

Five Years after the Passing of the Law on Foreign
Agents in St. Petersburg, Russia -
Persistent and New Limitations and Emergent Adaptations

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Tiivistelmä – Referat – Abstract <p>Five years after the passing of the 2012 Law on Foreign Agents in Russia this thesis contributes to new knowledge about the limitations the law has brought forward and the measures organisations have taken to work under this law. Furthermore, the limitations persisting in the Russian civil society will be discussed by reflecting the empirical findings to previous research and historical trajectories. This thesis focuses on the city of St. Petersburg from where nine experts were interviewed from nine different organisations. The research questions are; what are the expedients the organisations have taken to work under the Law on Foreign Agents and how do the organisations describe their work environment. This thesis also aims at identifying potentials for change using the empirical findings and the framework of a developmental model by Nonet & Selznick (2001).</p> <p>The interviews were conducted in St. Petersburg between June 2015 and January 2016. The methodological approach was qualitative case study and the method for analysing the empirical findings was inductive. Based on previous research, the thesis makes the following presumptions on which it aims to add new knowledge; the civil society in Russia is relatively weak, the legal institutions are not independent of politics and the state plays an active role in defining the boundaries civil society actors.</p> <p>Based on the findings the persistent limitations to the work of the NGOs include lack of public support, misunderstandings on the nature of their work due to foreign financing and/or cooperation with western organisations, lack of understanding for universal rights in general, organisations having problems working for their target groups and weak legal institutions.</p> <p>New limitations, which were brought forward by the Law on Foreign Agents include difficulties accessing foreign funding, self-censorship due to avoiding the work of the organisation to be categorised as political, limits for the organisations to collaborate with state officials, increased amount of bureaucracy, increased stress and fear and the division of the third sector into service-oriented and advocacy-oriented organisations.</p> <p>The emergent adaptations can be roughly divided into two main categories: means of legal proceedings or channelling the work of the organisation through new administrative bodies, such as charities, commercial entities or branches outside of Russia. These expedients also had a mixed character. One other adaptation was to close down the organisation and work in the form of a business or an initiative group, yet keeping the same objectives.</p> <p>The findings raise new questions about the forms organisations can take in repressive conditions and about civil society's limits in general. The findings contribute to an updated overview of the organisations in St. Petersburg working under the Law on Foreign Agents and raise topical issues for further discussion and research.</p>			
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1. Introduction

In the 21st century, the limiting of civil society actors and closing space for the third sector are a worldwide and not only a Russian phenomenon. Globally an increasing number of restrictive legislation is being forced, aimed at critical voices towards governments. In the past few years, governments have adopted laws that shrink the administrative and legal space in which non-governmental organisations (NGOs) work. (Mendelson 2015, 1-2.) Scholars and policy-makers have generally presumed that civil society (something that is *civil*) is crucial for democratic states (McIntosh Sundstom 2002, 209).

The civil society in Russia is undergoing changes, which are affecting its ways of existing, influencing and functioning. These changes, which have been mainly enforced through amendments to the legislation, are shaping the functions of the NGOs. Due to these changes, the third sector in Russia is going through major alterations and is seeking its own way of working (see e.g. Ljubownikow et al 2013). Free, enabling and responsive civil society is seen in this thesis as a value of its own and as a contribution to a well-functioning society, democracy and country as a whole. The freedom of civil society can also be seen as an indicator of the ruling elites, as non-democratic governments tend to repress civil society actors more than democratic governments for e.g. their watchdog function or oppositional values (see e.g. Freedom House 2014 indicators). This thesis thus sees these laws adopted by the Russian government as indicators that put the Russian state in a certain category. That category creates the framework, environment and preconditions where the NGOs are working.

This thesis focuses on the Law on Foreign Agents, which was adopted in 2012. From then on, it has had an impact on the civil society in Russia. Naturally, the law affects the organisations that become its subjects, but can it be argued that some one hundred organisations¹ have influenced the civil society as a whole? This issue will be discussed further in Chapter 8, but I would argue that the law

¹ On 5th of May 2017 there were 97 organisations on the list of foreign agents out of about 226 000 organisations altogether registered in Russia

is not about the numbers, but rather the arbitrary atmosphere it creates. Moreover, the law has raised wide international criticism towards the Russian legal system and ruling elites. The organisations on the list of foreign agents (see appendix 1) vary in their location and subjects they work with. The common factors for these organisations are the “political activity” they are involved in and the receiving of foreign funding. Political activity is vaguely defined² and related to for instance attempts to influence public opinion (including e.g. research and holding public gatherings), encouraging citizens to critical thinking towards government policy and influencing the development of state policy. The government has also made it difficult for independent NGOs to seek foreign funding, even when the Russian government grants are hard to obtain. This has created serious obstacles to independent NGOs working in Russia. (Amnesty International 2016, 33.)

Civil society is closely connected to the concept of rule of law, presupposing the existence of an independent judicial system that can fairly administer the legislation. The rule of law provides the framework for solving conflicts between members of civil society, and the state must also obey the law. However, the rule of law is exceptionally weak in Russia and the state is able to exercise strong influence over most social actors. (Rutland 2006, 74-75.)

In this thesis, the Law on Foreign Agents defines the group of actors for analysis. The analysis is limited to one city, St. Petersburg and the empirical data was collected by interviewing experts from nine different NGOs, which have been effected by the law on foreign agents. This group of actors has attracted extensive international attention and brought forward criticism towards

²Definition of political activity by the Ministry of Justice: Federal Law № 179-FZ: "A non-profit organization, with the exception of political parties, shall be considered engaging in political activity in the territory of the Russian Federation if notwithstanding the goals and objectives stated in its founding documents, it carries out activities in spheres such as statebuilding; protecting the foundations of the constitutional system of the Russian Federation, its federal structure, sovereignty and territorial integrity; promoting law and order, national security and public safety; national defense and foreign policy; economic, social and national development of the Russian Federation and the development of its political system; operation of government authorities and local self-government bodies; and legal regulation of individual rights and liberties—with the aim of influencing public policy elaboration and implementation, formation of government and local self-government bodies, their decisions and actions. The above activities can take the following forms: participation in organizing and conducting public events such as meetings, rallies, demonstrations, marches or pickets or various combinations of these forms; organizing and conducting public debates, discussions, talks; participation in activities aimed at obtaining a specific

the measures taken by the Russian authorities. There are numerous reports, international seminars, news articles and research about the law on foreign agents, even though it portrays only a fraction of the whole Russian civil society. The question can (and will) be raised, of why is this so?

The views differ greatly from the side of the Russian officials and from the side of the civil society on what is the sole purpose of the Law on Foreign Agents. From the side of the Russian authorities, the justification for this law is that it was adopted to increase transparency in organisations, which receive foreign funding. From the side of international organisations (e.g. Transparency International, Human Rights Watch, and Amnesty International) the criticism mainly relates to the law admitting of several interpretations and not contributing to transparency, but rather to the defamation of the work of the NGOs.

1.1 Relevance and aims

This thesis contributes to the discussion on Russian civil society through the Law on Foreign Agents. It wishes to bring forward new findings and raise topical questions concerning the state-society relations in Russia and the possible future directions of the third sector working under repressive legislation.

To understand experience, the experience is located within, and cannot be extracted from the larger events in a social, political, cultural, racial, gender-related, informational and technological framework and therefore these are essential aspects for analysis (Corbin & Strauss 2008, 8). The focus of this thesis will be mainly on the social, political, and to add, legislative and historical events. The social science approach sees legal experience as variable and contextual and it should not be simplified into too easy conceptions. Nonet and Selznick (2001, 9³) suggest, that instead of talking about necessary connections between law and coercion, law and the state, law and rules and law and moral aspiration, it should be considered *to what extent and under what conditions these connections occur*.

