2003)
47 Sandschneider (2003)
to operate in a country. The NGOs as independent from the government organizations also provide flexibility and a broader scope of action.\textsuperscript{48}

The role of foreign assistance for the civil society organizations is to secure or strengthen the autonomy of the civil society.\textsuperscript{49} The donations and grants are at a special importance when a civil society organization – due to the indifference of the people, due to the missing tradition of philanthropy or because of its incapability - fails to obtain resources from fundraising and the state does not support the civic activity. Foreign assistance includes transnational interactions which are of both material and ideational nature;\textsuperscript{50} the foreign donors provide technical assistance for the local organizations, offer network and training possibilities to change experience and share the best practices. The presence of foreign donor is therefore the most important on the fields where the civil society organization work opposed to the government, provide advocacy for those whose right was violated.

\section*{3.3 International donor organizations in Russia}

The first Russian NGOs started to operate during the Gorbachev era prior to the involvement of foreign donors. Though the initial formation of the civil society was an inborn process, in the beginning of the 1990s only few NGOs were registered in Russia so the foreign assistance programmes had a potential to shape the development of the Russian NGO sector. The first organizations which arrived to Russia were American private organizations like the MacArtur Foundation or those funded by George Soros.\textsuperscript{51} The golden age of foreign donors was in the middle of the 1990s – this time the international donors, NGOs could relatively freely operate in Russia due to the state negligence. At the midst of the 2000s many donors started to leave the country partly because of its economic recovery and the administrative measures which hampered their operation.

Material forms of foreign assistance to Russian include financial aid in form of program grants and contributions to the operational expenditures of different institutions. In this research the aid for the civil society and democratic development bears relevance. Due to the various donors, recipients and the different classifications

\textsuperscript{48} Ibid.
\textsuperscript{49} Beichelt, Schimmelfennig (2010)
\textsuperscript{50} Sundstrom (2006)
\textsuperscript{51} Ibid. 

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used by them an accurate estimation on the amounts spent for democracy assistance in Russia would be difficult, comprehensive up-to-date data are not available. It is important to note that democracy assistance amounts only a small portion of Western foreign aid programs. Assistance to civil society and democracy funds are mostly a part of the foreign aid spending.\textsuperscript{52}

The most important foreign donors for Russian NGOs were mostly the official development aid agencies of foreign states, international organizations and Western NGOs which provide not only material aid but also trainings, exchanges and educational assistance.\textsuperscript{53} Here I will present the activities and concept of the two most referred and largest donors: the US and the European Union.

\textit{3.3.1.1 USA supporting Russian democracy}

To spread the own values and to “bring the light of democracy to the world” – is the well-known historical mission of the US which makes it the most known donor of democratization. The realization of this mission is done by the numerous American nongovernmental organizations, foundations acting worldwide.\textsuperscript{54}

In the first decade of their presence in Russia the US backed NGOs gave a special emphasis on creating a sustainable civil society. Therefore the USAID promoted concrete programmes to develop the infrastructure of the NGO sector rather than mentoring individual organization’s projects. However, this approach later altered and the USAID set the goal to pay attention to specific issues and topics as well\textsuperscript{55} the importance of the structural development stayed always on its agenda.

Until 2012, its exposure USAID was the largest donor of democracy assistance to Russia amounting the 50 percent of the American democracy aid.\textsuperscript{56} Most of the democracy fund of the USAID was donated to the NGOs aimed to strengthen the civil society and promote human rights. USAID also provided support for the independent media and was active in the North Caucasus and Far East regions of the country –

\textsuperscript{52} Ibid.
\textsuperscript{53} Ibid.
\textsuperscript{54} Гусева, Е. О. (2011): Роль американских НКО в продвижении демократии за рубежом (на примере Национального фонда в поддержку демократии США). МГИМО, Института международных исследований
\textsuperscript{55} Sundstrom (2006)
focusing on monitoring and reporting activities and helping in infrastructural (telecommunication) development of NGOs.\(^{57}\)

Between 2001-2012 the Agency invested to Russia 10,4 billion dollars in total. The sum spent for governmental and civil society development amounts 500 million dollars. The share of this sector from the total fluctuated quite strongly: between 2,5 and 10,3 percent with changing tendencies. In the last year of its activities, USAID provided 126 million dollars for the NGOs – which amounts the half of the expenses for the civil society development in general.\(^{58}\)

The National Endowment for Democracy – administered as a private NGO but mostly funded by the USAID - is still operating in the country. In 2013 it has allocated grants for Russian NGOs working on government accountability, reducing corruption, civic education, democratic ideas and values, freedom of association, freedom of information, human rights and overall improvement for the NGO sector.\(^{59}\) It is important to note that many recipients of NED aid have to face persecutions from the authorities.\(^{60}\)

The American donors are often criticized that they take a politicized approach which involves support to implementing basic political and civil rights, support to democracy advocates, political activists and in general to a competitive political environment; involves development of rule of law and government accountability but neglect the other important conditions for the development of democracy.\(^{61}\)

At the same time according to the World Bank’s list on international NGOs working in Russia\(^{62}\) out of 174 international NGOs 62 are US operated. Half of them work for humanitarian cause, provide food for poor, work on poverty alleviation. Only 15 of them can be categorized as focusing on civil society development, human rights, rule of law.

\(^{57}\)Ibid.
\(^{58}\) More detailed see appendix, Table 2.
\(^{61}\) Гусева (2011)
3.3.1.2 Democracy assistance from the European Union

The European Union is also active on the sphere of democracy promotion in Russia giving an even higher importance to human rights protection and civic education activities than the USAID projects did.63

The external presence of the European Union is defined by the values and norms as explained in the Treaty on European Union64:

“In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.”65

The Union defines its common policies on the base of the principles which inspired its own creation, development and enlargement. The motive behind its external actions is to safeguard its values, fundamental interests, security, independence and integrity. The EU supports democracy, rule of law, human rights and the principles of international law; preserves peace, prevents conflicts and strengthens international security. Since 1995 all the bilateral agreements between the EU and third states have to refer to the democratic values66 – this tool is called democracy mainstreaming. During its external actions the EU shall respect the United Nations Charter, the Helsinki Final Act and the Charter of Paris.67

The basic agreements68 between the EU and Russia define democracy, respect for human rights, fundamental freedoms and the rule of law as essential element of their cooperation. These values shall give the basis for the envisaged Common Space from

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63 Sundstrom (2006)
65 Title I. Common Provisions Article 3.
66 Beichelt, Schimmelfennig (2010)
68 The basis of cooperation was established in Partnership and Cooperation Agreement. However the PCA expired in 2006 the parties still could not agree on a new framework for the EU-Russia relations.
Lisbon to Vladivostok. For its realization the parties defined four common spaces of joint work at the St. Petersburg summit in 2003. The Common Space of Freedom, security and justice gives a basis for the cooperation at the issues of human rights and rule of law.

For the realization of the above mentioned goals on the 2010 EU-Russia Summit the parties adopted the Partnership for Modernization. The initiative was designed to realize social and economic reforms in Russia and in the EU by joint efforts with respect to democracy and rule of law. One of its focal areas is the promotion of the people-to-people links and the enhancing dialogue with civil society.

These agreements constitute the basis for the EU-Russia human rights dialogue and the EU’s financial and technical support for civil society. It is important that funds are also allocated for the cooperation with the Russian authorities for example for the promotion of judicial reform in Russia.

In the beginning financial aid was provided through TACIS programme which aimed to help the smooth transition to democracy and market economy. When TACIS was replaced with the ENPI, a new funding instrument in 2006, Russia did not become a beneficiary to it. Since that the two parties cooperate on a basis of co-financing and the projects focus on the strategic priorities of the roadmaps to the four Common Spaces.

The programmes of civil society and assistance to human rights development are financed under the budget line European Instrument for Democracy and Human Rights. In contrast to the TACIS the EIDHR does not require the host government consent and offers assistance only to NGOs based in the recipient country. The EIDHR enables the EU to work with NGOs supporting micro projects or cooperate with NGOs and intergovernmental partners as the Council of Europe on large scale reforms.

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70 Shapovalova (2011)
72 European Neighborhood Instrument
The EU financial assistance is channeled mainly to the areas of judicial reform; combating human rights violations; promoting children’s rights or the rights of indigenous peoples. EU puts a special focus on the humanitarian situation in the North Caucasus.\textsuperscript{76}

The European Union pays less attention to the development of the NGO sector as a whole\textsuperscript{77} - the missing operational funds and training programmes are often mentioned in critics regarding to the EU’s civil society programmes.\textsuperscript{78} It is also often mentioned that although the EU offers funds and support for concrete, local initiatives the small and especially located in non-central areas NGOs are missing the knowledge to apply for these funds or can not manage effectively the implementation of the project.

However, many member states of the European Union had been actively financing the Russian civil society throughout their own assistance programmes most of the big donors have phased out their support since the second part of the 2000s.\textsuperscript{79} The economic improvement of the Russian Federation, the adversary behavior of the Russian authorities and the economic crises all have lead to the end of the programmes. Only certain regions\textsuperscript{80} and small scale projects on ad hoc base are financed by European governmental donors.

Germany constitutes an exemption. The country puts a special emphasis on the dialogue with Russia and the German Stiftungen are still active in the country. As these foundations are closely associated with German political parties their assistance is mainly focused on electoral improvement and political education. The Stiftungen are often criticized that they are ideologically programmed due to their political value orientation\textsuperscript{81} but Shapovalova emphasizes that the case of Russia is particular as the Stiftungen do not work together with the Russian political parties.\textsuperscript{82}


\textsuperscript{77}Sundstrom (2006)

\textsuperscript{78}See for example: Klitsounova (2008).

\textsuperscript{79}Shapovalova (2011)

\textsuperscript{80}Such expemptional destinations are the North Caucasus and the North—West Russian regions. The latter are supported by the Northern member states of Russia on the base of bilateral governmental agreements.

\textsuperscript{81}Sundstrom (2006)

\textsuperscript{82}Shapovalova (2011)
3.4 Civil society and the external contribution – interim conclusion

The foreign assistance in Russia is particularly important for NGOs working for rule of law, conduct advocacy or education of human rights as on these fields the civil society organizations face difficulties to obtain domestic funds. The foreign donations enable them to maintain their activities, to hold their offices or send their personnel for exchanges or trainings.

In this chapter I presented the main motives and methods applied by the United States and the European Union in Russia. Although other international actors, as for example the Council of Europe or the Organization of Security and Cooperation in Europe do a great deal for the democratization process, conducting consultations on the highest level, taking part in norm and value forming throughout providing education for the elites and young people, monitoring elections and the authorities' work; the EU and US are considered to be the largest donors for the Russian NGOs.

There are some significant deviations in the methods the United States and the European Union apply in the assistance of the civil society. The difference lies in top-down or demand designed approach. The American donors represent the former which enables better control over the result and funding while the European approach is more flexible, responds to the local needs but the results are often not that palpable. The other significant difference is that the American donors focus on general capacity building and infrastructural strengthening of the NGO sector as a whole while the European organizations support specific projects and initiatives which theoretically make the NGOs more attractive and help the mobilization. It is disputed which approach leads to better sustainability for the NGOs.

In other areas of assistance to Russia the EU encourages the organizations to work closely with the administration, launches programmes involving different state institutions. A significant percentage of the assistance is channeled through government-to-government relations. Probably this is the reason why the authorities

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83 Ibid.
84 Sundstrom (2006)
85 Ibid.
welcome better the European donors and the Russian NGOs feel it more secure to apply for grants from them.\textsuperscript{86}

According to Lisa McIntosh Sundstrom the foreign donors have focused on professionalization and internal development of the Russian NGOs but were not particularly successful involving a broad range of citizens in public life. Assistance to NGOs has meaningful impact only when the need of the recipient side is taken into account and the norms pursued are welcomed in the local society.\textsuperscript{87} NGOs in Russia often fail to explain to the people what they do and why it is necessary.

It is important to note that the actors, the vividness of civic life and the appearance and number of foreign donors differ from region to region as well as the local authorities’ perception and relation with these actors.

\textsuperscript{86} Shapovalova (2011)
\textsuperscript{87} Sundstrom (2006)
4 The Russian civil society

The civil society in the post Soviet countries is widely considered to be weak and the civic activism to be low. Russia is also often considered to be – if not an authoritarian state – a “democracy without citizens” where the institutions of democracy are created and the basic human rights are enacted but without a dialogue, without the contribution of the main subject of a country: the citizens. Therefore the leaders fail to engage its citizens to participate in the operation of the country to be political activity or socially oriented volunteering.

In this chapter I would like to shade this image by displaying the environment the NGOs can work in. To get a complex image it is important to see the development of relations of the Russian civil society and the administration, and to present the legislative background on which the law on foreign funded political NGOs was based on.

4.1 Assessing the state of the civil society

In the register of non-commercial organizations of the Ministry of Justice of the Russian Federation are entered approximately 426,000 non-commercial organizations which include also public chambers, political parties, social associations, state corporations. Only a very small part of the registered organizations works actively and approximately ten percent of all the NGOs are engaged in human rights activities. The remaining parts focus on social issues. In the end of 2012 only 317 branches of foreign civil society organization were registered in Russia.

