

## Civil Society and the Second *Putinschchina*

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In the first year of Vladimir Putin's second presidency, apparently in response to the mass demonstrations of the last election cycle, the Kremlin launched a comprehensive campaign to intimidate, stigmatize, shut down, and even prosecute nongovernmental organizations (NGOs) that receive assistance from foreign donors, particularly from the United States. At the same time, the administration significantly increased government funding of "socially-oriented" NGOs and encouraged the Orthodox Church to play a greater role in organizing Russian society. This memo analyzes Russian policy over the past year toward civic organizations and discusses its implications for the future of Russian domestic politics.

### **Background**

From the very beginning of his presidency, Putin has sought to find a balance between sovereignty and globalization. Preserving the internal and external sovereignty of the Russian state has been a constant theme in presidential pronouncements throughout his tenure. Here, though, Putin faces a dilemma. He recognizes that Russia's external sovereignty cannot endure without harnessing the forces of globalization. Addressing the Russian parliament in December 2012, he said:

"Who will take the lead and who will remain outsiders and inevitably lose their independence will depend not only on the economic potential, but primarily on the will of each nation...to move forward and to embrace change."

But Putin also expressed concern that the centrifugal pressures and temptations of a globalizing world might undermine Russia's internal sovereignty: while Russia should "develop with confidence," it must "also preserve our national and spiritual identity, not lose our sense of national unity. We must be and remain Russia."

The rhetoric of Putin's second presidency has particularly emphasized the injurious impact that individualistic behavior encouraged by liberal notions from the West has had on the moral fiber of Russian society:

“After 70 years of the Soviet period, the Russian people went through a period when the importance of their private interests regained its relevance. That was a necessary and natural stage. However, working for one’s own interests has its limits....[M]any moral guides have been lost too. We ended up throwing out the baby with the bathwater....Russian society suffers from apparent deficit of spiritual values such as charity, empathy, compassion, support, and mutual assistance....It is in civil responsibility and patriotism that I see the consolidating force behind our policy.”

In short, the president looks to civic activism, provided it is the right kind of civic activism, to provide the social cohesion threatened by the individualizing and internationalizing impulses of contemporary life. Civic activism helps build interpersonal empathy and trust in society. It also molds citizens who respect the law and channel their demands through acceptable institutional pathways. In this way, civil society, even in liberal societies, seeks to define and reinforce the boundary between “civil” behavior, attitudes and individuals that deserve the protection of the state, and “uncivil” behavior, individuals and attitudes that do not. In Putin’s case, drawing boundaries is particularly important.

“Uncivil society,” moreover, can refer either to the potentially threatening international environment beyond a state’s territorial boundaries, or to deviance from accepted norms within those boundaries. In conflating these two, denouncing dissenting voices as abetting the work of Russia’s enemies, Putin aims both to discredit the opposition and highlight the need for the protection of a strong state.

But here Putin faces another problem. For much of his presidency—and still today—many of the most professional, most visible, and most sustainable NGOs in Russia have depended heavily on support from outside donors. At first, because the regimen needed the services, expertise, and ideas these organizations could provide, the administration avoided direct confrontation in favor of a policy that Sarah Henderson has called “import substitution.”<sup>1</sup> The Kremlin created a network of new NGOs dependent on money and leadership provided by the state (GONGOs), while at the same time it sought to diminish both the status of organizations funded from abroad and their room for maneuver. The administration escalated this policy after the color revolutions in Ukraine and Georgia, most particularly with a 2006 law targeting internationally-funded NGOs that enabled the authorities to increase surveillance and ultimately shut down any organization it wanted. Despite a significant uptick in official harassment, however, few organizations were actually shut down.

After the mass demonstrations in 2011-2012, the Kremlin took this policy to a new level. In the first seven months of his new administration, President Putin signed several new laws identifying NGOs that received foreign assistance as potential enemies

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<sup>1</sup> Sarah L. Henderson, “Shaping Civic Advocacy: International and Domestic policies toward Russia’s NGO Sector,” in Mary Kay Gugerty and Aseem Prakash, eds., *Advocacy Organizations and Collective Action* (New York: Cambridge University Press, 2010).

of the people. Details of this legislation and its effects can be found online in the Human Rights Watch report, *Laws of Attrition*.<sup>2</sup>

The most threatening of these new laws expanded the definition of treason to include providing “consultative or other assistance to a foreign state, an international or foreign organization, or their representatives in activities against the security of the Russian Federation.” As far as I know, however, prosecutors have yet to bring up a single case.

The cornerstone of the new policy was a law signed in July 2012, requiring all NGOs receiving foreign funding and engaged in political activities to register as a “foreign agent.” Like the NGO law of 2006, organizations so registered would be subject to increased audits and inspections, but the legislation’s real damage would come from labeling these organizations with a term associated with espionage and treason. Moreover, the term “political activities” was defined to include any organization seeking to influence public officials or public opinion on any matter of state policy. Still, by mid-January all but one organization (a human rights organization in Chuvashia) denied taking part in political activities and refused to register, and the Minister of Justice, Alexander Kononov, openly expressed its reluctance to enforce a law that contradicted “the spirit of Russia’s NGO legislation.”