³ Originally published in 1978

The principal aim of this thesis is to discuss the persistent limitations for the work of the organisations as well as the new limitations and emergent adaptations the Law on Foreign Agents has brought forward. These issues will be discussed in the frameworks of previous research and the developmental perspective. Through these discussions, this thesis wishes to produce tangible points on the past and recent developments and briefly deliberate upon possible future directions.

Ljubownikow and Crotty (2014) have produced a similar research⁴ on health and education NGOs and their responses to legislative changes. In their paper, Ljubownikow and Crotty acknowledge the limitations of their study and note that in future research on the Russian NGO sphere, a larger sample, different methodological approach, different sectors and regions could be addressed. They note that perhaps their article will provide a stimulus for other researchers to examine the developments of Russian civil society since 2006. (Ljubownikow and Crotty 2014, 771.) This thesis provides its input to answer to the responses of a different sector, the “politically oriented”⁵ sector. None of the organisations interviewed for this thesis were working on the health and education sector, but had their focus on advocacy instead of service provision. In this thesis, advocacy work refers to issues such as the promotion of human rights, freedom of media or information and universal values in general, and the attempt to promote these values in society. Flikke (2016)⁶ has also contributed to new research done about the Law on Foreign Agents. However, Flikke does not solely focus on the Law on Foreign Agents, but takes into account the Law On Public Control (2014) and its effects. Hence, previous research relating to the Law on Foreign Agents has been made, but not with the focus on the city St. Petersburg and with a focus on the responses of the targeted organisations. Having access to previous research with a similar focus is an asset for this

⁴ Civil Society in a Transitional Context: The Response of Health and Educational NGOs to Legislative Changes in Russia’s Industrialized Regions, *Nonprofit and Voluntary Sector Quarterly*, 43:4, 759-776.

⁵ The other criteria, in addition to foreign funding, to be listed as a foreign agent is the organisation’s “political activity”, hence the organisations studied in this thesis can be categorised as “politically oriented” or “advocacy oriented”. This division is further discussed in Chapter 3.6.

⁶ Resurgent Authoritarianism: The Case of Russia's New NGO Legislation. *Post-Soviet Affairs*, 32:2, 103-131.

thesis, since it provides a baseline to reflect the empirical findings of this thesis upon.

1.2 Introduction to theory, research questions, framework and data

Max Weber argued that to understand law sociologically, we need *to observe the patterns of action and appreciate the subjective meaning of the actors involved in the action*. Following this thought, Weber notes that the “content” of any moral judgement is fully revealed only in understanding the context of the social network and determinations of the actual social-historic situation. Morrison adds, that we therefore need to consider a duality; the internality of action and the situation of that action within the vast picture of social development. (Morrison 1997, 283.)

The attempt to make sense of institutional history seems to require an understanding about direction, growth and decay (Nonet & Selznick 2001, 19). This thesis seeks to analyse the consequences of the law on foreign agents has brought upon the organisations which have become its subjects. Henry and McIntosh Sundstrom (2006) note, that when applying a concept, which is developed in the West to a non-Western context, the researcher should take note of the customary practises and types of cooperation that are common in that environment. (Henry & McIntosh Sundstrom 2006, 325.) This seems to be a recurrent theme in studies about Russia done in a Western scholarly tradition. This is especially noted in the ideas presented by Ljubownikow, Crotty and Rodgers (2013), when they present the concept of civil society *po-rusски [in Russian]*. This concept will be discussed more in Chapter 3.4.

The term *foreign agent* in the context of Russia studies calls for attention to the history of the Soviet Union. It has been suggested that the dualistic distinction between good and evil was, and still is unique to Russian thought (Lotman & Uspenskij 1984, 4). It also has been suggested that the conflict between good and evil is one of the major bases of Russian political thought. The East and the West – not only in geographical but mainly in political and religious senses –

can be seen to be presented by Russian thinkers, writers, politicians, and religious leaders as two contending forces throughout Russian and Soviet cultural history. This contention is represented as a struggle between good and evil nations, and between good Russian and corrupted Western values. (Pesonen 1991.) The West, Western Europe, and the United States have been perceived to represent wrong and dangerous forces and values as well as a danger and a threat to Russia, Russian people, its religion, values and politics. (Harle 2000, 106.) Acknowledging this background, the wording in the Law on Foreign Agents brings forth questions on the possible insinuations it could pursue and justifies the criticism brought forward by international human rights organisations (e.g. Amnesty International, Human Rights Watch) that the title of the law smears the organisations that work under it. This issues is further discussed in Chapters 3.7 and 6.5.

The decision to collect the data myself became obvious when in summer 2015 I was working as an intern in a research centre in St. Petersburg. This centre was one of the NGOs, which was listed as a foreign agent. I had read and followed the developments on the Law on Foreign Agents and I became interested in hearing about the experiences directly from the people who were working under this law. The empirical data for this thesis was collected between June 2015 and January 2016. The interviews were conducted in St. Petersburg with nine experts of nine different NGOs, which were affected by the law on foreign agents. The interviews were transcribed and produced altogether 79 pages of material for analysis.

This thesis makes the following presumptions based on literature on the topic and previous research: the civil society in Russia can be described as weak (see e.g. Howard 2003), the courts and legal institutions are not independent from politics (see e.g. Kozyreva & Smirnov 2015) and the division of “East” and “West” (good vs. evil) is still strong in Russian political thought (see e.g. Harle 2000). When researching a topical phenomenon in Russia, one needs to take into account the Soviet legacy. This puts the research on Russian civil society in its own framework and defines the main issues to consider when analysing especially the persistent limitations. Many scholars account the weakness of the

civil society to the Soviet heritage (see e.g. Uhlin 2006) and this issue is discussed more in Chapter 3.4. The other presumption about the interdependence of the courts and the political system place Russia in this thesis in the category of *repressive law*, a term created by Nonet & Selznick (2001). This decision is further discussed in Chapter 4. The division of “East” and “West” contributes to the thinking of the wording of the Law on Foreign Agents.

Hence, the research questions this thesis seeks to answer are:

1. What are the expedients the organisations affected by the law on foreign agents have taken to work under this legislation?
2. How do the organisations listed as foreign agents describe their work and work environment and do these descriptions differ from or relate to previous research?
3. What potentials for change can be identified for the NGOs working under the Law on Foreign Agents based on the theory related to the developmental model by Nonet & Selznick?

The first two research questions are discussed based on previous research. The first question contributes to the understanding of emergent adaptations and the second to the persistent and new limitations. The third question is analysed using a developmental model of different legal orders created by Nonet & Selznick (2001). This model (see appendix 2) draws from the developmental model of bureaucracy (see appendix 3). Nonet and Selznick use the discussion about the stages of bureaucracy in social science to make the point that under appropriate conditions, specific processes emerge that tend to transform ad hoc pre-bureaucratic decision making into more systematic bureaucratic decision-making. They argue that if this model is seen appropriate to describe different societies through their bureaucratic structures, why should legal systems not act as similar indicators for types of societies. (Nonet & Selznick 2001, 21-23.)

The structure of the thesis proceeds as follows: after the introductory chapter, Chapter 2 will discuss the Law on Foreign Agents and other main developments in the legislation on NGOs in Russia. Chapter 3 will contribute to understanding about the environment and historical background where the NGOs are working. This chapter sets the thesis into its place, time and definition to better analyse the current events. Chapters 4 and 5 will focus on theory, methods for the research and methods for the interviews. Chapter 6 will introduce the findings from the data and chapters 7 and 8 discuss and conclude these findings.

2. NGO legislation in Russia

This chapter introduces the main changes to the legislation, which have affected the third sector in Russia, with the focus on the Law on Foreign Agents. As Flikke (2016) notes, the amendments to the legislation relating to NGOs have created unstable conditions for the organisations. These amendments press their independence by means of threats of dissolution and by reducing the quality of civil society influence over state organs. (Flikke 2016, 103.)