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88 Ekiert; Foa (2011)
90 Approximately 40-60 % of them have the status registered or exempted respectively. Resource: ДОКЛАД о состоянии гражданского общества в Российской Федерации за 2013 год. ОБЩЕСТВЕННАЯ ПАЛАТА РОССИЙСКОЙ ФЕДЕРАЦИИ.
91 This can amount only 5 percentage. Resource: ДОКЛАД о состоянии гражданского общества в Российской Федерации за 2013 год. ОБЩЕСТВЕННАЯ ПАЛАТА РОССИЙСКОЙ ФЕДЕРАЦИИ.
Civic engagement which encompasses the level, depth and diversity of individual participation in social and political organizations\(^\text{93}\) is rated quite low by the CSI population survey\(^\text{94}\). The research shows that participation in civil society activities is not a typical behavioral practice for citizens of Russia. The distrust\(^\text{95}\) towards the organizations and the perception of their weak social impact result in limited involvement. Due to the low level of trust the civil society in Russia is very informal, means often informal voluntary work responding to actual local challenges. It is important to note that the way of engaging people in the provincial and urban Russia strongly differs: the civil society organizations in Moscow or Saint Petersburg seek public support while elsewhere they rely more on the support of family and friends.\(^\text{96}\)

Only the 13,9 % of Russians can be considered active in social activities: which encompasses membership in socially oriented organizations (8,8 %), volunteering on social issues (4,6 %), being involved in local community activity (28,3 %). Engagement in politically oriented activities or organizations is even lower – amounts only 6,8 % and overwhelming majority of the active citizens are members or volunteers to trade unions.\(^\text{97}\)

The general impact of the civil society in Russia is perceived to be weak according to the actors of the civil society but external experts as well: only 47,6 % of civil society organizations feel that civil society in general has an impact on the political decision making in Russia. However, only 26 % of the reported organizations dealing with advocating political decision or policy do so.\(^\text{98}\)

Political exertion of the civil actors is quite rare in the country, some analyst consider the civil society as strongly isolated.\(^\text{99}\) Most civil society organizations surveyed by the


\(^{94}\) 33,7 percentage. Resource: Jakobson, Kononykhina, Benevolenski, Pamfilova, Proskuryakova, Tumanova (2011)

\(^{95}\) The authors of the report find the roots of the distrust in some negative developments of the civil society: as servile organizations built from above; the often appearing and disappearing opposition coalition designed to reach short term goals and finally the emergence of extremist, nationalist organizations.

\(^{96}\) The 2012 CSO Sustainability Index for Central and Eastern Europe and Eurasia. USAID Bureau for Europe and Eurasia, Office of Democracy, Governance and Social Transition.

\(^{97}\) Jakobson, Kononykhina, Benevolenski, Pamfilova, Proskuryakova, Tumanova (2011)

\(^{98}\) Ibid.

CSI have never tried to engage with decision making procedure with the administration. In spite of the low level of lobbying attitude at critical issues the civil society is able to organize itself and undertake a joint action. The CIVICUS analyzes reports that in 80% of cases where they backed policies or decisions, they were accepted. “In addition, CSO activity influenced several legislative initiatives, including immigration policy being altered; new laws on non-military service and penal institutions were adopted; an ombudsman for children was introduced.”100

For handling the urging social and housing issues the administration is interested in strengthening its collaboration with the civil society actors. Therefore the state hopes to create a civil sphere which the citizens are likely to engage with and trust in. The state has created new institutions for dialogue, increases grants for the civil society and improves transparency by restricting malfeasance, enhancing professionalism and financial viability.101 Critics of these efforts claim that these are part of the centralization of politics and state which intend to channel the state – civil society relation in a top-down managed and largely bureaucratic form. As a result it becomes even more difficult for the potential actors – for example human rights organizations – to influence the policy making process.102

The CIVCUS research showed that the international linkages and participation of Russian civil society actors in international networks is four times less than the global average. In the 90s this score was higher according to the research but the expansion of the national support and legal restriction limits the presence of international non-governmental organizations.103

4.2 History of civil society in Russia

The CIVCUS research divided the history of the Russian civil society to four stages. Its birth time can be put between the midst of the 18th and 19th centuries and its representatives were scientific associations or focused on leisure- or charitable activities.104 The beginning of the second stage of the history of the Russian civil

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100 Jakobson, Kononykhina, Benevolenski, Pamfilova, Proskuryakova, Tumanova (2011)
102 Klitsounova (2008)
103 Jakobson, Kononykhina, Benevolenski, Pamfilova, Proskuryakova, Tumanova (2011)
104 Ibid.
society may be put to 1861, to the ending of the serfdom and the October Revolution. Basic civil rights were given to all people of Russia and the zemstvo system was created. These rural self-government institutions were designed to represent local interest, manage social and economic needs but they were attached to the state and dominated by the nobility.\textsuperscript{105} The broadening of the power of local governance affected the public organizations: medical, educational societies, science and other organizations complemented the state’s activities where it could not fulfill its role.\textsuperscript{106}

During the Soviet period only those organizations could exist legitimately which were proven compatible with the regime and recognized the Communist party and supervision of the Soviet power. Only the ideologically neutral bodies such as sport unions or environmental organizations could get a recognition and support from the state.\textsuperscript{107}

The various dissident ventures, political dissidence, cultural associations, religious circles and ethnic groupings remained small and almost invisible though they affected the formation of the post-Soviet civil society as they were united in defense of human rights.\textsuperscript{108} “The dissidents became the forerunners not only of more or less liberal-oriented social movements of the post-Soviet period but also, for example, of religious fundamentalists in some former Soviet republics.”\textsuperscript{109}

During the perestroika period the human rights groups were gradually recognized and were classified as informal movements, their social-political initiatives were assented – and the formal dissidents had the impression they could influence the political developments.\textsuperscript{110} “The main problem was recognizing political liberties in addition to the civil rights and civil liberties. And so appeared a number of social and political organizations.”\textsuperscript{111} Some former dissidents engaged in politics as well\textsuperscript{112},

\textsuperscript{105} Martin, Kaitlin T. (2011): \textit{Protesters as Nation-Builders: Civic Nationalism and Civil Society in Contemporary Russia.}
\textsuperscript{106} Jakobson, Kononykhina, Benevolenski, Pamfilova, Proskuryakova, Tumanova (2011)
\textsuperscript{107} Ibid.
\textsuperscript{108} Daucé (2010)
\textsuperscript{109} Jakobson, Kononykhina, Benevolenski, Pamfilova, Proskuryakova, Tumanova (2011)
\textsuperscript{110} Daucé (2010)
\textsuperscript{111} Daucé (2010) cites: Петренко К.В. (2001): Общественные организации в России. (Вторичный анализ результатов массового опроса россиян и ДФГ в июле, а также диктофонных интервью с активистами НКО в июле и августе 2001 г.)
\textsuperscript{112} Andriy Sakharov and Sergei Kovalev (founders of Memorial Society) were elected to the State Duma, the latter was a the chairman of the President’s Human Rights Commission and Human Rights Commissioner for the Russian parliament from 1994 to 1996.
fighting for the realization of human rights in the frames of institutionalized politics, however, they rarely became active members to political parties. As a consequence of these developments the distinction between civic and political activism has been blurred.\footnote{Daucé (2010)}

From the end of the 1980s a development in numbers and varieties of the civic groups of social cause was also to be experienced. Beyond ecological, cultural or other associations, alcoholism awareness fora, many self-help groups were created. These organizations operated within the state but independently of its institutional framework\footnote{Martin (2011)} and that way questioning the necessity of the state intervention in economic and social life\footnote{Jakobson, Kononykhina, Benevolenski, Pamfilova, Proskuryakova, Tumanova (2011)}.

After the perestroika period the cooperation between the human rights NGOs and the regime was weakened, the organizations were marginalized.\footnote{Daucé (2010)} Following the reinforcement of the presidential power in 1993 and a birth of new elite, the Yeltsin regime distanced itself from human rights associations eliminating their channels of communication and influence.

As a consequence of the state’s ignorance and the lack of financial support, after the dissolution of the Soviet Union foreign donors appeared in Russia to support the civil society. They provided not only financial but also technical assistance, organized trainings, educational programs and exchanges for the civic actors aiming to change the political and social behavior and promote Western civil society model.\footnote{Jakobson, Kononykhina, Benevolenski, Pamfilova, Proskuryakova, Tumanova (2011)} The other important source the associations received money from were the oligarchs – however, the philanthropy has never been wide-spread in Russia. Boris Beresovskiy supported the Sakharov Foundation in Moscow but the most active in supporting civil initiatives was Michail Khodorkovsky throughout his foundation Otkrytaya Rossiya.\footnote{Daucé (2010)}

From the 2000s, after the election of Vladimir Putin to the president seat the scope for action for the oligarchs was fundamentally derogated. After the conviction of Khodorkovsky the Otkrytaya Rossiya also ceased to function. Accepting funds from such resources would increase suspicion for the given organization as well. About the
developments of the Russian third sector in the 2000s see Chapter 4.4 Russian civil society under the Putin administration.

4.3 The role of civil society in the main documents of the Russian Federation

4.3.1 Constitution

The foundations of the freedom of speech, the freedom of assembly and other rights and freedoms which are the most important factors in the long run to determine the strength and capacity of the civil society\textsuperscript{119} are formulated in the Articles 13, 19, 28, 29, 30 of the Constitution\textsuperscript{120}. When accepting a new bill these asseverations should be respected.

The right of association and the freedom of activity of a public association is declared in the Article 30 of the Russian constitution. Everyone is guaranteed the right to associate but nobody can be compelled to be a part of an association.

Paragraph 5 of Article 14 prohibits the establishment of those kind of associations whose goals and actions aim to force change in the fundamental principles of the constitutional system of the Russian Federation or violate its integrity, undermine its security, set up armed units or rouse social, racial, national or religious hostilities.

Article 19 pronounces the equality of rights and freedoms of all man and citizen regardless of membership of public associations and Paragraph 4 of Article 13 declares the equality of public associations before the law.

Article 29 guarantees everyone the freedom of thoughts and words. This Article restricts enforcing one to express or renounce his views, it prohibits censorship and guarantees the freedom of media. Paragraph 4 declares the free flow of information:

“Everyone has the right to seek, receive, transmit, produce and disseminate information by any lawful means. The list of information constituting a state secret is determined by federal law.”

Article 28 guarantees everyone to freely choose, possess and disseminate religious and other beliefs.

\textsuperscript{119}Ekiert, Foa (2011).
\textsuperscript{120}The Constitution of the Russian Federation. Adopted at the December 12, 1993 referendum.
4.3.2 The National Security Strategy and the Concept of the Foreign Policy

As the elaboration of the law on NGOs performing foreign agents was reasoned by the protection of the national security of the Russian state it is important to analyze the civil society concept of the national security strategy as well as the foreign policy concept.

The concept of the foreign policy is based on the objectives of the national security strategy document but it is important to note that between the approvals of the two documents almost four years passed and were signed by two different presidents believed to have different sentiment on world politics.

The mission of the foreign policy is to promote the national security interests defined in the national security strategy and to ensure the protection of the individual, society and the state as a whole. The main national security priorities are the national defense, state and society. The development of democracy and civil society is mentioned in the first place as a long term security interest ahead of the improvement of the competitiveness of the economy, securing the rule of law or the “hard” security interests such as territorial integrity, sovereignty.

The increasing social welfare and the security of the individual is inevitable for developing the national security of the country while the extraneous “lifestyle of permissiveness”, spread of mass culture, racism and growing extremism are considered as security risks.

Therefore the civil society has got an important role in the national security of Russia: in cooperation with the government it works on the improvement of the national system of human rights protection by the means of creating an appropriate legal system and legislation; strengthens the international cultural ties. But first and foremost its role is central in realization of the “right of every Russian citizen to life, security, work, housing, health and a healthy way of life, accessible education and cultural development.”

The National Security Strategy to 2020 considers the Civic Chamber of the Russian Federation as an important actor in examining the questions regarding the national security.

In the foreign policy concept is a separate chapter devoted for the human rights issue. Russia seeks the participation of non-governmental organizations and of the Civic Chamber in the work with human rights and supports them to take an active role in the global forums and by that become an effective player of the Russian foreign policy.

The civil society shall be an important actor in the development of the international cooperation in the field of humanitarian actions and intercultural dialogues. In the foreign policy concept the civil society is described as an interpreter of Russian interests in front of the international fora which promotes “a human rights protection free of double standards”.

The human rights should be handled on international level with respect of the ethnic, cultural and historical characteristics. It is to the foreign policy to defend the country from those who misuse this important issue - as explained in the Concept of Foreign Policy of the Russian Federation123:

"Soft power", a comprehensive toolkit for achieving foreign policy objectives building on civil society potential, information, cultural and other methods and technologies alternative to traditional diplomacy, is becoming an indispensable component of modern international relations. At the same time, increasing global competition and the growing crisis potential sometimes creates a risk of destructive and unlawful use of “soft power” and human rights concepts to exert political pressure on sovereign states, interfere in their internal affairs, destabilize their political situation, manipulate public opinion, including under the pretext of financing cultural and human rights projects abroad.”

123 Paragraph 20 of Chapter II Foreign Policy of the Russian Federation and the Modern World.
4.4 The civil society conception of the Putin administration

The state’s attitude of benevolent non-interference changed gradually at the beginning of the 2000s - the Putin administration took efforts to engage citizens and as such inviting the NGOs to cooperate. The state started to donate the civil society organizations actively reducing the scope of action of the foreign donors and at the same time outlawing the oligarchs the almost sole resource of domestic philanthropy.