In mid-February, however, Putin told a meeting of officials from the Federal Security Service (FSB) that the law should be enforced. Soon thereafter, officials from local prosecutors’ offices, tax bureaus, and sometimes even sanitary departments made unannounced inspections and audits on hundreds of NGOs all over the country (and even on many religious organizations, though they were explicitly exempted in the legislation). By early summer 2013, at least 44 organizations had received warnings that they must register as a “foreign agent,” including the organization “Aid to Children with Cystic Fibrosis.” At least five were told by a court that they must pay a fine or disband. In the most visible case, authorities suspended for six months the activities of the Moscow branch of *Golos*, an election-monitoring organization.

Interestingly, by mid-July the Kremlin signaled a willingness to walk back some of the most egregious aspects of the law. In early July, Putin said in separate meetings with human rights experts and Chief Prosecutor Yuri Chaika that the law should be amended to include a narrower definition of “political activities.” Just a few days later a court in Perm threw out a case against two civil society organizations, finding that there was no evidence their activities required them to register as a foreign agent. Then, on July 18, according to RBC Daily, Chaika let it be known the law would be applied only to organizations directly involved in political elections, such as “*Golos*, the League of Voters, and others.” Indeed, by late August, the Prosecutor’s office announced that of the 2200 organizations they claim had received foreign funding only 22 were found to have violated any law.

Similar to the NGO law of 2006, this legislation seems designed more to intimidate and harass than to punish. As such, it has done real damage to civic activism

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<sup>2</sup> *Laws of Attrition*, Human Rights Watch, April 24, 2013 (<http://www.hrw.org/node/115059>).

in the country. Organizations have been much less willing to seek funding from abroad or engage in activities that might be construed as “political.” The campaign also seems to have had a small but significant impact on public attitudes toward NGO activities. In a recent Levada Center poll, 50 percent of respondents expressed a generally positive attitude toward NGOs, the same percentage that did so in a similar poll in 2012.<sup>3</sup> The number of people with a negative image of NGO activities, however, increased from 13 percent to 19 percent. Also, more respondents (49 percent) reported positive feelings about the government’s activities to curtail foreign influences on NGOs than those who expressed negative feelings (20 percent).

The Kremlin has also made it more difficult for organizations to receive outside funding. The biggest blow came in October 2012, when the Kremlin demanded that USAID close down operations in Russia. Consistent with the policy of “import substitution,” the administration also announced it would triple the amount of money that would be distributed to Russian NGOs through the annual presidential grant competitions to almost 3 billion rubles. Historically, these Kremlin competitions have suffered from a lack of transparency and persistent accusations of favoritism and have lost credibility among NGOs in recent years. In the most recent competition announced in late August 2013, the winners included such prominent human rights organizations as Memorial, the Moscow Helsinki Group, and For Human Rights. In addition, Putin announced in July that the Kremlin will provide another half billion rubles annually for a grants competition administered by well-known activist Ella Pamfilova’s organization, Civic Dignity, which presumably will have more credibility. Still, these efforts will not offset the damage done by closing USAID, which was the largest source of foreign assistance to a wide range of Russian NGOs, including organizations promoting public health, environmental protection, and civil society development.

In contrast to the “import substitution” policy of the 2000s, Putin’s current efforts to both promote and contain civic activism has a new moralist quality consistent with his address to the parliament last December. This new emphasis can be seen most clearly in recent legislation attacking the LGBT community, as well as in the law against “blasphemy.” With regard to civic activism, Putin has expressed a desire that the Orthodox Church play a much greater role organizing civil society to promote both “civic responsibility and patriots.” In February 2013, for example, he told a meeting of Orthodox bishops that the Church should have “every opportunity to fully serve in such important fields as the support of family and motherhood, the upbringing and education of children, youth, social development, and to strengthen the patriotic spirit of the armed forces.” As far as I know, the Kremlin has not offered additional financial support to Orthodox civil organizations, but Orthodox organizations were generally spared from the inspections last spring visited upon other religious organizations—including the offices of Muslim charities, Catholic parishes, and Pentecostal and Mormon groups.

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<sup>3</sup> “Relations with NGOs,” Levada Center, July 11, 2013 (<http://www.levada.ru/11-07-2013/otnoshenie-k-ngo>).

Yet there are signs that support for a more pragmatic approach toward civic activism remains strong among Russian officials. Konovalov's public reservations about the foreign agent law were quite remarkable, and the legislation also met with vocal opposition from the Presidential Council on Human Rights and Civil Society and even from members of the usually tame Public Chamber. More interestingly, a program administered by the Ministry of Economic Development to support "socially-oriented" NGOs quietly went about its business despite the drama around the "foreign agent" legislation. Initiated by President Dmitry Medvedev in April 2010, the program offers direct financial support for individual NGOs and substantial subsidies to regional governments to provide logistical support and some financial support to local organizations. Though consistent with the policy of "import substitution," the program is run in a much more efficient and transparent manner than the presidential grants mentioned earlier. For example, in late July, the program announced results in the first round of its national competition, and the organization receiving the highest ranking was the Perm organization, GRANI, which had been prosecuted for violating the foreign agent law less than a month before.

In sum, Putin's policies and rhetoric toward civic organizations in his second presidency suggest a strategic shift even further toward preserving internal sovereignty against the pressures and temptations of a modernizing and globalizing world. This bodes ill for economic and social development in Russia. By limiting the space for independent social action, civic organizations will cease to be a source of social innovation and will function like any other state bureaucracy. In this case, the latest chapter of Putinism will increasingly resemble Brezhnevian stagnation.

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