2.1 Main NGO legislations

The start of the trend of demobilising certain organisations while mobilising others can be dated back to the year 2004. A new type of rhetoric started to emerge and key officials started referring to certain organisations as “unpatriotic” (Gilbert 2016, 1556). In 2004, Putin stated in his annual “State of the Nation” speech that NGOs receiving foreign funding follow the agendas of foreign donors (Putin 2004). The 2006 “Spy rock scandal”⁷ was also used as an example of questioning the patriotism of foreign funded groups (Elder 2012). The major changes in the Russian legislation concerning NGOs began in January 2006 when the Law on Introducing Amendments to Certain Legislative Acts of the Russian Federation was enacted. This law e.g. introduced burdensome and elusive reporting requirements for NGOs. In addition, penalties for non-compliance, bureaucratic registration procedures, and new broad powers to the registration bodies to monitor the activities of NGOs were applied. Moreover, the legislation leaves room for government officials to interpret the law in arbitrary ways and to determine when to enforce the rules (INCL 2015). Robertson (2011) agrees with the previous statement that the 2006 law on NGOs is written in a way that it provides an ambiguous legislative platform, which can be used selectively to monitor possible threats from the NGOs and their possible foreign sponsors. The Russian elite sees monitoring of

⁷ <http://www.bbc.com/news/world-europe-16614209>

foreign funding to Russia as a central element in preventing the so-called "Colour Revolutions"⁸. (Robertson 2011, 540-541.)

Other laws, which have affected the work of NGOs in Russia include: the 2012 law, which increased existing fines for violating rules of participating in and organising of public protests; the 2012 law of introducing defamation as a criminal offence and the 2012 law of expanding the definition of treason, which enables the government to determine criticism towards the state as traitorousness. (ICNL 2017.)

Furthermore, the Federal Law 129-FZ "On Amendments of Some Legislative Acts of the Russian Federation", or more commonly referred as the Law on Undesirable Organisations has contributed to narrowing the sphere of influence for civil society in Russia. This law allows the Prosecutor General or the Prosecutor General's deputies to declare international and foreign organisations "undesirable" due to their "threat to national security". Currently this list includes National Endowment for Democracy, The George Soros' Open Society Foundation, National Democratic Institute, U.S. Russia Foundation for Economic Advancement and the Rule of Law, National Democratic Institute for International Affairs, Media Development Investment Fund Inc. and International Republican Institute. The maximum penalty for Russian officials or organisations participating in activities with "undesirable" organisations can be up to six year in prison and the deprivation of rights to engage in civic activities for ten years. (ICNL 2017.)

2.2 NGOs carrying out functions of a foreign agent

The Law 121-FZ "Introducing Amendments to Certain Legislative Acts of the Russian Federation Regarding the Regulation of Activities of Non-commercial Organizations Performing the Function of Foreign Agents" is the amendment to the existing legislation, which is the focus of this thesis. The Law No. 121-FZ

⁸ A term used mainly in the post-Soviet context to describe a sequence of protest that succeed in overthrowing authoritarian regimes

(hereafter the Law on Foreign Agents) is not a single entity itself, but an amendment to the existing legislation.

The Law on Foreign Agents was signed by President Putin on July 20th 2012. The law requires Russian organisations, which receive foreign funding and take part in “political activity” to register on the list of foreign agents. (HRW 2013, 12.) The Law on Foreign Agents was initiated through an internet petition, which was a part of a new proposal by Putin to promote “democracy and the quality of the state”. This platform allowed Russian citizens to propose new laws through petitions. Putin suggested that petitions, which receive more than 100 000 signatures should be processed in the State Duma. Associated with this proposal, there was an internet campaign carrying the slogan “you have a right to know” encouraging people to support this proposal. This campaign demanded rights for citizens to have control over and to be aware of influences on their opinion. The campaign made clear that the US has paid 200 million dollars to support NGOs in Russia. Flikke mentions, that Russian sociologists see this campaign as a shift from paternalism to a discourse of actually “combatting the enemy” and as a rally targeted against the whole of the third sector. (Flikke 2016, 110.) United Russia Deputy Alexander Sidyakin, who initiated the Law on Foreign Agents, stated that the law does not aim at “prohibiting or restricting activities or undermining the rights of nongovernmental organizations, but rather at helping to ensure transparency for those who act as foreign agents, to make that information clear for Russian citizens”. Other Duma Deputies from United Russia said the law was aimed at controlling “foreign interference” in the affairs of Russia. (Human Rights Watch 2013, 12-13.) In April 2014, the Constitutional Court of Russia ruled that the Law on Foreign Agents does not contradict the Russian constitution and that labelling NGOs as foreign agents is aimed at “important public interests”. (ICNL 2015.) Legal experts in Russia and abroad criticized the law’s overly broad opportunities for interpretation, how rapidly it was adopted and the additional burdens it imposed on NGOs. It was also condemned by most of leading human rights groups of Russia as part of an effort to stain advocacy groups as “spies” or “hidden enemies.” (Human Rights Watch 2013, 12-13.) Hence, as Sakwa (2015, 202) argues, these laws can be seen to have directly political aims.

Based on the listing by the Human Rights Watch (2015) (see appendix 1) the organisations based in St. Petersburg (and in Russia in general), which have been affected by the Law on Foreign Agents mainly work in the fields of human rights, freedom of expression, the freedom of information and research. The statuses of the organisations are in a constant flux, thus it is challenging to provide an up-to-date list of the organisations, which are listed as foreign agents. The list can be misleading, since even if the organisation has officially closed down, it might be functioning through a different administrative body. Currently, there are altogether 97 organisations on the list of foreign agents in Russia, of which nine are from St. Petersburg (Russian Ministry of Justice 20.4.2017).

3. Civil society in Russia – Previous research on the topic

This chapter aims at defining the most central concepts and contributions to the discussion on the definition of civil society in general and civil society in a post-Soviet context. Chapter 3.1 will provide an outline on the definition of civil society in this thesis; Chapter 3.2 will introduce the case of St. Petersburg and illustrate the decision why the data was collected solely in this city; Chapter 3.3 will provide a brief overview of the history of the civil society in the Soviet Union and in Russia; Chapter 3.4 will focus on the specific traits of civil society in Russia; Chapters 3.5 and 3.6 focus on the state-society relations in Russia. Concluding this part, Chapter 3.7 will present and discuss two surveys, which reflect the common opinion of the Russian people about the civil society and NGOs.

3.1 Definition of civil society

One of the classic definitions of civil society is based on the Tocquevillian⁹ idea of freedom of association (see e.g. Foley & Edwards 1996) making civil society an arena situated between the state, the markets and the individual (Cohen & Arato 1992). Leading scholar in democracy studies Larry Diamond defines civil society as the realm of organised social life that is voluntary, self-generating, at least partially self-supporting, autonomous from the state and bound by legal order or a set of shared rules and involves citizens acting collectively in a public sphere (Diamond 1999, 221). Diamond also notes that one of the civil society's functions is to "limit the power of the state" (ibid. 239). The definition of civil society is an on-going debate and there is no common view on the comprehensive or unambiguous definition. In this thesis, Anders Uhlin's (2006) definition of civil society is seen as appropriate. Uhlin states that civil society requires a public space independent of the exercise of state power and the ability of organising within it to influence the exercise of state power (Uhlin 2006, 23). According to Uhlin, civil society should be firstly seen as an arena or a social sphere in addition to other arenas such as the state, political society

⁹ Alexis de Tocqueville (1835) *Democracy in America*.

and economic society. Second, it should be stressed that the state and civil society are highly connected and interdependent, meaning that civil society cannot completely be autonomous from the state. It is possible to make an analytical distinction between the state arena and the civil society arena, but often it is the overlapping of, and connections between these two spheres that are the most fruitful to analyse. Third, civil society is a public sphere. Fourth civil society actors are typically collectively organised around specific common interests. Fifth, both political and apolitical actors may act within civil society. (Uhlin 2006, 23-24.)