In his official statements Vladimir Putin promotes the sustainment and development of the civil society claiming an effective and democratic system requires a strong and independent civil society. In his speech to the Presidential Council for Civil Society in 2005 the president called the NGOs “irreplaceable partners of the state in combating the most acute problems”. Nikolai Patrushev, that time head of the Federal Security Service (FSB), argued in July 2005: “Nongovernmental organizations must not be allowed to engage in any activity they like (...) The NGOs must be told what problems they should tackle and for what purpose and they should engage in activity of that kind...”

The midst of the 2000s saw turbulence around the previously neglected NGO sphere. The Presidential Commission of Human Rights was redesigned, a Civic Chamber was created, a monitoring system of the condition of civil society has been set up, the legislation of NGOs was revised. The state started to donate the civil society organizations actively and also facilitated creation of new associations. Behind the measures improving the conditions of the civil society were the motives to involve them in solving social problems of the country while suspicions has remained towards organizations engaged in human rights advocacy.

124 Jakobson, Kononykhina, Benevolenski, Pamfilova, Proskuryakova, Tumanova (2011)
125 Ibid.
126 Daucé (2010)
129 Jakobson, Kononykhina, Benevolenski, Pamfilova, Proskuryakova, Tumanova (2011)
4.4.1 Incentives and institutions on civil society developments

In 2003 a new federal law about the general principles of local self-government\footnote{Федеральный закон "Об общих принципах организации местного самоуправления в Российской Федерации" No. 131-ФЗ от 06.10.2003} was enacted\footnote{To the law Nr. 131-FZ on 6 October 2003 were brought amendments on 28 December 2013.} broadening the possibilities of the citizens and local organizations to give forth their local economic and social problems, especially housing issues in form of public hearings and local referenda.\footnote{Robertson (2009): Managing Society: Protest, Civil Society, And Regime In Putin’s Russia. Slavic Review, Vol. 68, No. 3, pp.528-547. Association for Slavic, East European, and East European Studies.} This bill aimed to provide unburdened access to public officials strengthening the lobbying skills and wheel and deal capabilities of the civic associations.

In 2004 the Presidential Commission of Human Rights was reorganized to Presidential Council for Civil Society and Human Rights.\footnote{Official website of the Presidential Council for Civil Society and Human Rights. \url{http://www.president-sovet.ru/about/} Last accessed on 07.04.2014.} It is a consultative body with the function to assist the President in the exercise of his constitutional responsibilities as the guarantor and protector of human rights and freedoms. The council keeps the president informed on the situation of this area, facilitates the development of civil society institutions and drafts proposals for the president on matters within its mandate.\footnote{Brief information on Presidential Councils. \url{http://eng.state.kremlin.ru/council} Accessed on 07.04.2014.}

In the spring of 2005 the Civic Chamber of the Russian Federation was called into being with the mission, to “facilitate coordination between the socially significant interests of citizens of Russia, NGOs, and national and local authorities, in order to resolve the most important problems of economic and social development, to ensure national security, and to defend the rights and freedoms of citizens of Russia, the Russian constitutional system, and the democratic principles of the development of civil society in Russia”.\footnote{For the legal foundations see “On the Public Chamber of the Russian Federation” Federal Law No. 132-FZ on 4 April 2005.}

The role of the Civic Chamber covers two purposes: it should function as a connection between the state, NGOs and citizens facilitating their joint work on the implementation of governmental policies and civil initiatives of national interest. The Civic Chamber should also protect the citizens and NGOs in their rights, freedoms and
legal interest acting as a public control over the government and the authorities, and it should draw recommendation for the legislation and its execution.\textsuperscript{136} From 2006 the Chamber was responsible for administering the annual competition based presidential grants, a new system of increased NGO funding.\textsuperscript{137}

The Chamber is governed by a council, operates 17 commissions and sub-commissions focusing on various areas, and for special issues working groups from external experts and NGO members are set up. The Chamber is active at issuing research material on analyses on various issues, and an annual report on the state of the civil society in the country\textsuperscript{138}.

However, the creation of the Civic Chamber is an important step in making the civil sphere more structured and clearly channeled; many criticized the nomination process to this new organ. The top-down nomination process shows the clearly centralized functioning of the Chamber as the first 42 members are chosen by the President of the Russian Federation. After organizing a call to the Russian national NGOs these 42 representatives choose the further 42 members from the applicants, the third 42 people are listed from regional and interregional organizations.\textsuperscript{139}

Other critics argue that the Civic Chamber or the other third sector oriented governmental bodies are only standing for to improve Russia’s negative human rights records\textsuperscript{140} but well-known human rights activist and journalist\textsuperscript{141} became a member of these institutions, could express their opinion and the civic activity has been promoted by the government.

\textsuperscript{136} Official website of the Civic Chamber of the Russian Federation. \url{http://www.oprf.ru/en/about/} last accessed: 05.03.2014.
\textsuperscript{137} Pergler (2010).
\textsuperscript{139} Official website of the Civic Chamber of the Russian Federation. \url{http://www.oprf.ru/en/about/} last accessed: 05.03.2014.
\textsuperscript{140} Debra, Lindemann-Komarova (2010)
\textsuperscript{141} For example: Ludmilla Alexeeva, a former soviet dissident, the head of Moscow Helsinki Group; Svetlana Gannushkina, founder of Citizen’s Assistance group, member of Memorial and also Nobel prize nominee from 2010, Yuri Dzhibladze president of the Center for the Development of Democracy and Human Rights, and others.
4.4.2 Increased control after the “color revolutions”

“In our country thousands of civic associations and unions that work constructively. But not all of them are oriented toward standing up for people’s real interests. For some of these organizations, the priority is to receive financing from influential foreign foundations. Others serve dubious groups and commercial interests. And the most serious problems of the country and its citizens remain unnoticed. I must say that when violations of fundamental and basic human rights are concerned, when people’s real interests are infringed upon, such organizations often fail to raise their voice. And this is not surprising: they simply cannot bite the hand that feeds them.”- stated Putin in his Annual Address to the Federal Assembly142, after his reelection in 2004.

These sentences can be assessed as initial point of the Russian policy towards NGOs having strong international connections or being engaged in political topics. While the government seeks cooperation with Russian organizations involved in socio-economic development, those NGOs which work on controversial issues such as human rights or are active in conflict regions of the country have to face suspicion and inimicality from the government’s side.

The “color revolutions” provided an additional discursive framework for those who stressed the need for tighter control over NGOs funded by foreign donors.143 Vladimir Putin, himself, expressed many times that it was provoked and fuelled with foreign, especially American sponsorship and its tools were the foreign financed civil society actors. The government developed a broad and innovative agenda to avoid the repetition of those events in Russia.

The measures involved a new law on NGOs and the boosting of a parallel pro-regime society.

4.4.2.1 The NGO law in 2006

In January 2006 the Duma accepted controversial amendments144 to the regulation of non-commercial organizations. Although the measures were changed later it is

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143 Klitsounova (2008)
important to mention the content of this bill as it can be seen as a forerunner of the law on NGOs performing foreign agents which stays in the center of this analyses.

The amendments in 2006 introduced burdensome reporting requirements, increased state auditing and severe penalties for non-compliance. The registration of NGOs has been changed from a base of application to permission - critics mentioned that the registration-related expenses were higher than those for commercial enterprises.\textsuperscript{145}

The acceptance of the amendments was double. The law was strongly criticized for the improved state control over the sector, for the unnecessary restrictions; others considered it as an important step towards a transparent, well managed NGO sector.\textsuperscript{146} Grame Robertson in his analyses on the Russian third sector in the 2000s assessed the bill as follows. “The point is not the closure or detailed monitoring of the NGO sector as a whole but rather the creation of a legislative framework which can be used selectively.”\textsuperscript{147}

4.4.2.2 The other third sector

Alongside with the newly introduced administrative obligations and increased funding in form of presidential grants the Putin administration started to establish a parallel loyal to the regime third sector.

In this context the term NGO, non-governmental organization, hardly matches to the associations which I will present here. The general translation of NGO to Russian is NPO – (ne-pravitelstvennaya organizatsiya) but this abbreviation should be understood in the contemporary official political language as non-political organization. There is another term used for the socially active but to the political sphere not interfering “non-commercial organizations”: GONGO that is Government Operated NGO.\textsuperscript{148}

According to the approach of the Russian administration of the 2000s the civil society should be a supplementary to the governmental policies: it should the state in fulfilling its tasks but not acting as a monitoring body supervising the policy developments. The neutral organizations are allowed to the funds, are free to operate and are provided also technical support.

\textsuperscript{145} Klitsounova (2008)
\textsuperscript{146} Robertson (2009)
\textsuperscript{147} Ibid.
\textsuperscript{148} Daucé (2010)
At the same time the government itself promotes the creation of civil society organizations active in the field of human rights protection and monitoring. The regime leaders tend to refer often to the importance of the human rights protection, the rule of law. It is not up to this thesis to evaluate the administration’s honesty – though the majority of the western analyses judge its efforts to be purely a display – but it is clear that the Kremlin has recognized the importance of this “soft power”.  

The reform of the Human Rights and Civil Society Council under the President, the creation of offices of federal and regional ombudsmen, government financed human rights protection association such as the new organization called Resistance – Human Rights Movement or the foundation of the Institute for Democracy and Cooperation are reckoned here. The latter was announced by Vladimir Putin in 2007: “the European Union helps the development of similar institutions with its grants, it is time the Russian Federation to do the same”. The mission of the organization – based in Paris and New York - is to promote dialogue on the field of economy, politics and culture by establishing cooperation between various institutions, research centers and NGOs.

Furthermore new non-commercial organizations appeared in the country, some of them having similar bearing as other, widely known government critical organizations do. The Council of Military Parents carrying out charitably activities is an often cited example – as it enjoys the Defense Ministry’s financial and moral support challenges the role of the peace organization Soldiers’ Mothers which is exposed to accusations of being steered from abroad.

As important phenomenon the government supported youth movements have to be mentioned here: these movements are capable for mass mobilization having a strong

149 Klitsounova (2008)
150 Pergler (2010)
152 Daucé (2010)
153 Россия профинансирует европейскую демократию. Известия. Published on 29.10.2007.
157 Daucé (2010)
organizational infrastructure and the state can call them on to support of its goals\textsuperscript{158}. The most famous among them\textsuperscript{159} is Nashi (Ours) - founded in March 2005. It organizes a wide range of programmes including summer camps, visiting war veterans and conducting social activities, patriotic actions and sometimes engaging in nationalistic, radical steps. The “active mobilization of pro-regime supporters” was aimed at outnumbering the opposition youth groups active in 2004-2005 and showing a strong, dynamic face of the regime which can attract the youth.\textsuperscript{160} During the election campaigns Nashi has acted as a personal mobilizing force of Vladimir Putin\textsuperscript{161}. In 2012 the leaders of the youth movement have created a political party called Smart Russia\textsuperscript{162}.

4.5 **Awakening of civic activism**

Arrival of Dmitri Medvedev to the president’s seat raised hopes in the West for a more open and pluralistic approach towards the civil society. In the wake of the global financial crisis Medvedev launched a comprehensive modernization discourse including elements for the civil sphere.

In April 2009 on a meeting with the Presidential Civil Society Council the president declared that the NGO regulation has to be revised and amended.\textsuperscript{163} On 17 July 2009 the modifications to the Law on non-commercial organizations” were adopted\textsuperscript{164} – limiting the planned inspections instead of every year to every third year and simplifying the registration of the associations. In April 2010 the Duma adopted a bill on socially oriented NGOs\textsuperscript{165} which enables a wider state support for associations which are engaged with answering to local social problems.

\textsuperscript{158} Robertson (2009)
\textsuperscript{159} An other pro-regime movement, Moving Together had existed since 2000.
\textsuperscript{160} Robertson, B. Grame (2012): *Russian Protesters: Not Optimistic but Here to Stay*. In: Russian Analytical Digest, No. 115.
\textsuperscript{161} Robertson (2009)
\textsuperscript{163} Pergler (2010)
In spite of Medvedev’s friendly rhetoric, the negative tendencies did not change, more and more human rights activists disappeared or were killed; demonstrations were suppressed by police or were not permitted.\textsuperscript{166}

It is widely alleged that the 2011 December Duma were conducted with a large electoral fraud. On the days after large scale\textsuperscript{167} demonstrations started in Moscow - with the slogan “For fair elections!”\textsuperscript{168}

The following months brought numerous sanctioned and unsanctioned demonstrations and events mainly organized by activists of opposition forces which – partly because of the electoral techniques – could not pass the 7 % electoral threshold. The so called extra-parliamentary opposition organized regular forums covering broader and broader list of topics. People and activists calling for fair elections, drawing attention to the corrupt nature of politics and life in Russia or just expressing general dissatisfaction with the ruling United Russia party joined the events.\textsuperscript{169}

President Medvedev communicated the events as part of a necessary political evolution which was due to increased living standards, a more active civil society, and the development of social media.\textsuperscript{170} This increased protest potential and readiness of the population to express its opinion can be interpreted as a result of the lack of alternative forms of participation\textsuperscript{171} as it became clear that the political system is not only theoretically but practically closed to the new opposition forces.\textsuperscript{172}

To calm down the protest movements in March and April the Duma adopted amendments to the parliamentary electoral systems and the Open Government was established to create consultation mechanisms between the state and civil society organizations but these steps did not withdraw the demonstrators.\textsuperscript{173}

\textsuperscript{166} Pergler (2010)
\textsuperscript{167} The protest on the 24 December 2011 was estimated to be the biggest protest since the collapse of the Soviet Union. Some newspapers reported that the number of participants could reach 120.000. \textit{Vast rally in Moscow is a challenge to Putin power, The New York Times}; Vladimir Putin’s advisers dismiss Russian Christmas Eve protest, The Telegraph; Moscow protest: thousand rally against Vladimir Putin, BBC. Published on 24, 25, 25.12.2011 respectively.
\textsuperscript{168} “За честные выборы”
\textsuperscript{169} “The protest movement in Russia 2011-2012” Levada Centre
\textsuperscript{170} Cited from the \textit{Speech of High Representative Catherine Ashton on the situation in Russia}. European Parliament Brussels, 01 February 2012
\textsuperscript{171} Pergler (2010)
\textsuperscript{172} Daucé (2010)
\textsuperscript{173} The 2012 CSO Sustainability Index for Central and Eastern Europe and Eurasia. USAID.
In spite of the apparent dissatisfaction with the regime Putin won the presidential elections on 4\textsuperscript{th} of March with the absolute majority of the votes. The protests did not stopped after Putin’s victory, the spring of 2012 saw repeating demonstrations in form of protest camps or civic walks. The organizers and participants of the actions were frequently taken to court under accusations of administrative violation if the demonstrations were not swept away by the police.\textsuperscript{174} At the same time the solidarity with political prisoners grew stronger in this active part of the society, groups were formed which provided assistant to people detained – next to the human rights group offering help to protesters whose rights had been violated.\textsuperscript{175}

For the 6th of May, the day before the inauguration of Vladimir Putin a large scale protest, March of Millions was organized to the Bolotnaya square in Moscow which ended in violent confrontation between protesters and police forces. The alleged participation or support of the “Bolotnaya unrest” has become a reason to inspect, prosecute or arrest opposition politics, civil society activists, politically oriented NGOs.