The definition of a *non-governmental organisation* was established by the UN in 1945. The definition to be an accepted NGO by the UN consist of all types of private bodies who are independent of government control, not seeking to challenge governments by presenting as a political party, nor by having a narrow focus on human rights, not working for profit and not involved in criminal activity. (UN 1945, chapter x article 71).

3.2 NGOs in St. Petersburg

The aim of this thesis is not to produce information applicable to Russia as a whole, but to observe a specific area, which is St. Petersburg. A conventional view on Russia is to see it as a single entity. Russia is commonly portrayed from a federal level, or divided into smaller groups mainly based on geographical factors (Zubarevich 2012, 1-2). Russian Federation consists of 83 regions. Each of these regions has one of the following statuses: oblast (46), krai (9), city of federal significance (2), republic (21), autonomous okrug (4) or autonomous oblast (1). There are two cities of federal significance, St. Petersburg and Moscow. (Reisinger 2013, xxii.). Zubarevich (2012) has divided Russia into “four Russias” – Land of post-industrial cities, blue-collar workers, rural and semi-urban populations and under-developed Russia. St. Petersburg, amongst Moscow and Yekaterinburg is categorised in the first group of land of post-industrial cities. (Zubarevich 2012, 1-2.)

The enormous regional differences in Russia are the reason why this thesis is considered a case study. The situation in St. Petersburg can be discussed in different contexts, but it needs to be seen as its own entity. Leah Gilbert (2016) notes, that scholarships have shown that St Petersburg and Moscow, while remaining the most influential cities in Russia, should not be seen as representative of Russia as a whole. (Gilbert 2016, 1154).

NGOs in St. Petersburg tend to be more independent compared to NGOs in small town Russia, where they are more often controlled by the state. There are different estimates of the number of NGOs operating in St. Petersburg. The city administration suggests that around 8 000 NGOs are registered, but estimate that 1 000 are active. Another representative from the city administration says there are more than 5 000 NGOs registered. A leading figure suggests that there were 3 800 NGOs in 1994, but by 2001, the number had increased to about 11 000. From these 11 000, about a quarter are active. (Uhlin 2006, 77.) In North-west part of Russia, (which includes also St. Petersburg) the amount of NGOs was approximately 23 713 in 2015. Out of these NGOs, 39% were registered in St. Petersburg which makes it approximately 14 460 NGOs registered in St. Petersburg. (Aventica 2015, 248.)

Although as mentioned earlier, the focus on this thesis is on St. Petersburg, the following chapter briefly discusses the history on civil society in Russia. This is because the influence of the Soviet period on contemporary civil society in Russia is a repeated theme in research on the topic (e.g. Howard 2002, Uhlin 2006).

3.3 Brief history of civil society in Russia

Based on previous literature the main influence of the Russian civil society in the 21st century lies in the Soviet era. The socialist regime has left its imprint on the attitudes of the public, ruling elite and national institutions. Before the October revolution in 1917, Russia did not have a mentionable civil society. (Uhlin 2006, 42.) There are some contradicting views to the status of civil

society in Tsarist Russia. For example, Schaeffer Conroy suggests, that before 1917 there was a small but active civil movement in Russia (Schaeffer Conroy 2006, 12). However, as Alapuro (2008) mentions, even though already before 1917 the elites were suppressing society's own means of functioning, the Soviet era has a bigger influence on the current state of affairs (Alapuro 2008, 32).

With the founding of the Soviet Union in 1922, a political system was created where almost all individual activities were against the state's official ideology of socialism. The goal was to build a model of society where the people were subjects to the hierarchical system of distribution consisting of material, social and spiritual goods, administered by the prevailing elites. There was no space for civil society in the socialist system since free press, opposition, political parties, and other independent political entities were suppressed by the government. All non-governmental actions – political, cultural, societal, religious and social - were under strict constraints. The organisations that were allowed to function were annexed to the ruling party system. Even though organisations were called voluntary organisations, they were under strict control from the state. (Zdravomyslova 2005, 204.) Even all creative organisations such as the book union, journalists' union and artists' union and unpolitical clubs such as the chess club and philatelic club were subjected to strict control by the ruling party (Dzhibladze 2005, 172).

The turn of events took place in 1985, when president at the time Mikhail Gorbachev announced the policy of Perestroika (reconstruction). It seemed that political opposition and civic activity free from state control could be made possible. Socialist pluralism gave room for the idea of civic activity, even though the first officially formed organisations were quite modest and involved in e.g. the protection of historical monuments. From the year 1987 more politically active organisations started appearing, which were involved in the concepts of democracy and human rights (groups such as Perestroika Club - a discussion group in Moscow and Memorial - human rights and democracy group were founded). By the year 1987 there were around 30 000 unofficial groups and by the year 1989 the number had grown to 60 000, involving millions of citizens to the work. Most of the groups did not proclaim liberal ideology, but resisted the

autocracy of the communist party and spoke for legal protection and civic and political rights. (Uhlen 2006, 44-45.)

During Boris Yeltsin's presidency in the 1990s, the tentative framework was set for the freedom of action of non-governmental organisations. The government recognised rights such as the freedom of speech, rights to publish and freedom of assembly. On the other hand, from the end of 1980s the government started preparing restrictive laws due to the high increase in the number of organisations. In 1991 the Law "On Voluntary Organisations" was passed in the Duma, which gave voluntary organisations the right to function without governments assent. Although, the organisations had to register through an expensive and bureaucratic system. In addition, in 1995 the Law "On Public Associations" was passed and Laws "On Charitable Activities and Charitable Organisations" and Law "On Non-commercial Organisation" in 1996. (Jagudina 2009, 103.) The new legislation created a space for voluntary activism, but it also limited it by creating bureaucratic challenges. The legal framework was unclear and registering frequently was additional work for activists as well as costs in registration and lawyer's fees. (Henderson 2003, 49.)

The number of organisations steadily grew the whole of 1990s and by 2001 there were around 450 000-485 000 officially registered organisations in Russia. Approximately 60% of these organisations were not connected to the government or any municipality. The organisations were addressing issues of societal problems, youth problems, women's rights, economy, disability and human rights. In addition, many active organisations were not officially registered, hence they do not show in the numbers. Even if the number of organisations may seem large, in reality the number of members was quite low compared to other countries. (Jagudina 2009, 78-80.) The exception is the labour movement, to which even now the participation is at a high level. When the civic movements were changed into official organisations, the number of participants decreased. The movements registered as non-governmental organisations, because then it became possible for them to apply for international funding. Western donors saw the support for NGOs as vital to the development of democracy and civil society in Russia. (Salmenniemi 2008, 49-

50). For example, in 1995 85% of the whole foreign civil society support from the US was given to Russia (Henderson 2003). Recent research shows that the amount of NGOs in Russia has declined by a third from 2011 onwards. In the North-West Russia the amount of NGOs has declined by 35% from 2011 to 2015. The amount of NGOs in Russia in total in 2015 was approximately 226 000. (see appendix 5.)

Zdravomyslova (2005) sums up the Soviet & post-Soviet civil society in three stages:

1. Pre-political stage before 1988 when fighting for civic rights was unofficial and unpolitical
2. Political phase from 1988 to 1991 when the struggle for human rights and other free civic actions became a part of the general movement to overrule the Soviet system
3. Judicial phase from 1991 onwards, when non-governmental organisations become actors of the developing Russian civil society (Zdravomyslova 2005, 206.)

It can be suggested here that after the last phase described by Zdravomyslova, from 2001 onwards begun the phase of increased regulations towards the NGOs, when the state started creating institution to control and create civic movements “from above”.

3.4 Specific traits for civil society in Russia

The weakness of Russian civil society is a subject repeated in research on the topic (see e.g. Howard 2002, Howard 2003). Another recurrent theme is the Soviet heritage, which is presented as one part of the explanation to the weakness of contemporary Russian civil society (see e.g. Uhlin 2006, Howard 2002; Howard 2003). Howard (2002) has explained the weakness of the Russian civil society by three main arguments. First, the lack of trust for national organisations is a clear heritage from the Soviet times. Second, unofficial networks were developed during the Soviet era and people are used to the idea

that they are sufficient. Third, people are disappointed in the way Russia has organised itself after the collapse of the Soviet Union. (Howard 2002, 161-163.) Social networks can also be seen to play a central role in Russian society (see e.g. Lonkila 2009; Castrén 2005; Salmi 2006; here Alapuro 2008, 30) and they have also been suggested to replace the need for the work done by the third sector (Howard 2003, 107–109). On the other hand, Gibson (2001) argues that the social ties and trust among those within personal networks are what *allow* for the development of civil society in Russia. He sees that generally social networks appear to be an important source of learning from others and from experience about the meaning of democratic institutions and processes. Thus being embedded in social networks with high political capacity is perhaps a necessary but not a sufficient condition to access democratic ideas. (Gibson 2001, 64.)

There is an ongoing discussion among scholars on whether there is a specific Russian type of civil society, which differs from the Western models of civil society. Civil society *po-russki* is a term by Ljubownikow, Crotty and Rodgers (2013). They question whether the western models and descriptions of civil society can be applied to the civil society in Russia. They argue that Russia's third sector has been, or is developing its own way of working. They note that the concept of civil society *po-russki* shows the need to understand civil society as a sphere, which is shaped by its context. As a result, civic engagement is possible within structures and forms, which conflict with a traditional (or Western) understanding of civil society. In this context the state plays a substantial and dominant role in defining the boundaries and possibilities for civil society activities. (Ljubownikow et al 2013, 163.) Hale (2002) on the other hand criticises the division made by some scholars to "Russian" and "Western" models of civil society. He sees that this national labelling has a damaging effect as it ignores the enormous differences within both Russian and Western scholarly traditions. Hale notes, there is a need to move away from the debate on whether a *real* civil society is developing in Russia. (Hale 2002, 306.)

McIntosh Sundstrom and Henry list four key patterns, which they see as obstacles for the development of a strong and democratic civil society in

Russia. These patterns include: general reluctance to participate in civic associations, the weak institutionalisation of Russian NGOs, need for organised groups to communicate with the state through connections with key individuals and the role of the state as the dominant actor in the political sphere. (McIntosh Sundstrom & Henry 2006, 305.)

3.5 State and civil society relations in Russia

The temporal outline for discussing state-society relations in Russia is limited to Vladimir Putin's rule from the year 2000 onwards. Vladimir Putin's rule has been defined by various terms such as "managed democracy", "virtual democracy", "stealth authoritarianism" or "monocentrism". According to Evans, the essential challenge for researchers is to notice the features of the structures Putin seeks to construct. No evidence exists though that Putin has a detailed plan for shaping a certain type of political system; Putin has officially denied the idea of an official state ideology. What can be said is that it is clear that Putin is determined to strengthen the Russian state and enhance Russia's status as a central power and that he regards economic growth and internal order as necessary means to those ends. (Evans 2006, 148.) Sakwa notes, that Putin's political order comprises of two sub-systems, which support each other. First, the regime constantly negotiates with society, meaning that the regime will retreat when it encounters social resistance. Sakwa uses as an example the crisis of monetising of social benefits in early 2005, which provoked a large-scale mobilisation among the citizens. The main goal for the regime is to avoid political crises. This also applies within the system of policy-making, where Sakwa sees Putin as the main factional manager whose duty is to ensure that no specific group can capture the whole spectre of policy options. In other words, all of the factions get something some of the time, but no one gets everything all of the time. Second, in order to understand the system an understanding of the images it creates need to be taken into account. By this Sakwa refers to e.g. the creation of para-constitutional bodies such as the State Council or the Public Chamber. The system is one of controlled contestation, which actually is committed to make Russia a competitive economy and a great

power at a global level. Putin has created a synthesis of his own, consisting of elements of Soviet remnants, Russia's "third way" state-led developmentalism, statist paternalism and growing cultural critique towards Western modernity and Western values. (Sakwa 2014, 194-195.)

During Putin's first term it started to become evident that journalists and environmentalists who were critical towards the government's actions would be subjected to harassment or even prison sentences. In 2001 a Civic Forum was organised in Moscow as a platform for organisations and government officials to interact. The stated purpose of this forum was to "integrate civil society organisations throughout Russia into a single corporatist body that would allow them an official consultative role with the government". (Squier 2002, 177.) After vocal complaints from many social activists, the government backed away from efforts targeted at the prompt implementation of the plan. Some NGO leaders refused to take part in the conference but others saw it as an opportunity to bring their concerns to the attention of the political leadership. Even if the forum was a setback, it did not stop the attempts of the state to apply legal, administrative and financial tools to make it gradually more difficult for NGOs to operate independently of government domination. In addition, a growing number of GONGOs started appearing¹⁰ among the third sector. (Nikitin & Buchanan 2002, 149.)

Gilbert (2016) suggests that Putin's policies were enacted for the purpose of bringing organised groups under greater government oversight and making them more dependent on the state. According to this view, Putin's policies backed organisations that are either apolitical or supportive of the regime's agenda and in turn undermined organisations that are openly critical, pursue liberal agendas or are funded by foreign donors. (Gilbert 2016, 1154.) The discussion on the impact of these policies divides scholars. Some scholars have emphasised how the policies have constrained organisations (Lipman 2005; Taylor 2011; Crotty et al. 2014) while others such as Javeline and Lidemann-Komarova (2010) argue, that Putin's policies have facilitated the work of NGOs

¹⁰ Government-organised and financed nongovernmental organisations, typically mimicking the functions of NGOs to promote the interests of the state.

in Russia. Javeline and Lidemann-Komarova argue that there is no conclusive evidence of a widespread clampdown on Russian NGOs and suggest that the effect of the 2006 NGO law has been useful to eradicate corrupt organisations and has brought greater transparency to their work. (Javeline & Lindemann-Komarova 2010.) Here needs to be stressed that the law which Javeline & Lindemann-Komarova are discussing is the 2006 NGO Law "On Introducing Amendments to Certain Legislative Acts of the Russian Federation (Law number 18-FZ), not the Law on Foreign Agents.

The Kremlin has also aimed at promoting certain social organisations at the expense of others, which is the case with the Public Chamber, which was established in 2005¹¹. The goal of this Public Chamber was to promote greater institutional dialogue between society and government authorities, but it is mainly designed to answer to the priorities of the regime. One third of its members is appointed by the president and selects in turn another third of the Chamber's membership; the remaining third is selected through conferences in the seven federal districts. The Chamber can be influential, as it has access to policy-makers and it oversees grants to social organisations awarded from the federal budget on a competitive basis. These so-called "presidential grants" for social projects have so far resulted in allocating 500 million RUB (8 300 000 EUR). The yearly amount is approximately 1,5 million RUB (24 900 EUR), but it has increased in the past years to around 2,7 million RUB (44 900 EUR) per annum. (Rustamova 2014.)

3.6 Division of the Russian NGO-sector

Howard notes that the state's role is crucial in enabling and facilitating a prosperous civil society. The state plays a key role in passing legislation, which protects the rights of the organisations, as well as providing incentives for the NGOs to organise and recruit members. (Howard 2002, 168.)