Immediately following his election victory Putin made it clear that he had the full control over the situation.\textsuperscript{176} The comprehensive measures limiting the scope of action of the civil society - often rated as an authoritarian step backward –can be seen as the continuation of the developments started after 2004. The politically motivated trials involving Pussy Riot, Aleksei Navalny, or Greenpeace activists have started the list. Parallel with the new legislative package the government started to use a hostile rhetoric against „foreign influence“. This involves comparing human rights promotion or government accountability with limitations to the sovereignty.\textsuperscript{177} The need to limit the influence of foreign funded NGOs has been put again to the agenda.

According to Ekiert and Fora the kind of color revolutions emerge when as a result of controversial elections severe political crisis evolves. These periods involve rapid mobilization, unexpected evolution of civil movements and the events are usually followed by demobilization, waste of the new civic organizations and the overall passivity of the participants and leaders as the sustainability of civic organizations is

\textsuperscript{175}Ibid.
\textsuperscript{176}Ibid.
\textsuperscript{177}Laws of Attrition: Crackdown on Russia’s Civil Society after Putin’s Return to the Presidency. Human Rights Watch, 2013.
low in the less democratic states. This phenomenon is also perceptible in Russia, however, the intensification of the civic sphere did not end up in revolution or in real unrest and the political elite could successfully avoid the crisis as well.

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178 Ekiert, Foa (2011)
5 International NGOs in the contemporary Russia

5.1 Changing legal environment for the civil society

After Vladimir Putin’s return to the presidency a number of restrictive acts limiting the smooth functioning of the civil society has been enacted.

The law ruling the status of non-profit organizations receiving funds from abroad was adopted by the Federal Council of the Russian Federation on the 18th July 2012 and after ratification by President Putin it was published in the Rossiyskaya Gazeta on the 23rd of July. The Federal Law No. 121-FZ of 20 July 2012179 “On changing certain legislative acts of the Russian Federation with regard to regulating the activity of non-commercial organizations fulfilling the functions” - commonly known as “foreign agent law” - came into effect on the 21st of November 2012 and amends a list of previous regulations on the non-commercial organizations operating in Russia.

In the following paragraphs I will present the actual rulings of the law such as definitions, way of procedure and scale of sanctioning. Although the law changing the possibilities of the NGOs working in international cooperation has got the probably biggest publicity and comprises the heart of this thesis it is indispensable to mention other regulations enacted in the second half of 2012 in order to get a complete sketch. These bills also have crucial effect on the civil sphere so on the scope for action of the NGOs but giving an in-depth analyses on them is not the goal of this paper.

5.1.1 The ”foreign agent law”180

Definitions

A non-profit organization fulfilling the function of a foreign agent is by the definition of the federal law No. 121 a Russian non-commercial organization which obtains financial instruments or property from foreign states or their public authorities, from

179 Федеральный закон Российской Федерации от 20 июля 2012 г. N 121-ФЗ "О внесении изменений в отдельные законодательные акты Российской Федерации в части регулирования деятельности некоммерческих организаций, выполняющих функции иностранного агента."

180 The résumé under this chapter was prepared on the base of the „law on foreign agents” with the help of Elena Iseaeva’s summary published in the magazin „NGO window”.

Исаева, Елена (2012): Иностранный агент: новый ярОнлык и новые обязанности для НКО. Понятие Иностранного агента было введено в российское законодательство Федеральным законом от 20.07.2012 N 121-ФЗ. Окно в НКО. Nr 7(135)
international organizations, from foreign citizens, stateless persons or Russian legal entities that receive funds or property from the same; furthermore participates - in the interest of its foreign donor - in political activities carried out on the territory of the Russian Federation.

A non-profit organization (with the exception of political parties) is recognized being involved in political activities in Russia if it participates in organizing or conducting political actions in order to influence the decision making of public authorities or for that purposes to form the public opinion regardless its goals and aims set out in its founding documents.

The term political activity does not apply neither in the case of activities conducted on the field of science, religion, culture, art, sanitary nor for sports, flora and fauna, social support for disabled people, charitable activities or voluntarism.

**Bureaucratic obligations**

The founders of not-for-profit organizations and the bodies of already operating NGOs intending to carry out political activities and are aware they will obtain or have been already obtaining foreign funding are required to submit an application to the Ministry of Justice for the inclusion the organization in the *Register of NGOs performing functions of a foreign agent*.

The organizations recorded in the register are obliged to

- submit the annual financial report to mandatory audit to a Russian audit company and provide the accounting report and audit warrant for the judicial authorities annually
- submit a report on their activities, on the members of their governing boards every six month
- submit documents about the purpose of expenditure and the use of property including those received from foreign sources quarterly.

The report on activities has to be published on the internet or media in the extent it was submitted to the authorities.

Furthermore all the materials published and distributed by them have to be indicated with the status of non-profit organization fulfilling the functions of a foreign agent.

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The authority control182

Only one planned inspection can be carried out a year. An unscheduled inspection can be launched if a previously issued remedy for violation has terminated or the authority has a decree from the prosecutor’s office to conduct an unscheduled inspection as supervision of implementation of the law. At the same time commence of inspection can be based also on notices from citizens, municipal authorities or information from media about facts which seem to prove signs of extremism or that the activity of „foreign agents” violates the law.

If an NGO concerned fails to submit its application to the register of non-profit organizations performing functions of foreign agent the judicial authority can suspend its activity for not more than 6 months. During the suspension it is forbidden to conduct mass actions or public events, use bank deposits with the exception of routine payments, fees, taxes and fines. If the NGO submits the application during the time of suspension the ban on its activities would be lifted from the day of the enrollment in the register.

Imposition

The law No. 121-FZ also disposed amendments on the criminal code. The willful avoidance of submission of the required documents for registration can be sanctioned by a fine up to 500,000 rubles (or the amount of the salary or other income in the period of up to 2 years) for legal entities. The fine amounts 300,000 rubles for individuals or sentences them for compulsory work of 400 hours or imprisonment for the same term.

Reflection

The ministry of justice will annually present to the State Duma a report on the activity of non-profit organizations performing functions of foreign agent. The report shall contain information about their participation in political activity on the territory of the Russian Federation, about their admittance and expenditure of funds and also about the results of the monitoring of their activity.

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182 The foreign agent law was amended in the beginning of 2014, broadening the possible reasons for inspections. The paragraph here describes the present situation (as of 27.04.2014). Amendments to the law:
Федеральный Закон „О внесении изменений в статью 32 Федерального Закона"О некоммерческих организациях" №. 18.- ФЗ
5.1.2 “Anti-Magnitsky act”\textsuperscript{183}

The Dima Yakovlev act which was a clear response to the “Magnisky Law” enacted in the United States banning Russian officials considered to be responsible for the lawyer Sergei Magnitsky’s death to enter the US and also freezing their bank accounts. The Russian response, the “anti-Magnitsky act” besides prohibiting American citizens to adopt Russian children and banning American citizens who violate the human rights of Russians to enter the county and freezing their assets imposes further control on the already stigmatized foreign funded NGOs.

According the federal law \textit{On Sanctions for Individuals Violating Fundamental Human Rights and Freedoms of the Citizens of the Russian Federation} as its official name stands, taking in effect on 1 January 2013 the non-profit organizations that receive funding or other assets from American organizations or citizens and are involved in political activities in Russia have to suspend their activities.\textsuperscript{184} The ruling also affects NGOs implementing projects, programmes or conducting other activities in Russia which represent threat for the country’s interests. Furthermore, people with dual US-Russian citizenship can not be members or leaders of non-profit organizations or division of international or foreign NGOs involved in political activities in Russia. In case of violation of this regulation the organization may be shut down without a court decision and the law foresees other penalties as well.\textsuperscript{185}

5.1.3 Acts concerning assembly, internet, communication, and minority rights

Apart from the law on foreign funded NGOs the summer and autumn of 2012 saw a legislative boom concerning the social space.

The law on organizing public events\textsuperscript{186} strictly limits the freedom of assembly by prescribing the need for permission for all form of events, toughening responsibility for

\begin{itemize}
\item \textsuperscript{183} Federal law \textit{On Sanctions for Individuals Violating Fundamental Human Rights and Freedoms of the Citizens of the Russian Federation}. No. 272-FZ on 28 December 2012
\item \textsuperscript{184} Vladimir Putin signed Federal Law \textit{On Sanctions for Individuals Violating Fundamental Human Rights and Freedoms of the Citizens of the Russian Federation}. Published on 28.12.2012 on the official website of the President of Russia.
\item \textsuperscript{185} Bernard (2014)
\item \textsuperscript{186} Federal Law “\textit{On Assemblies, Meetings, Demonstrations, Marches, and Picketing}” No. 54-FZ (as amended on 8 June 2012)
\end{itemize}
violation on organizing and holding public events, increasing the fines up to 300-fold. Participation in “unsanctioned” events can eventuate huge retribution.

It raised concerns in the **internet** community when legislative steps increasing control over internet were adopted. The bill On amendments to the Federal Law *On the Protection of Children from Information Detrimental to their Health and Development*\(^\text{187}\) and a federal register of prohibited website was set\(^\text{188}\). The “blacklist” was primarily created to add websites allegedly containing child pornography, drug-related material or writing about other in the Russian Federation banned activities. The legislation’s stated goal is protecting children but media experts and actors of civil society in Russia and abroad expressed their misgivings that the broad definitions of the law can assist misuse. The concerns that websites can be shut down without court decision seemed to be confirmed by the end of December 2013 when amendments to the law “*On Information, Information Technologies and Protection of Information*”\(^\text{189}\) did it possible that the websites which the Office of Prosecutor General consider extremist can be shut down immediately.\(^\text{190}\) The law applies in those cases when a website “containing appeals to mass riots, extremist activities, participation in mass actions held with infringement of the established order”.\(^\text{191}\)

In November 2012 there were conducted amendments\(^\text{192}\) to the criminal code expanding the definition of state secret and treason – which significantly ease penalizing somebody as a traitor. Not only the revealing information constituting state secret but also the consultative or other assistance provided for international organizations and governments is termed as treason if “their activities (in consequence of assistance - *ed.*) cause damage to Russia’s security”. Furthermore collection of any kind of information - not necessarily containing state secret - by foreign citizens for

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\(^\text{187}\) Federal Law No. 139-FZ on 28 July 2012

\(^\text{188}\) *Common Register of Domain Names, Internet Website Page Locators, and Network Addresses that Allow Identification of Internet Websites which Contain Information Prohibited for Distribution in the Russian Federation*. The list was created by the federal law No. 139-FZ and the website is operated by the Federal Service for Supervision of Communications, Information Technology and Mass Media (Roskomnadzor). Accessible on: [http://eais.rkn.gov.ru/](http://eais.rkn.gov.ru/), last accessed on 20.03.2014.

\(^\text{189}\) Federal Law No. 149-FZ on 27 July 2006

\(^\text{190}\) Bernard (2014).


\(^\text{192}\) Federal Law No. 190-FZ on 12 November 2012
transferring them for use against the security of the Russian Federation constitutes espionage.

By a legislative act slander was reintroduced as criminal offence curtailing criticism. The new regulation threatens journalists, bloggers and civic activist with a fine up to 1,8 million rubles for violating the law by publishing defamatory statements.

Harsh conviction and outcry from the western media and internet communities could be observed following the legislation first on regional and later on federal level on “prohibition of homosexual propaganda”. The LGBT bill was justified by protecting the children but it excludes the thematic of homosexuality from the public discourse.

### 5.2 Interpretation of the law on “foreign agents”

The new regulations on NGOs – the one on prescribing the label „foreign agent” and also the Dima Yakovlev act – are questionable in wording and threaten human right or even environment protection organizations with persecution. A wide range of activities of an internationally founded NGO can be rated as political or as affecting the interest of the Russian nation and the label foreign agent can discredit them in the eye of the population.