¹¹ <https://www.oprf.ru/en/about/>

A common functional distinction in Russia is to divide the sector into two main roles: promotion of societal change through advocacy work and social welfare-oriented support for vulnerable people. Promoting societal change through advocacy work is seen as political activity and such organisations aim at having an impact on common issues and defending people's rights and interests. The social welfare-oriented organisations are mainly connected to a specific groups' effort to provide social welfare services. (Kulmala 2016, 199-200.) This division between service-oriented and politically oriented organisations will be briefly discussed and questioned in the following chapters. When observing the list of foreign agents (see appendix 1), most of the organisations are pursuing goals that can be described as politically oriented or advocacy oriented for their aims at societal change.

Since president Putin was first elected he has pursued a strategy of mobilising certain groups while demobilising others. State-sponsored mobilisation is best seen in key organisational spheres such as youth, human rights, environment and labour. Within these spheres, organisations are initiated by the state itself and moderate participation is encouraged within specific but frequently changing parameters. (Gilbert 2016, 1556.)

Kulmala (2016, 200) notes that socially oriented civil society organisations are typically overlooked in the Western scholarly investigations of Russian civil society, which have emphasised the oppositional activities and political/advocacy role of Russian citizens' groups. This thesis follows "the Western scholarly trend" of focusing on the distinctly "political" organisations and their work. This is solely due to the fact that the organisations, which have been affected by the Law on Foreign Agents happen to work with issues of advocacy and societal change rather than service provision. As noted earlier, this thesis does not aim at analysing the civil society as a whole, but the organisation that have been influenced by this particular law. Based on previous research, it is stated here that this division between advocacy- and service-oriented organisations does exist and is actively promoted by the state. The next two chapters will discuss separately the specific traits of service/socially-oriented organisations and politically/advocacy-oriented organisations.

3.6.1 Service/socially-orientated organisations

The majority of Russian civil society organisations (approximately 30 per cent) are listed to work with questions concerning socially oriented issues (Cook & Vinogradova 2006, 28). Kulmala (2016) also mentions that the majority of Russia's civil society organisations appear to work with questions concerning social welfare (Kulmala 2016, 200).

Benevolenski & Toepler (2017) note that Russia has cracked down on politically active civil society, increased regulation and cut foreign support for these NGOs. However, apolitical, service-oriented parts of civil society have not been subject to these restrictive policies. In contrast, since 2009 Russia has introduced a set of government tools to support socially oriented non-profit organisations. (Benevolenski & Toepler 2017, 64.)

Benevolenski & Toepler suggest that the Russian government is favourably disposed towards working with domestic NGOs on politically undisputed issues, such as social policy, as long as the state's responsibility for its citizens remains unquestioned. This idea also supports the reasoning behind the creation of the Public Chamber in 2005, which is a consultative body of civil society representatives that "reflected a vision of society not as an actor in its own right, but rather as *helping the state to govern more effectively*". (Benevolenski & Toepler 2017, 66-67.)

In a neoliberal view civil society comprising of Putnam-style¹² apolitical NGOs contributes to good governance and efforts to improve and strengthen the state through building trust and norms of reciprocity among the population, while helping the government to address public needs (ibid., 66). Although, the precondition for this type of mutual contribution to be beneficial would be that the state is transparent in its actions and reforms. This does not seem to be the case in Russia; hence, this type of cooperation seems utopian in the current state of affairs.

¹² Classic book on civil engagement by Robert Putnam (2000) *Bowling Alone: The Collapse and Revival of American Community*

Nonet & Selznick (2001) note that there is a need to encourage a renewed appreciation of the interplay of legal theory and social policy. By policy, they reference to basic perspectives that determine how public purposes are defined and how practical alternatives are perceived. (Nonet & Selznick 2001, 3.) For further study, the outsourcing of social services to the civil society in Russia would be a fruitful approach on the state-society relations from a public policy approach.

3.6.2 Politically/advocacy-orientated organisations

For social scientists the definition of what is meant by “political” is central, but as the concept of *civil society* is debateable. Especially in the case of Russia, the definition of “political” is ambivalent and answers to various interpretations. Kulmala (2016) notes that aiming at societal change through changing laws or influencing public opinion obviously counts as political, as does systematic advocacy for interests and rights of certain groups. Kulmala adds that transforming personal issues into public issues through the work of NGOs can also be seen as political activity. (Kulmala 2016, 207.) The organisations based in St. Petersburg, which are affected by the Law on Foreign Agents are in several ways a homogeneous group. They have aims that could be described as political in a sense that they seek to improve certain aspects of their country, city, field of interest etc. It is common though, that the organisations themselves do not describe their work as political. This issue will be further discussed in Chapter 6.3.

In Russian language the word политика (politics) has strong connotations, a narrow meaning and it is mainly associated with party politics. There is no clear distinction in the Russian language for doing politics and policy-making. Policy-making refers to the act of creating laws (or other official norms), doing politics refers to activities aimed at influencing something in a given society. As the Russian term refers exclusively to policy-making, a claim made by an NGO of

"not being political" does not necessarily mean that the NGO has no societal impact. (Kulmala 2016, 206.)

In order to be registered as a foreign agent, the work of the organisation has to be classified as political by the authorities, in addition to the receiving of foreign funding. Up until January 2016, what was meant by "political activity" was not defined by the state. When the Russian Ministry of Justice published the list of "political activity", it was very wide consisting of e.g. participating in, organizing and carrying out public events such as rallies, protests, demonstrations, marches or pickets and assessing the government's decisions and policies. This list (see Chapter 1), which consists of nearly all functions that independent civil society should be able to conduct, contradicts greatly with the idea that NGOs themselves have of the meaning of the word "political" (further discussed in Chapter 6.3). The list is of no avail in the sense that it could be stated that all NGOs, which receive foreign funding can be put under inspections. The Law on Foreign Agents received wide international criticism especially for the issue of undefined political activity (e.g. Freedom House, Human Rights Watch and Amnesty International). When the Ministry of Justice in January 2016 published the definition of political activity, some organisations mentioned that this definition of political activity made the situation even worse, since now almost all civil society activities can be legally categorised as political.

3.7 How do Russian people themselves view the third sector?

Passive civil society cannot be explained by a lack of social problems. Shocking (by Western standards) gender inequality (McIntosh Sundström 2002, 225), very poor conditions for workers (Crowley 2002) severe human rights problems (Weiler 2002), big environmental problems (Bridges & Bridges 1996; cited in Uhlin 2006, 57) and various other social problems persist in contemporary Russia. All these problems could indicate high participation in civic activities to tackle these issues (Uhlin 2006, 57).

Unfortunately, regionally representative survey data is quite rare in Russia. Russia-wide surveys, even when conducted in many different regions have samples drawn to represent the whole Russian population. This data cannot be used to draw conclusions about one specific region in comparison with other regions. (Reisinger 2013, 11.) There was no data available on the public opinion on the third sector in the St. Petersburg area alone. Hence, the following tables represent the general outlook Russian people have on non-governmental organisations and the term “foreign agent”. The first survey is produced by Aleksanteri Institute and the other surveys are conducted by the Levada centre. Levada centre¹³ is a non-governmental research centre and is considered to produce reliable survey data¹⁴ on the public opinion of Russian people (e.g. compared to ROSSTAT, which is the governmental institute).

Why is it necessary for this thesis to discuss the public opinion of the Russian people? When describing the environment where the NGOs are operating in, it is valuable to bring out the survey side on the views of the Russian public have on the NGOs. The aim of the NGOs is to mobilise and work for their target-groups, hence the public opinion is essential for their work. Mendelson (2015) notes that the closing space around civil society demands a systematic inquiry into the motives and the factors enabling the states to close the space, and what are the good practises to prevent these events. She argues that the need to use public survey data is a useful tool to increase the connectivity of NGOs to the populations they are meant to serve and to generate new sources of funding, including domestic ones. (Mendelson 2015, 11.)