The warrants of authorities obliges the NGOs to do constant paperwork as even business does not meet and the decreasing financial sources set back the general operation as well. In the next pages the concerns of the functioning and its operation in reality will be presented.

### 5.2.1 Law on NGOs performing as foreign agents: problematic conceptions

**Lack on clear definitions**

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194 Federal Law No. 141-FZ on June 2012
196 Federal Law No. 135-FZ on 30 June 2013
197 In this chapter abbreviation „NGO” stands for all those non-profit organisations who are referred by the Federal Law No. 121-FZ on 20 July 2012. Non-commercial organisations who are active exclusively on social or other fields considered non-political and are financed exclusively from domestic or governmental funds are not affected by this legislation.
The lack of clarity on definition and on inspection rules does not ease the situation of the various associations. As it is not clear what did the legislators understand under political activity the organizations do not know what to avoid. There stands only a weak furtherance for short-listing: the law expresses that it does not pertain on religious organizations, nor for activities conducted on the sphere of science, art, healthcare, sports, etc. Though there is not any clear line what falls under political activities and what does the government tolerate - as the protection of flora and fauna is considered non-political but activism on the field of environmental issues infers already intentions to influence political decision making and is often severely persecuted by the authorities as the case of Greenpeace activists\(^{198}\) or the arrest of activists ahead of Sochi Winter Olympics shows\(^{199}\).

Furthermore not only the meaning of influencing the public decision making but also the term forming the public opinion should be explained. However, most of the NGOs are not engaged in political activity as understood traditionally but thank to these abstruse phrasing most of the NGOs can be declared political.\(^{200}\)

The gloomy and often – even in court cases - inconsistently used terms and the fact that NGOs are often interrogated for actions conducted before the law on foreign agents came into effect - as it was at the case with Anti Discrimination Center Memorial and Association Golos increase the pressure and the uncertainty. Accusations against the ADC Memorial referred on an analytical report on arbitrary treatment by police presented\(^{201}\) for the UN Committee against Torture. Vladimir Rukinov an expert invited by the Public Prosecutor’s Office stated that however the report does not call for changing the constitutional system, does not contain incitements to hate or unrest, it is clearly of political nature and could be „unconsciously” assimilated by the masses so that could politically influence them.\(^{202}\)

**Foreign supporters = foreign commands?**

\(^{198}\) A vessel of Greenpeace “Arctic Sunrise” was held by Russian border forces in September 2013 in the exclusive economic zone of Russia, the crew members were accused of piracy.

\(^{199}\) Russia: Civil society activist arrested ahead of start of Sochi Olympics. Amnesty International. Published on 3 February 2014.


\(^{201}\) Report on “Roma people, migrants, activists: victims of police arbitrariness” The presentation was held on 13 November 2012 – before the law on foreign agents took into effect on the 21st of November.

\(^{202}\) Bernard (2014).
The law equates the obtainment foreign funds with implementation of foreign interest. When the operation is secured by somebody else it is inevitable that the donor have influence on the supported organization but equating donations with subservience and the approach that a non-Russian guidance or a membership in an international network would per se threaten Russian interest is questionable.

The process of social development has a global character in the contemporary world. Russia uses foreign funds in numerous fields of the economy. As the economic development is interconnected, the research and development, the field of science, exchange of know-how and digital technologies are facilitated in international cooperation by international funding, so do the protection of human rights and rule of law.203

**Label: foreign agent**

The NGOs expressed the concern that already the adoption itself created the atmosphere of split and divide, raised hostility in the society against the NGOs.204

The term foreign agent holds negative connotation referring to the communist period as it is bond in the eye of Russian population to the word spy. In the survey of Levada center205 – a non-governmental sociological research organization subject itself of persecution206 - in the wake of the given law 39 percentage of the interviewed considers a foreign agent spy or representative of the secret agency of a foreign country, for 22 percentage a foreign agent is a clandestine domestic enemy. 11 percentage of the interviewed answered “foreign financed public organization”. Only 12 percentage of the people answered in an other survey of the Center that the term foreign agent holds positive meaning for them.

Based on such surveys the NGOs rightfully allege that pronouncing themselves foreign agent and indicating this label on all of their materials issued would lead to mistrust and so discredit their future and past work. Having a good renown is even more

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204 Interview with Arseniy Roginsky. Арсений Рогинский: «Не исключено, что решение по нам уже выписано» Solta.ru, published on 22.03.2012.
205 See appendix, Diagram 2.
206 The Levada Center conducting academic research did also get to the center of authorities attention. On 15 May 2013 the prosecutor’s office of one of Moscow’s district issued a warning that the Centre may break the law on foreign agents. Although the scientific work is an exception under the effect of the law the Levada Center of public opinion research was prosecuted for engaging in political activity through the publication of its research and obtaining fund for abroad.
important for NGOs than for other actors of the society as all their work is based on, aimed for and is conducted in cooperation with the people – their mission is not possible to complete in a negligent or hostile environment.

Accusations and pressuring to declare itself as a foreign agent is particularly injurious for the Historical, Educational, Human Rights And Charitable Society Memorial as it was established to explore the cases and rehabilitate victims of communist regime – which had the praxis to declare its dissidents as foreign agents. “We "Memorial" know how many people in what year confessed under torture that they were spies and foreign agents. We know how to these confessions were beaten out of them. In our historical memory the phrase "foreign agent " has only one meaning .” – confessed Arseny Roginsky, founder and chairman of the Moscow based Memorial

5.2.2 Russia’s international obligations concerning the defense of human rights

The law on foreign agents and other actions of the government as the above mentioned regulations as well as the prosecutions and arbitrary procedures contradict the Russian constitution and also violate the country’s international legal obligations concerning freedom of association, assembly and freedom of expression.

The freedom of assembly is guaranteed by the Article 20 of the Universal Declaration of Human Rights but all the key international and regional agreements concerning human rights which are also the Russian Federation party to recognize the importance of securing the freedom of assembly which gives the basis for the operation of the civil society. In 2010 in its resolution the Human Rights Council has recognized the right to association as indispensable for the full enjoyment of other human rights. Therefore the freedom of assembly should be free of restrictions except those

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208 Арсений Рогинский: «Не исключено, что решение по нам уже выписано»

209 The key international and regional agreements concerning the operation and activities of the civil society are the following (with the date of ratification by Russia): Freedom of Association and Protection of the Right to Organize Convention (1956); International Covenant on Civil and Political Rights (ICCPR, 1973), Optional Protocol to ICCPR (1991); International Covenant on Economic, Social, and Cultural Rights (ICESCR; 1973); Document of the Copenhagen meeting of the Conference on the Human Dimension of the CSCE, (1990); European Convention for the Protection of Human Rights and Fundamental Freedoms (1998). For a comprehensive list see the report of the International Center for Nor-for-Profit Law.
limitations which are permitted by the international human rights law. The civil society is recognized “as facilitator of the achievement of the aims and principles of the United Nations”.

The UN Declaration on Human Rights Defenders adopted in 1999 - on the 50th anniversary of the adoption of the Universal Declaration on Human Rights - was an affirmation of the rights and freedoms of people engaged on the field of human rights promotion. Although the declaration is not legally binding, it sets forth provisions both for the rights and protection accorded to human rights defenders and duties of the states.

The Declaration on Human Rights Defenders envisages protection and confirmation of the following rights and freedoms: to conduct human rights work individually or in association with others entailing the right to associate; to seek, obtain and hold information related to human rights situation; to submit criticism and proposals on the human rights records of the given country; to provide assistance or advice in defense of human rights and also to receive, utilize resources for their work including the obtainment of funds from abroad.

It is the duty of the states to adopt legislative, administrative and other steps necessary to ensure effective implementation of rights and freedoms. The Article 3 of the declaration highlights the role and importance of the domestic legislation:

“Domestic law consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed and within which all activities referred to in the present Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted.”

The European Convention on Human Rights recognizes the right to associate in its Article 11. Russia ratified the Convention in 2007 so it has to answer the charges of alleged violation to human rights enshrined to the European Court of Human Rights.

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210 The International Covenant on Civil and Political Rights, Article 21, 22.
211 The rights to freedom of peaceful assembly and association. Resolution adopted by the Human Right Council of UN General Assembly. (A/GRC/RES/15/21)
213 It is important to note that the Court has to deal way often with alleged violations of human rights happened on the territory of the Russian Federation. 16.8 percent of the total number of judgments
5.2.2.1 Complaint in front of the ECHR

On 6 February 2013 the Moscow based HRC Memorial and the European Human Rights Advocacy Centre (EHRAC) lodged a complaint with the European Court of Human Rights against Russia. They allege – on behalf of eleven leading human rights NGOs\(^{214}\) of Russia – that the “foreign agent law” violates their rights to freedom of expression and freedom of association guaranteed by the Articles 10 and 11 of the European Convention on Human Rights. The claim was based on the Article 34 of the Convention\(^{215}\):

“The Court may receive applications from any person, nongovernmental organisation or group of individuals claiming to be the victim of a violation by one of the High Contracting Parties of the rights set forth in the Convention or the Protocols thereto.”

In the application the NGOs remonstrate that the law unjustifiably lour with serious sanctions including criminal prosecution of individuals and the possible suspension of the organizations and due to the unclear definitions threaten with the arbitrary application of the law. In the application the NGOs also refer to the negative connotation of the term foreign agent and the possible consequences of that.

The application was lodged in accordance to the rule that also such organizations and individuals can turn to the Court who have not been yet affected but are potential victims and this way try to prevent the may irreversible damage of a discriminative and non-conform to the European Convention on Human Rights regulation.\(^{216}\) Based on the fact that the source of possible violation is a legislative act, the applicants request the Court to deal with the complaint in priority in accordance of the Article 41, Rules of Procedure of the ECHR.

5.2.3 In defense of the law

Vladimir Putin expressed many times that his goal with the enactment of these laws to roll back foreign influence on internal affairs and the pressure on Russia or its allies.
He explained his attitude towards non-profit organizations in his traditional TV show, Pryamaya Liniya as follows:\(^{217}\)

"I am personally interested (to have NGOs working in Russia) as people are often treated unashamedly and the law is often violated by the officials and authorities, and the government badly reacts on these or does not respond at all. So for me as the guarantee of the constitution and as the person elected by the majority of our citizens is especially important to know what happens in the country and respond to it immediately. But if the activities are not aimed at improvement but on self-promotion, on the harm of the society it is bad.

If they (the NGOs) claim their activity to be a part of our internal affairs and they are financed from abroad what is not bad - we should know about that. The law does not ban them. (...) But let them to tell about where they get the money from, how much money do they obtain, what for and where do they spend it."

The authors and also the highest officials including Vladimir Putin himself\(^{218}\) in defense of the amendments to the law on NGOs refer often to the Foreign Agents Registration Act (FARA) as the source of inspiration. The FARA was adopted in 1938 in the United States and intended to control the dissemination of Nazi propaganda during the Second World War. The law was amended more times and shifted focus from propaganda to political lobbying and advertising, public relations, and fundraising for and behalf of "foreign principals".

An organization or person shall register in the FARA if it is ‘‘acting at the order, request or under the direction or control of a foreign principal and is engaged in political activities for or in the interest of it.’’\(^{219}\)

By March 2014 the FARA\(^{220}\) has only seven agents registered from Russia most of them under the foreign principal of the Russian Federation or Gazprom Export but NGOs are not on the list neither from Russia nor from other countries.

Even political NGOs that obtain foreign donations do not act on the interest or behalf of a foreign principal. Neither do it Russian NGOs in Russia – but do work in the interest of Russian citizens to uncover the electoral fraud, human right abuses, etc. – as

\(^{217}\) Прямая линия с Владимиром Путиным. Official site of the President of Russia. Published on: 25.04.2013
\(^{218}\) Ibid.
\(^{220}\) FARA – Foreign Agents Registration Act www.fara.gov
stated\textsuperscript{221} Vladimir Kara-Murza Senior Policy Advisor of the Pavel Khodorkovsky founded Institute of Modern Russia.

\textbf{5.2.4 Other potential causes for conviction}

While assessing the law on “foreign agents” one has to take in consideration also the amendments to the criminal code on treason and espionage as this can also criminalize the involvement in human rights advocacy and as a result lead to self-censorship at NGOs sharing the information about the situation in Russia with international organizations.

Legislators explain the act on treason and espionage as it adopts important things for the state security to the contemporary reality. This sanctions clearance of confidential databases – not necessarily to a foreign intelligence but also to business or other interests.\textsuperscript{222}

\textbf{5.3 The foreign agent law in operation}

\textbf{5.3.1 Persecutions}

After the law on non-commercial carrying functions of a foreign agent took into effect in November 2012 many NGOs found themselves subjected to harassment. The internationally known, by Russian citizens founded non-profit organizations with a great past as the Moscow Helsinki Group, the ADC Memorial, the Soldier’s Mothers, Agora Human Rights Group and a list of NGOs legally active in Russia, members many of them have been long active in the politics as representatives\textsuperscript{223} of the Russian civil society, announced that they will not declare voluntarily themselves foreign agent.

Until March 2014 only one organization has entered to the registry of foreign agents, the Non-commercial partnership “Competition Support in CIS countries”. The

\textsuperscript{221} FARA and Putin’s NGO Law: Myths and Reality. Published on 09.05.2013

\textsuperscript{222} К Бонду не ходи. Закон расширил понятие государственной измены и шпионажа. Российская Газета. Published on 14.11.2012.