In the “Social distinctions of Modern Russia”, a survey conducted by the Aleksanteri Institute in 2015 (see appendix 4), one question was dedicated to the trust people have in NGOs. Based on these statistics, the biggest group 51.5% comprised of the people, who are not quite sure what they think about NGOs (somewhat trust, somewhat distrust and hard to say combined). The next biggest group, with 34.5% of the respondents does not trust NGOs in their

¹³ Whilst writing this thesis, also Levada centre was included in the list of foreign agents.

¹⁴ The data by Levada centre is used by e.g. Human Rights Watch, Transparency International and Freedom House among others

activities (completely distrust and mainly distrust combined). The group that trusts NGO activities (mainly trust and fully trust) makes up 14% of the data. This shows that the vast majority of the Russian population is unsure of their opinion or is not in favour of NGOs and their work. This low awareness and negative views will be discussed further in Chapter 6.1.

There was a similar trend concerning the lack of understanding of the work of NGOs in the Levada-conducted surveys (see appendix 4). For the question, "Do you know what is a non-profit organisation" in 2012 the most popular reply was "I heard something about it" 49% and in 2013 it had gone up to 52%. The second most common answer was "I am not aware" with 24% in 2012 and 29% in 2013. Similar question about the understanding of third sector functions was "What, in your opinion non-profit organisations primarily do in Russia". The most common replies in 2012 were "Aid to various groups of society" 42%, "Deal with various social issues" 35%, "Defend civil rights" 21% and "Difficult to answer" 19%. In the question on "how would you estimate the performance of non-profit organisations in Russia", in 2012 the most popular reply was "Rather positive" 39%, "Difficult to answer" 38%, "Absolutely positive" 11% and "Rather negative" 10%.

Levada also included a question on the topic of foreign agents in this same survey. On the question of "What is your general perception of the phrase foreign agent" 62% replied "Negative, in general", 12% "Positive, in general" and 26% "Difficult to answer". On the question of the meaning of the term foreign agent: "What does "foreign agent" phrase mean to you?" 39% replied "A spy, intelligence officer of a different country planted in Russia, an undercover spy", 22% "Covert enemy from within active in Russia in the interest of other states, a fifth column", 18% official representative of another state or foreign commercial company, organisation openly representing interests of the government, company or corporation in Russia", 11% "Any non-governmental organisation, Russian or foreign, which receives foreign funds to finance the activity in Russia" and 10% "Difficult to answer".

On the question "What is your attitude towards the tougher law on non-governmental organisations and the requirement to register as a "foreign agent" for any organisation receiving funding from abroad?" in 2012 37% replied "Difficult to answer", 28% "Rather positive", 17% "Absolutely positive". By 2013 "Difficult to answer" decreased from 37% to 30%, "Rather positive" increased from 28% to 35% and "Absolutely positive" decreased to 14%.

The question on "What is your attitude to NPOs¹⁵ operating in Russia analysing the national developmental outlook, civil rights defence and civil society development in Russia and seeking foreign donations?", 42% replied "Rather positive", 31% "Difficult to answer", 13% "Absolutely positive", 12% "Rather negative".

In both the surveys, the level of unawareness or finding it difficult to answer was high. The non-profit sector is not very familiar to the public in Russia, which is one reason it is could be seen as quite vulnerable.

Howard (2002) provides one possible explanation for this lack of support for the NGOs. He notes that after the collapse of communism, the number of NGOs has been steadily increasing, but many of them have been created by Western organisations and depend on Western funds. Howard sees that because of this much or their organisational initiative comes from foreign sources, with low understanding of communism and postcommunism. Therefore, the functions of the NGOs might seem unfamiliar or even misguided. Moreover, the "new" organisations supported by Western sources might contain an anti-communist theme, which might be interpreted to imply that the way people lived under communism was wrong and unethical. This condemnation of people's personal histories might have an effect of misunderstanding and disengagement. (Howard 2002, 167.) Furthermore, Henderson (2003) raises a similar issue of the external Western funding. Even well intentioned, it contributes to the agenda of the funder. Henderson noted that it can be problematic that the funders provide aid to organisations, which fit to the Western norms.

¹⁵ Non-profit organisations

(Henderson 2003.) The issue on working for the right target groups will be further discussed in Chapter 6.1.

4. Theoretical framework - Repressive law in the context of transition

Since the objective of this thesis is to 1.) List and analyse the expedients the organisations working under the Law on Foreign Agents have taken, 2.) Describe the work environment of the organisations and 3.) Discuss possible directions for development, the theoretical framework seems appropriate, especially for the third question, to be built around jurisprudence; In particular transitional and comparative legal theory. Comparative law is important tool for studying countries that are in transition. Transition challenges a common stable approach to law and makes us ask what law actually is (Nystén-Haarala 2001, 5-6.) As stated earlier, in Russia the courts and legal institutions are not independent from politics (see e.g. Kozyreva & Smirnov 2015). Hence, in order to observe the different aspects and possible developments, it creates a more fruitful approach to place Russia in a particular category for analysis. Therefore, the theoretical framework is built around two parts, the previous research (mainly focusing on Ljubownikow et al. 2013; McIntosh Sundstrom 2002; Flikke 2016; Benevolenski & Toepler 2017) and the developmental model of legal systems as indicators of society (Nonet & Selznick 2001).

The etymology of the term *jurisprudence* comes from the words "juris" law and "prudence" wisdom. Hence, jurisprudence is a tool for understanding the wisdom of law (Morrison 1997, 1). Rudolf Jhering (1861) was the first to use the term *interest jurisprudence*. He states, that legal rule cannot be understood, if its function in society is not understood. Legal rule is a way of achieving certain goals in society - individual and communal. Jhering sees the legal rule to be a purely teleological matter. Hence the person applying the law should look into the goals and interests, which the judicial system should implement. When getting this information, the judge can make a decision based on the judicial system. Through this, Jhering showed the connection between applying the law and societal reality. This on the other hands brings up the justified criticism, how can one know the interests, which influence behind the provisions of law. Yet he took the first steps towards including societal reality in legal thinking. (Aarnio 1975, 37-38.) In the Soviet Union, legal theory was called *the theory of state and law* to emphasise that the two cannot be separated from each other and

that it is the state that is the ultimate source of law. Law was a tool in the hands of the ruling elites, which could direct the state in any direction that was beneficial to the rulers themselves. (Nystén-Haarala 2001, 4.)

The existence of law per se does not guarantee fairness or justice. Every legal order has a repressive potential, because it is always at some point bound to the status quo. (Nonet and Selznick 2001, 14-15, 29.) Following this reasoning, the idea of *repressive law* in the post-Soviet context will be introduced and discussed. As noted earlier by Henry and McIntosh Sundstrom (2006) applying a concept developed in the West to a non-Western context, the customary practises and types of cooperation that are common in that environment should be noted (Henry & McIntosh Sundstrom 2006, 325). This remark is duly noted in this thesis. Multiple researchers have raised in their work this problem of the use of a Western concept in a non-Western context (see e.g. Ljubownikov et al 2013; Hale 2002; Sakwa 2015).

Nystén-Haarala argues that after the collapse of the Soviet Union Russia has been in a process of fundamental socioeconomic transition, which can be described as transition to market economy, democracy and the rule of law. Law constitutes the official rules, which can be enforced by coercive legal means. Law is an institution working within a larger institutional framework of enforced norms, routines, conventions and traditions. Law does not function in a vacuum but within the institutional framework of the society. For this reason a holistic view is necessary to understand transition and the role of law in this process. (Nystén-Haarala 2001, 1-2.) Hence, it is suggested here, that transitional legal theories apply to interpreting and discussing the Law on Foreign Agents.