\textsuperscript{223} Lyudmilla Alexeya – Moscow Helsinki Group - Presidential Council for Civil Society and Human Rights
Pavel Chikov – Agora - Preidential - Presidential Council for Civil Society and Human Rights
Ella Polyakova – Soldier’s Mothers - Presidential Council for Civil Society and Human Rights
Aleksandr Verkhovsky – Sova Senter - Public Council of the Ministry of Interior
Partnership, as stated on its official website, aims to assist the creation of effective competition practice, an effective business-state dialog on competition policy and implement international competition experience in the CIS countries.

In reaction to the “boycott” to the law in March 2013 a comprehensive campaign was launched to try NGOs. Hundreds of NGOs have been subjected to checks by diverse list of authorities from Public Prosecutor’s Office, Ministry of Justice but also by tax inspectorate, migration services, fire department or sanitary services. The even recurring investigations could comprise asks for submission of specific documents or papers even accessible publicly but also could take a more threatening nature – in some cases policemen subverted the office searching for documents that prove the organization assisted the Bolotnaya protests or opposition movement.

According to the Deputy Prosecutor General, Viktor Grin the investigations are aimed at identifying foreign agents and by that forcing them to meet the requirements of the law. He denied that they pursue to limit the NGOs in their activities but mentioned that they were of a preventive nature. In the beginning the checks was conducted with the allusion of combating “extremists” but proofs of extremist activity never could be found.

After the introduction of the bill an overall attempt of pro-government media outlets to intimidate and label prominent Russian NGOs was perceptible. Leading political figures have been also trying to criticize them by statements and public speeches.

During the inspections in the spring 2013 not only the compliance with NGO regulation was checked but also operational checks were involved such as compliance with fire-safety rules, software licensing or sanitary standards. The fines imposed for the non-compliance with these can also hinder daily operation and as even the smallest amounts are not marginal for a not-for-profit organization.

The large scale investigations have had seriously shattered the situation of NGOs. The need to meet constant requests of authorities to provide different documents rendered the normal operation difficult as it tied up the human resources.

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224 Некоммерческое партнерство «Содействие развитию конкуренции в странах СНГ»
Accessible: http://ciscompetition.org/partnership/ Latest access: 21.03.2014

225 Bernard (2014)

226 Генпрокуратура призналась: задача – "выявить агентов" и "понудить их". Права человека. Published on 30.04.2013

The variety of measures that NGOs have been subjected to involves warnings, checks and raids and as consequences of these fines, trials in administrative and civil cases, demands from the Public Prosecutor’s Office to register and also lawsuits “on behalf of anonymous individuals for a court decision to enter the registry as “foreign agent.”

According to the list of Human Rights Watch228 by the end of March 2014 about 55 NGOs have got notifications from the Public Prosecutor’s Office that they are suspected to be NGOs carrying functions of a foreign agents. This is not more than a warning but the organization resort to self-censorship, limit or cease foreign funding and abandon political activities – just to avoid prosecution.

In the long run the pure existence of the NGOs cooperating with or belonging to international networks is threatened as they have two options either to apply to the register and discredit themselves by the label foreign agent or to face repression and reduce foreign resources.

5.3.2 Arbitrary measures

As a result of inspections civil and administrational proceedings were set in motion. Beyond the upon mentioned warnings other 18 NGOs229 have got official notices of violation which means a direct order from the prosecutor’s office to register as a foreign agent within one month. As the NGOs refused this administrative or civil cases were launched to force them to register themselves. Beyond proceedings filed by the public prosecutor’s office there were also cases initiated by citizens reasoned by the suspicion that an organization may carry the functions of a foreign agent.

As to the end of March against nine NGOs were launched administrative court cases and against four civic cases. The organizations affected are internationally active organizations protecting minorities, voter’s rights, etc. The court cases have brought diverse results with often gloomy reasoning during the process and contradictory decisions. The two following paragraphs should stand as an example here.

The first proceeding was launched against the Association Golos which was very active in the eve of the parliamentary elections of December 2011. It organized

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229 Ibid.
independent election observation and funded a website\textsuperscript{230} – in cooperation with the online newspaper Gazeta.ru - which the constituents could indicate the experienced electoral feud on. The prosecutor’s office considered the Sakharov Prize rewarded\textsuperscript{231,232} association’s activity as political and based on the reception of foreign donations also fulfilling the requirements of characteristics of an NGO performing foreign agent, therefore it cited the Association to the court. On the basis of the decisions of the appellate court the Ministry of Justice suspended the Golos’ activities on 26 June 2013 for a half year.\textsuperscript{233}

After repeated administrative persecutions where the court rejected the prosecutor’s office’s accusations that the Anti-Discrimination Center Memorial unlawfully failed to register as foreign agent, the prosecutor’s office filed a civil law suit against the organization in compliance with its power “defense of rights, freedoms and legitimate interests of citizens, general public or interests of the Russian Federation”.\textsuperscript{234} In the ruling on 12 December 2013 of the Leninsky District Court in Saint Petersburg the ADC Memorial was declared to be foreign agent with the obligation to get registered in the Ministry of Justice’s list of non-commercial organizations carrying functions of a foreign agent.

\textbf{5.3.3 Insecurity and decreasing funds}

The Dima Yakovlev act threatens organizations receiving American funds with direct shut down. In late 2012 the government notified USAID and UNICEF that they have to suspend their programmes in the Russian Federation by the end of that year.\textsuperscript{235}

\textsuperscript{230} Карта нарушений выборы 2011. /The map of violations of elections 2011. 
\textsuperscript{232} The Association of NGOs in Defence of Voters” Rights „Golos” was honoured with the Sakharov Prize for Freedom of Thought in 2012. The Association turned down the prize to get in compliance with the „foreign agents law” – as the monetary award would constitute foreign funding.
\textsuperscript{233} The Association of Non-Profit Organisations „In Defense of Voters Right „Golos” has been active since 2000 in 48 regions of Russia. Its field of activity has been the civil monitoring of elections but has also developed proposals for electoral reforms. (www.golos.org – last visited: 29.03.2014, the site is not active) Currently its activities are conducted by the Movement for Defence of Voters’ Rights Golos. (www.golosinfo.org –last visited: 29.03.2014)
\textsuperscript{235} The 2012 CSO Sustainability Index for Central and Eastern Europe and Eurasia. 16th edition. USAID, 2013.
According to the official commentary\textsuperscript{236} published on the site of the Russian Foreign Ministry the reason of this decision was that USAID – by providing grants for political processes, election monitoring and civil society institutions and especially by its activities in the North Caucasus - often overrode on the goals of bilateral humanitarian cooperation. Lukashevich, the head of the Information and Press Department of the Foreign Ministry mentioned that Russia is a donor of foreign aid and has a mature civil society so that it does not need external guidance.

As the result of the new laws many Russian organizations had to reduce international cooperation and limit foreign funding. The increasing expenses for compliance with the diverse regulations and fees lead many times already to financial difficulties. NGOs engaged on the field of human rights or political education can not compensate this shortfall with a source from Russia as the potential patrons from the business sphere fear the authorities’ sanctions. These NGOs are often not eligible to and do not trust presidential grants – as these are awarded mostly to the associations of the newly founded category of socially oriented NGOs.

For the time being despite all the problems they face, most of Russia’s well known NGOs continue to operate. Groups like Memorial\textsuperscript{237}, the Moscow Helsinki Group, Soldiers Mothers Committees, the Levada Center, Agora, Transparency International, and Bellona press on with their usual activities.\textsuperscript{238}

At the same time in its ruling on 8 April 2014 the Constitutional Court of Russia rejected the challenge of the Human Rights Commissioner of the Russian Federation and an NGO. The Court does not find any legal ground that the connotation of the term “foreign agent” would violate the right of the non-profit organizations guaranteed by the Constitution.\textsuperscript{239}

\textsuperscript{236} Комментарий официального представителя МИД России А.К.Лукашевича о прекращении деятельности в Российской Федерации Агентства США по международному развитию. Published on 19.09.2012.

\textsuperscript{237} The ADC Memorial’s appeal for the Court was rejected on the 8th of April. (http://freedomhouse.org/article/russian-foreign-agents-law-forces-closure-memorial-human-rights-group#.U1QB3KJftxv, last accessed: 20.04.14). On the website of the Freedom House was published a report about the closure of the Center but on the official page of the ADC Memorial (adcmemorial.org) no news was to found about this by 20.04.2014.

\textsuperscript{238} Orttung, Robert (2013): Kremlin Nationalism versus Russia’s NGOs. Russian Analytical Digest, No. 138.

\textsuperscript{239} On 8 April 2014 the Constitutional Court of the Russian Federation had pronounced the Judgment on constitutionality of the regulation of political activities by foreign-funded NGOs. Official Page of the Constitutional Court of the Russian Federation. http://www.ksrf.ru/ru/News/Pages/ViewItem.aspx?ParamId=3170
5.4 Scope of action of the international donors

The law on foreign agent triggered a harsh outcry in the Western media and has been repeatedly denounced on the highest level but the scope for action of the external actors is limited here. Supporting civil society organizations is a very sensitive area – it can be easily perceived as intervention in domestic affairs – sanctions but even the adverse criticism can revolve on the supported civil society organizations. In the following paragraphs I will present the reactions of the largest actors of external democracy promotion and examine the possibilities and limits of the presented theory of international socialization offers for them.

5.4.1 International criticism to the foreign agent law

The international community had unequivocally criticized the law on foreign agent and the speed of passing\(^{240}\) it not leaving a space for broad public consultation and revision\(^{241}\).

The Secretary General of the Council of Europe, Thorbjørn Jagland expressed his worry as the law is “only the latest in a series of attempts to change in haste key legislation regulating democratic life in Russia.”\(^{242}\) Similarly, the High Representative of the Union for Foreign Affairs and Security Policy emphasized the lean character of the legislation: “The inspections and searches launched against the Russian NGO community and conducted on vague legal grounds are worrisome since they seem to be aimed at further undermining civil society activities in the country.”- declared Ashton\(^{243}\).

Staffan Nilsson, representing Europe's organized civil society formulated more sharply calling the law “a clear breach of fundamental freedoms and a sign of unequal treatment.”\(^{244}\)

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\(^{240}\) Statement on Russian Law on Foreign Agents. United States Mission to the OSCE as delivered by Political Officer Tim Fingarson. 05 July 2012

\(^{241}\) President’s Statement on changes to Russia’s law on NGOs. European Economic and Social Committee.

\(^{242}\) Statement on proposed legislation in Russia. Thorbjørn Jagland, Secretary General of the Council of Europe. 7 July 2012.


\(^{244}\) President’s Statement on changes to Russia’s law on NGOs. European Economic and Social Committee.
The future and needs of the Russian civil society was also mentioned in the various declarations.\textsuperscript{245} Russia could fulfill its own potential when the Russian people is given “the chance to develop a vibrant civil society, including organizations that promote free and fair elections for Russians, fight discrimination against Russians, and protect Russian workers’ rights.”\textsuperscript{246}

5.4.2 Limits of the theory of international socialization

The theory of international socialization is based on the assumption that all the actors seek to socialize with the international community. In the long run the tools and methods associated with this theory should form the actors to become norm-follower – accept the rules and norms of the community.

One of the most known and interpreted as almost a “hard tool” is imposing sanctions on the actor which does not accept the norms and rules. To apply economic or political sanctions in consequence of the foreign agent law is hardly feasible. Offering carrot or stick – to use the tool of positive or negative conditionality - would presuppose a space for bargaining. In the present circumstances due to its economic resources Russia can be rated as independent enough that the layers of its asymmetric interdependency would not be balanced on other scale-beams.

The constructivist model of international socialization has more to offer in this analysis albeit its main bearers are the affected civil society organizations. According to this models if external actors wish to induce change the most important is to affect the perception of norms and values of the target population. The most effective tool for this is the power of words.

The civil society with its people to people links plays here an exceptional role. The civil society organizations can affect the society’s perception offering training, seminars and exchanges; conducting workshops or holding campaigns to form opinion or raise attention to certain issues. Indeed, the foreign agent law and the other recently enacted regulations limit the civil society actors in their operation and hinder their cooperation with international donors and networks. Last but not least the administration also uses


\textsuperscript{246} Statement on Russian Law on Foreign Agents. United States Mission to the OSCE as delivered by Political Officer Tim Fingarson. 05 July 2012
the power of words to discredit them by offensive rhetoric and by labeling them foreign agent.

The other pivotal motive in the constructivist model of international socialization is the legitimacy: legitimacy of the transmitted ideas, legitimacy of their bearer, acceptance of the present structures.

The Russian representatives refer to the international law at any steps, are quick to point out on every fora that Russia is a democracy and promotes human rights dialogue with its partners. As the facades of democracy or managing for example the issue of human rights exist it is difficult to explain the deep content of the ideas to those who have a limited knowledge of the topic and have limited access to information. Therefore the legitimacy of the transmitted ideas – to develop the human rights situation, strengthen democracy finds a hard soil.

Furthermore Russia takes efforts to destroy the legitimation of the external actors – not only by labeling NGOs as foreign agents but criticizing the West for politicizing and privatizing the human rights agenda and using subjective criteria when monitoring human rights situation. Furthermore the officials often raise attention to human right violations in the West - since 2011 Russia annually issues a report of the human rights situation – and condemn the EU (and the USA) for using double standards.

“Russia has been target of biased and aggressive criticism that, at times, exceeds all limits. When we are given constructive criticism, we welcome it and are ready to learn from it. But when we are subjected, again and again, to blanket criticisms in a persistent effort to influence our citizens, their attitudes, and our domestic affairs, it becomes clear that these attacks are not rooted in moral and democratic values.”

In the present moment the legitimacy of the present elite in the eyes of the broad public is high Therefore the repeated condemnation of the Putin administration can

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247 Since 2005 the officials of the EU and Russia have met twice a year to consult human rights issues. At the meetings EU officials have raised issues as the human rights situation in Russia, especially in the North Caucasus; the situation of civil society in Russia, notably in light of the laws on NGOs and extremist activities; the functioning of the judiciary. Russia also expresses its concerns regarding the human rights situation in the EU member states. The EU also maintains a regular dialogue with both Russian and international NGOs on human rights issues.


248 Russia has created an own monitoring system and a network of human rights protection


250 Ibid.

251 For the popularity index of the president and the government see appendix, diagram 5, 6.
have a retroactive effect: Russians tend to vote for the leader who is powerful and mighty\textsuperscript{252} and so do not like the negative criticism from the West.

### 5.4.2.1 Possibilities for a positive improvement

The more serious sanctions would also push back the cause of civil society, would increase hostility between the Russian government and the main donors of external assistance. The presentation of the American and European assistance showed the differences between the two donors: the EU has been more willing to cooperate in the development of the civil society with the Russian authorities and uses less political approach. Presumably this is also a reason why NGOs supported by the EU feel safer from the authorities’ inspections than those which get American aid\textsuperscript{253}. Therefore we can conclude if the bilateral cooperation of the EU and Russia deteriorates\textsuperscript{254} and even the process of concluding sectoral agreements stops, the trust will be missing between the parties which would be elementary when promoting the cause of the civil society.

The EU, US and the other international organizations should broaden the possibilities for Russian citizens, invite young people, if possible also decision makers, representatives of business and municipalities to trainings, seminars and exchanges to learn better one another and by this means break the barriers and prejudices. The bearers of this are the civil society actors therefore the support for them must not stop.

At the same time the donors of external assistance have to increase their attractiveness. The EU for example should not appear in the eyes of the outer world just as a place of wealth and well-building but the dimension that its institutional foundations lie on the rule of law and the protection of human and civil rights. The EU should represent itself as a value based community and this image is durable only if its own citizens are aware of it. The own rules should be respected as the Putin regime works hard on to discredit the EU and the USA as value based entities often mentioning the imperfections and shortcomings within and on their borders.

\textsuperscript{252}Carnaghan, Ellen (2012): Popular Support for Democracy and Autocracy in Russia. Russian Analytical Digest No.117.

\textsuperscript{253}Shapovalova (2011)

\textsuperscript{254}The latest events – in the spring of 2014 – with regards to Ukraine are definitively not improving the relations between Russia and the West therefore I do not think that they would serve the cause of the Russian civil society.
5.5 Country without free civil society

The law on foreign agents and the developments in consequence of its operation are detrimental for the civil society and on the long run for the smooth development of the country. The statement of the German-Russian Exchange\textsuperscript{255} summarizes its negative effects as follows:

“The separation of the "good" social and "bad" socio-political engagement as the predisposition of the Russian government is absurd. As first, only the combination of the both makes render the civic organizations to the motor for the perfection of the society – whether terms of living conditions of disabled, protection of forests and rivers, educational equality or fair constitutional elections.

Criticism within the society is normal and useful, the ability to make a constructive dialogue from this voices and to direct their expertise, their creative power towards the development of the country is a mark for the strength of the political system, for the integration and participation of its citizens.

The steps of the Russian leadership fortify the migration pressure for the educated, creative and active citizens of their country and intensifies isolationist, paranoid development concepts. These undermine the European and international cooperation in the broad field of civil society and hamper the country on the path of modernization.”

\textsuperscript{255} Erklärung des Deutsch-Russischen Austausch e.V. (DRA) anlässlich der geplanten Verschärfung des NGO-Gesetzes in Russland. DRA gegen Diffamierung russischer NGOs als »ausländische Agenten«. Berlin, den 5.7.2012. Russland-Analysen, Nr.242. Forschungstelle, Osteuropa, Bremen.
6 Summary and final conclusions

In this thesis my goal is to analyze the relations of the triangle of the Russian civil society, the Russian administration and the external actors of democracy assistance in the country in the light of the foreign agent law adopted in July 2012. In the first chapter I give a short summary of the possible motives, means and methods of promotion of transition in another country. The civil empowerment is best described by the constructivist model of international socialization therefore I build my analyses on the key elements of this theory. After an approximation from external actors the second chapter focuses on the recipient side: the civil society actors and the nature of foreign aid in Russia. The following paragraphs describe the legal and political environment the civil society works in. It has gradually changed during the 15 years of Putin administration whose perceptions of civil society and foreign assistance manifest in the law on foreign funded NGOs, whose effects and circumstances are analyzed in Chapter 4. During the research procedure a complex picture was unraveled and some presumptions were ruled out. My final conclusions are presented in the next paragraphs.

The civil society is an area between the state and family, outside of the market, an area where people act for ideas and goals of the smaller or wider community in an organized or ad hoc form. An autonomous civil society can ensure the free flow of information, protect those whose rights are violated, represent the interest of various groups, conduct activities on the field of education and culture; furthermore the civil society organizations provide services the state is incapable or not willing to do. In a summary: the civil society actors work for a vibrant community which is open to development where people can express their thoughts and can perform freely.

The Russian civic society model differs from the Western, liberal democratic one which excludes state-run and state-organized groups and understands civil society as a complex of public oriented activities by formal NGOs and associations, citizens and initiatives. In Russia a socio-political culture has evolved where the state itself aims to run the civic society as main donor and to structure the citizens’ participation. However, the organizations conducting activities which are perceived to be political like human rights advocacy, election monitoring or represent interests averse to the government’s and criticize the elite are less favored in Russia. What more they have to

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256 Sundstrom (2006)
face the authorities’ suspicion and as a consequence have difficulty obtaining state grants and mobilizing people.

Robert Putnam emphasizes the thesis of ‘social capital’ that the organizations with or without direct political relevance are equally important in the development of quality of life in the country, promoting norms, networks and social trust.\(^\text{257}\) If we use this approach the widespread assumption that the Russian civil society is something non-existent seems to be ruled out. 426,000 civil society organizations are registered in Russia, at least half of them are active. The state actively supports their operation: in the 2000s the foundations for civil society dialogue and institutions for professional management of the sector were created, the financial framework was reformed: a system of presidential grants and favorable tax laws were accepted.

Therefore, hypothesis 1 that the relation of the NGOs and the Russian government has always been conflicts driven because the complex structures and the promotion of active citizenship reduce the possibility of control and as such increases suspicion in the leaders can not be maintained. The civil society of the Putin regime constitutes a limited pluralism, can be described as a mixture of cooperation and confrontation and it is partly managed from above.\(^\text{258}\)

During the summer of 2012 the Russian legislation adopted a package of laws restricting the foreign supported civil society organizations, assessed as a consequence of the protests and the revival of opposition movements following the disputed Duma elections and the presidential election. The Federal Law Nr. 121-FZ – the so called foreign agent law which obliges non-commercial organizations performing political activity and receiving foreign funds to register as foreign agents was a part of the measures.

As a consequence of the law from the end of 2012 many organizations which are engaged in human rights advocacy or conduct political education have had to face inspections. Nonetheless, the connotation of foreign agent which the foreign supported human rights NGOs are repeatedly equated with destroys image and reputation. Those organizations are the most affected which work closely together with international networks or organizations – such as ADC Memorial, which was charged for a report presented to the UN Committee of Torture.


\(^{258}\) Pergler (2010)
The role and function of foreign assistance and the motivation behind the external democracy promotion comes here to the picture. States have always make efforts to influence the internal developments of other states in order to create a convenient and secure international order of their own image, values, structures and interest. Probably the most nuanced way of external democracy promotion is the support of civil society of the given state, which includes civic empowerment, reinforcement of NGOs in financial and technical forms.

The law on NGOs performing as foreign agents in Russia created a vicious circle: the donors either choose to increase their support for the Russian NGOs, help their normal operation, help them to pay their expenses of court cases involving them in danger of increased and more severe persecutions or stop funding the Russian human rights and political educational NGOs, which due to the lack of internal funds, will have to stop operate or get closer to the government presumably engaging in tradeoffs.

Here we arrived to Hypothesis 2: the external civic empowerment is a weak method when restrictions are imposed against the foreign support of the civil society as the bearers are only left with ‘harder’ measures to protect their supported organizations. This hypothesis can be partly maintained: however, it is true that a weak civic society which is less with the population and is striving to form the scale of values and view of people under serious attacks of a government which has the media and all powers in hands will hardly succeed, the final findings are different.

To develop the Russian civic society in the face of all opposition of its stable, widely supported leadership is not sustainable as the core of all of these developments is Putin’s fear that the Western powers try to overthrow his regime under the auspices of democracy promotion. Trying to diminish this idea by taking harder course would be counteractive: the situation will hardly improve without confidence-building measures on the highest level between Russia and the West as intergovernmental practices and civil society empowerment can advance only together.
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8 Appendix


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Diagram 5. – Source: Индексы одобрения деятельности премьера и правительства. Levada Center

Diagram 6. – Source: Индексы одобрения деятельности премьера и правительства. Levada Center

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A civil szervezetek külföldi támogatása

Az orosz ügynöktörvény

Szakdolgozatom témájának a 2012 júliusában elfogadott,259 röviden csak NGO törvénynek vagy külföldi ügynöktövénynak nevezett orosz törvényhozásai döntést választottam. Az ügynöktörvény szerint azoknak az orosz civil szervezeteknek, melyek politikai tevékenységet folytatnak az Oroszországi Főerület területén és külföldről kapnak forrásokat, külföldi ügynökként kell regisztráltatniuk magukat és a „külföldi ügynök” megnevezést minden kiadványukon kötelesek feltüntetni. A törvény szerint politikai tevékenységet folytat minden olyan NGO, melynek célja a döntéshozás közvetlen vagy a közvélemény formálásán keresztül való befolyásolása.

Az ügynöktörvény megjelenésekor nagy felzúdulást váltott ki a nyugati médiában, s a politikusok sorra szólították fel az orosz kormányt, hogy jelentősen módosítsa azt, minddegg hiába – söt, 2014 februárjában tovább szigorították annak rendelkezéseit. A bírálók szerint a törvény ködös megfogalmazása és a definíciók pontatlansága miatt könnyen visszaélések alapját adhatja, hanem önmagában is súlyosan érinti az oroszországi civil szervezeteket: a „külföldi ügynök” szókapcsolat negatív konnotációkat ébreszt az orosz lakosságban (is), az adminisztrációs terhek pedig komoly terhet rónak az érintett civil szervezetekre.

Szakdolgozatomban az orosz civil társadalom, az orosz vezetés és a külföldi demokrátátámogatók260 hármasának kapcsolatait vizsgálok. Kiemelt figyelmet fordítok a külföldi befolyás, így a külső demokrátátámogatás kérdéseire és az orosz adminisztráció civil társadalomról alkotott képere. Kutatásom és elemzésem célja a következő két pont körüljárása volt:

Hipotézis - Az orosz kormány és az NGO-k kapcsolatát mindig is a konfliktusok vezérelték, mert a civil társadalom bonyolult struktúrái és az állampolgárok aktivitásának előmozdítása csökkentik a központi adminisztráció irányítási és ellenőrzési képességét és ezáltal gyanút ébresztenek a vezetésben.

259121-FZ /2012. (VII. 20,) számú Szövetségi Törvény “A külföldi ügynök funkcióját betöltő nonprofit szervezetek Oroszországi Főerületében való szabályozásának egyes kérdéseiről”

260Az angol democracy promotion kifejezésének nincs egységes magyar változata. A demokrácia terjesztése, exportja vagy építése nem fedi teljességben a dolgozatomban tárgyalt folyamatokat, a demokratikus kormányzás és jogállamiság konszolidációját és a civil szervezetek megerősítését célzó lépéseket, így ebben a magyar összefoglalóban a demokráciasegítés és a demokráciátámogatás szavakat használat.
Hipotézis – A civil társadalom külső megerősítése és a külső demokráciatámogatás „puha eszközei” gyengék akkor, amikor a külföldi befolyásolás ellen egy kormány konkret intézkedésekkel lép fel, a demokráciaterjesztők csak keményebb lépésekkel tudják megvédeni a támogatott civil szervezeteket.

Az államok mindig is megpróbálták befolyásolni más államok politikai folyamatait. A történelem során ennek rengeteg példáját és módszerét láthatttuk: háború, gazdasági szankciók, külső nyomásgyakorlás, szerződések mind azt a célt szolgálják, hogy növeljék a saját országuk és társadalmuk geopolitikai, gazdasági, kulturális biztonságát. A nemzetközi politika elmélete a különböző lépéseket a keménytől a puha módszerekig tartó skálad listázza, az egyik legkifinomultabb puha módszer a politikai döntéshozás a civil társadalom formálásán keresztül való befolyásolása – a dolgozatom első szakasza a „demokráciatámogatás” módszereinek, eszközeinek és szereplőinek bemutatásával foglalkozik.

A demokrácia vagy átalakulás-támogatás egyben a saját ideológiánk, értékeink és berendezkedésük exportját jelenti. A normák és értékek külföldön való elültetésének fő motivációját az ismert demokráciák nem háborúznak egymással elkövetés adja, az a remény, hogy a hasonló struktúrák és elvek mentén működ államok tiszteletben tartják a szerződéseket, az emberi jogokat és vita esetén a konfliktusokat békés módon kívánják rendezni. Ugyanakkor fontos kiemelní, hogy a demokráciaterjesztés nem merül ki a berendezkedés és az intézmények kialakításával, az elvek és normák meggyökereztetése, azaz a demokrácia konszolidációja egy hosszú ideig tartó feladat, melyben kiemelt szerepet kap a civil társadalom.

Szakdolgozatom elemzési keretéül a nemzetközi szocializáció elméletét választottam, mert ez az elmélet írja le legjobban a normák és elvek elfogadatkozását, a normák és értékek külföldön való elültetésének folyamatát, az ezt befolyásoló mechanizmusokat és lehetséges ösztönzőket. Az elmélet kiindulópontja, hogy a nemzetközi kapcsolatok minden szereplője hosszú távon a nemzetközi közösség tagjává kíván valni, ehhez pedig kénytelen elfogadni annak normáit és működési mechanizmusait – lehetőséget hagya a külső befolyásolásnak. Az elmélet racionalista modellje a szocializációt mint egy alkufolyamatot fogja fel, ahol a pozitív és a negatív kondíciók útján, elsősorban a gazdasági előnyökre koncentrálva válik az adott ország a közösség részévé.

A nemzetközi szocializáció konstruktivista modellje szerint az elvek, értékek és a tudás határozzák meg a szereplők határozzák meg a szereplők viselkedését. A modell középpontjában az egyén áll – egyén mint döntéshozó és egyén mint a társadalom
alkotóeleme, mely tudatának formálásával megváltoztathatóak a preferenciái és így döntései. A konstruktivistája modell a szavak erejében bízik, eszközei így az oktatás, képzés és a médián és nyilatkozatokon keresztüli nézőpontformálás kiemelt szerepet kap. A demokráciasegítők sikeréhez azonban elengedhetetlen a terjesztett ideológiák és elvek az adott társadalmon belüli legitimációjá, illetve a terjesztők hitelessége és attraktivitása.

A civil társadalom kiemelt szerepet kap a demokrácia konszolidációs szakaszában. Egy színes és szabad civil társadalom kettős funkciót tud betölteni: az NGO-k a lakossággal való közvetlen kapcsolataiknak, szaktudásuknak és függetlenségüknek közöshetően oktatási programokon és kampányokon keresztül képesek a közvélemény formálására és a társadalmi diskurzus meghatározására, felügyelik a kormány tevékenységét és a választások tisztaságát vagy a média függetlenségét. Mások a kormánnyal együttműködve segítsük a központi intézmények működését vagy jelen vannak ott és (elsősorban humanitárius) segítséget nyújtanak, ahova a kormány nem tud elérni. A civil társadalom funkcióját többféle elmélet többféleképpen írja le, de a fenti összefoglalás alapján megállapítható, hogy kormány és a társadalmi szervezetek közötti kapcsolat a konfliktus és a kooperáció közötti skálán mozognak.

Az orosz civil társadalmi modell eltér a nyugatitól: bár jelen vannak a kormánytól független – politikáinak deklarált NGO-k, melyek elsősorban jogvédelemre, a kormányzati tevékenység monitoringjára vagy demokratikus nevelésre szakosodtak – az orosz társadalmi szervezetek és a társadalmi részvétel fő alakítója maga az orosz állam. A kormányzat a kétezres évek közepé óta aktívan részt vesz a civil társadalom struktúráinak kialakításában, formálásában. A Putyin adminisztráció létrehozta az Orosz Civil Kamarát a civil társadalom és a társadalmi párbeszéd fejlesztésére, kialakította civil szervezetek elnöki finanszírozásának rendszerét; aktívan támogatja a nem politikai társadalmi szervezeteket, melyek első sorban helyi igényekre, szociális problémákra válaszolnak.

A társadalmi tőke Robert Putnam által alkalmazott megfogalmazása szerint a civil szervezetek függetlenül attól, hogy közvetlenül vagy közvetetten részt vesznek-e a politikában az ország lakosainak életminőségén dolgoznak, értékeket képviselnek és közvetlen kapcsolataiknak köszönhetően növelik a társadalmon belüli bizalmat. A fentieket is figyelembe véve a (1) hipotézis, mely szerint az orosz kormány és a civil társadalom kapcsolata kizárólag konfliktusok által vezérelt, nem fenntartható.
Az orosz kormány továbbá lépéseket tett az emberi jogok támogatása intézményi hátterének létrehozására. Azonban az Elnök alá tartozó Emberi Jogok és Civil Szervezetek Tanácsának reformját, az ombudsmaní hálózat kialakítása és jogvédő szervezetek alapítását, de az emberi jogok és a demokratikus elvek fontosságának hangsúlyozását sokan, mint az ország negatív eredményeit palástoló intézkedéseket értékelik, míg mások arra hivják fel a figyelmet, hogy a párhuzamos civil szervezeti struktúra célja, a kormánytól független NGO-k kiszorítása mind a kormányzati források mind a lakosság mobilizálása tekintetében is. A független vagy kormánykritikus szervezetek helyzete az országban így is nehéz, a folyamatos központi bírálatok miatt nehezen tudnak kapcsolatot teremteni a lakossággal, már a 2012-es NGO törvény előtt is gyakran kerültek szembe a hatóságokkal. Az ehhez hasonló nehézségeket hivatott kiegyenlíteni a külföldi támogatás: nemzetközi kormányzati és magán-szervezetek, az Egyesüli Államok és az Európai Unió (és tagállamai) a peresztrojka időszakában jelentek meg először az országban. A külföldi donorszervezetek pénzügyi- és technikai segítséget nyújtanak az NGO-k számára, illetve képzések, tréningek, tanácsadás és a nemzetközi hálózatokhoz való hozzáférésen keresztül biztosítják a lehetőséget a tagok és a szervezet munkájának fejlesztését.

Az idegen befolyás csökkentésének és a külföldről támogatott civil szervezetek határozottabb kontroljának szüksége ugyanakkor nagyon erős jelen van az orosz politikai diskurzusban. A szakolgozatban tárgyalt törvény lényegében egy tíz éves, körülbélül az úgynevezett színes forradalmak előtt kezdődött, de azok tapasztalatai által nagyban inspirált folyamat eredménye; közvetlen kiváltó okán pedig a 2011 decemberében - a feltételezhetetlen nagy csalások közepette lefolytatott parlamenti választások után - kezdődött, s nagyjából 2012 közepéig – Putyin beiktatása utánig - tartó folyamatos megmozdulásokat tartják.

A törvény következtében 2012 végétől kezdve számos, az emberi jogok védelmével, demokratikus politikai neveléssel, politikai döntést is érintő környezetvédelmi kérdésekkel (mint például a Sochi Olimpiával kapcsolatos intézkedések) vagy választási megfigyeléssel foglalkozó civil szervezetet kellett, hogy szembenüljön a folyamatos ellenőrzésekkel, majd ezek következtében indított adminisztratív vagy civil bírósági eljáráskok. Az ellenőrzések, esetenként a bírságok jelentős pluszterheket jelentenek ezen szervezetek számára mind anyagi mind emberi erőforrás tekintetében. Azok a szervezetek a leginkább érintettek, melyek szorosan együttműködnek nemzetközi hálózatokkal, jelentéseket tesznek a kormány tevékenységeiről – mint például az ADC.
Memorial, amely egy az ENSZ Kínzás elleni bizottságához benyújtott jelentése miatt kellett felelnie a bíróság előtt. Nem egy esetben a helyi bíróság elutasította az ügyészi indítványt, más esetekben a bíróság kötelezte a civil szervezetet, hogy regisztráltsassa magát külföldi ügynökként. A civil szervezet egységesek abban, hogy ezt a lépést nem teszik meg – máig csak egyetlen szervezet regisztrálta magát - s ha arra kerülne a sor, inkább bezárnak az irodájukat – olvasható a nyilatkozatokban. Kiemelendő, hogy a nehézségek ellenére a legnagyobb civil szervezetek továbbra is működnek – esetenként munkájuk fél éves kényszerű felfüggesztése után (pl. Golos)\(^{261}\) – azonban 2014 tavaszán a kormányzat tovább szigorította az ügynöktörvényt, s az ellenőrzések újabb hullámát indította, továbbá 2014. Április kilencedikén az Alkotmánybíróság visszautasította a civil szervezetek azon beadványát, mely szerint a törvény nem felelne meg az orosz alkotmányának.

Az úgynevezett külföldi ügynöktörvény egy ördögi kört alakított ki: a donorok vagy úgy döntenek, hogy növelik az orosz civil szervezetek támogatását, segítik finanszírozni a bürokratikus pluszköltségeket, vállalva, hogy az adott szervezetet ezzel jobban kiteszik az üldöztetés veszélyének vagy felfüggesztik a jogvédő vagy más politikai szervezetek támogatását, melyek a független belső források hiánya miatt vagy le kell, hogy állítsák működésüket vagy feltethetőleg alkuk árán közelebb lépnek a kormányhoz. A szintén Putyin harmadik elnöksége kezdetén hozott intézkedéscsomagba\(^{262}\) tartozó úgynevezett Anti-Magnitsky törvényre hivatkozva 2012-ben a hatóságok felszólították az USAID-et, az amerikai demokráciatámogatás legalább felét nyújtó szervezetet, hogy az év végével függesse fel oroszországi programjait és vonuljon ki az országból, s hozzá hasonlóan az UNICEF is be kellett, hogy zárja oroszországi filiálékát.

Az utóbbi évek oroszországi folyamatai így a (2) hipotézist részben igazolják – a gyengébb, a lakossággal a kapcsolatot nehezen megtaláló civil szervezetek kevésbé lesznek sikeresek a normaformálásban, s a civil szervezetek külső támogatók nélkül védtelenek maradnak. Ugyanakkor a szakdolgozattal kapcsolatos kutatások a (2) hipotézis második felével kapcsolatban más következtetésekhez vezetnek.

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\(^{261}\) „Golos - A választók jogaiért” non-profit szövetség a kétezres évek óta jelen van Oroszország 48 régiójában, tagjai elsősorban választás i megfigyelőként dolgoznak. A szervezet 2011 decemberében vált széleskörűen ismertté, amikor egy mindenki számára szerkeszthető internetes térképet hoztak létre a parlamenti választások alatt tapasztalt elégtelenségek jelölésére.

\(^{262}\) 2012 nyarán több olyan törvény született, mely korlátozza a civil társadalom szabad működését: szigorították a gyülekezésre vonatkozó törvényt, a gyermekek védelme nevében létrehoztak egy tiltott weblapokat tartalmazó listát, majd korlátozták az internetet.
Az civil szervezeteken keresztüli demokráciátámogatás európai és amerikai modelljének egyik legfontosabb különbsége az, hogy míg az amerikai donorok elsősorban a demokratikus normák megerősítését, az emberi jogok védelmét képviselő önálló civil társadalom létrehozásához nyújtanak anyagi és technikai, addig az európai programok hangsúlyt fektetnek a helyi problémákra foglalkozó civil projektek támogatására, illetve az európai programok közvetlenül célzó fejlesztések megvalósítása során igyekeznek bevonni az orosz hivatalos szerveket is. Feltételezhetően ezen együttműködésnek tudható be, hogy az orosz civil szervezetek biztonságosabbnak tartják az európai támogatások használatát, s a hatóságok is pozitívan fogadják az EU által indított programokat. Továbbá a demokráciasegítés orosz civil szervezeteken keresztül való megvalósításával kapcsolatos érdemes figyelmet szentelni a nemzetközi szocializáció konstruktivista modelljében kulcsszerepet játszó legitimációval.

Az orosz kormány a médiához való szinte kizárólagos hozzáférésének köszönhetően kezében tudja tartani a politikai diskurzust; a jogsértésekre vagy egyéb kritikákra válaszul gyakran szót emel a nyugat által alkalmazott kettős mérethű nemessége ellen, s felhívja a figyelmet az USA-ban vagy az Európai Unióban végbemenő negatív folyamatokra – csökkentve ezen szereplők és az általuk képviselt nézetek hitelességét és így legitimitását az orosz emberek szemében.

A Putyin-adminisztráció a külföldről támogatott civil szervezetekkel kapcsolatos álláspontjában csakis az ország és a külső partnerek egyéb területeken való szorosabb együttműködés, s az ennek köszönhetően erősödő bizalom hatására várható változás. A bizalom-építő intézkedések elmaradása vagy az ország külpolitikai elszigetelődése, nem javítja az orosz civil szervezetek ügyét. A (2) hipotézis csak részben fenntartható.

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A demokráciátámogatás egy nagyon érzékeny téma, az államok belügyeibe való beavatkozás határozattal nem végzett, s normatív természetéből adódóan az elemző számára is kihívást jelent végig semlegesnek maradni. Dolgozatomban azonban törekedtem arra, hogy a szereplők lépései mögött rejlő ideológiákat egyformán, értékítélet nélkül mutassam be. Ezért igyekeztem egyensúlyozni, hogy mind európai, amerikai és orosz szerzők elemzéseinek helyet adjak az irodalomkutatás során; a 2012 óta végbemenő folyamatokat pedig mind az érintett civil szervezetek riportjai mind az orosz kormány nyilatkozatai és értékelésének segítségével bemutatni.