In the next chapter following Nystén-Haarala's thinking, of 1.) Russia being in a state of transition and 2.) The need for comparative law to study countries that are in transition, the theory by Philippe Nonet and Philip Selznick from their book *Law & Society in Transition – Toward Responsive Law* (2001) will be introduced and discussed. Transitional justice can be seen as an instrument of social transformation, which is based on the assumption that societies need to confront past abuses in order to come to terms with their history and develop for

the better. Transitional justice as a separate field of research first appeared during the 'third wave' of democracy in Latin America and Eastern Europe. It emerged as an idea during the transition of states in those regions from dictatorial or authoritarian regimes to liberal market democracies. (Huntington, 1993.)

The enormous question of "what is law" has been discussed from time to time in different societies by different scholars, and jurisprudence at its simplest can be seen as an anthology of answers to this question (Morrison 1997, 1). Nonet and Selznick note, that the *definition* of law should not be confused with the *theory* of law and that law is an outcome and not a starting point (Nonet & Selznick 2001, 10-11). This thesis will not go into further detail on the essence of law and legislation as such, but define it as an outcome of certain events. Nobles and Schiff (2006) raise the question on how should one account for different theories within jurisprudence, when each theory might present a better or worse description of the self-understanding of law or legal institutions. Each theory in this light becomes no more than a subjective account for what really reflects the law and legal institution. (Nobles & Schiff 2006, 7.) There is not a theory that would give a comprehensive view on the relation of law and society, and this limitation is recognised. The attempt here is not to produce a comprehensive view, but to describe the traits, context and outcomes of a certain law among a certain group.

In the case of Russia, the events that shape the current legislation can be seen to be related to history, weak institutions and privileged position of political elites. Hence, the situation in Russia is contextualised by putting the current legal order in a developmental model of different legal orders created by Nonet & Selznick (2001). This model (see appendix 2) draws from the developmental model of bureaucracy (see appendix 3). This positioning makes it easier to analyse the situation with the law on foreign agents, since it places Russia in sphere with specific preconditions. Nonet and Selznick use the discussion on the stages of bureaucracy in social science to make a point, that under appropriate conditions, specific processes emerge that tend to transform ad hoc pre-bureaucratic decision-making into more systematic bureaucratic decision-

making. (Nonet & Selznick 2001, 21-23.) They make this reference to justify the use of their own tripartition into repressive law, autonomous law and responsive law, and the use of this model in a developmental approach.

Nonet and Selznick acknowledge that the mentioned developmental model of bureaucracy (see appendix 3) is not a historical synopsis. Rather, it is a theory of institutional constraint and response whose intellectual function is to identify potentials for change in a specified range of situations. Hence, a developmental model of bureaucracy is a complex dispositional statement and it proposes that in certain stages a system will generate forces leading to specified changes. It is helpful if it successfully identifies characteristic stresses, problems, opportunities, expectations and emergent adaptations. These may and do suggest the direction of change, but they cannot tell what will actually happen, since that always depends on widely varying conditions. (Nonet & Selznick 2001, 23.)

Nonet and Selznick (2001) define three types of “states” for law-in-society (appendix 2): 1. Law as the servant of repressive power 2. Law as the differentiated institution capable of taming repression and protecting its own integrity and 3. Law as a facilitator of response to social needs and aspirations. They note, that no complex legal order or sector of it ever forms a fully coherent system: any given legal order or legal institution is likely to have a “mixed” character, combining the three types. Nevertheless, all systems exhibit characteristics of one type over the other two. (Nonet and Selznick 2001, 14-15, 17.)

The categories for placing a certain state in a certain “type of law” are as follows: Ends of law, legitimacy, rules, reasoning, discretion, coercion, morality, politics, expectations of obedience and participation. Here, Russia is placed in the category of “repressive law” and the next chapter will discuss the reasoning behind this categorisation and present arguments for each category.

The ends of law are defined by mainly order: this can be seen not only in the Law on Foreign Agents, but also in other laws as well e.g. the Law on Freedom

of Assembly, the Law criminalising defamation and the Law expanding the definition of treason (ICNL 2015). The legitimacy is based on social defence and the *raison d'état*: as Evans (2006) noted, Putin prefers organisations that share his view for a strong state, nationalistic themes and traditional Russian values (Evans 2006, 149). The reasoning for law is ad hoc and particularistic: the Duma Deputy Alexander Sidyakin who initiated the law on foreign agents, stated the law does not aim at “prohibiting or restricting activities or undermining the rights of nongovernmental organizations, but at helping to *ensure transparency for those who act as foreign agents*, to make that information clear *for Russian citizens*”. It was also stated by Duma deputies from United Russia that the law was aimed at “controlling foreign interference” in affairs of Russia. This gives the impression that there are indeed organisations present in Russia, which work only for the benefits of other nations. The discretion is defined as pervasive and opportunistic: as noted earlier, international legal experts and legal experts in Russia have criticized the law’s broad interpretation, how rapidly it was adopted, and the additional burdens it imposes on NGOs. It was also condemned by most of Russia’s leading human rights groups as part of an effort to stigmatise advocacy groups as “spies” or “hidden enemies.” (HRW 2013, 12-13.) Coercion is extensive and weakly restrained: the coercion can be seen as extensive and weakly restrained based on e.g. the laws adopted for limiting public protests and defamation, which relates to the earlier mentioned ends of law of being mainly order. The morality is based on communal morality, legal moralism and morality of constraint: as Evans (2006) noted earlier, Putin has a preference for organisations, which promote traditional Russian values (Evans 2006, 149). These values have a strong emphasis on the moral values and moral superiority, which Putin wants Russia to uphold. Politics, law is subordinate to power politics: as Rutland noted, the rule of law is exceptionally weak in Russia and the state is able to exercise strong influence over most social actors (Rutland 2006, 74-75). The expectations for obedience are unconditional and disobedience per se punished as defiance: when looking at the law on foreign agents, the non-compliance to this law can result in large fines (up to 500,000 RUB, approximately 8300 EUR, per organisation). This includes also failing to mark materials published by the organisation as a publication by a foreign agent. (HRW 2013, 17-18.) Participation is submissive

compliance and criticism is seen as disloyalty: this is also consistent with presenting critical organisations as “foreign agents”. Moreover, the wide definition of defamation allows the authorities to present critical voices as disloyal to the state (HRW 2013, 73-74).

Hence, the category of law as the servant of repressive power, or plainly repressive law is best seen to describe the current legal state of contemporary Russia. Nonet and Selznick also argue, that repression is a “natural” response to certain stages of legal and social formation and there are conditions under which it was perhaps wiser, maybe necessary course of institutional evolution, if only because no practical alternative was available (Nonet and Selznick 2001, 25). Nonet and Selznick note that repressive, autonomous and responsive law are not only distinct types of law, but in some sense stages of evolution in relation to law to the political and social order (Nonet & Selznick 2001, 18). As Malcom Feeley (1979) writes in his book review on *Law & Society in Transition*, Nonet and Selznick convincingly justify that the essence of repressive law is moralism and ultimately its appeal is derived not from fear, but from the premise that only through the use of efficient exercise of force can the security and morality of social order be preserved. (Feeley 1979, 900.)

When applying a developmental perspective to the three types of law, Nonet and Selznick admit that the application can be troublesome and controversial. They also note, that the criticism of theories of development are properly addressed, but the basic perspective is fruitful and even inescapable. (Nonet & Selznick 2001, 18-19.) Feeley (1979) criticises the logic and dynamic of the evolutionary model not to be very convincing. He mentions that the analysis is concentrated on what might be called the “inner logic of law” and leaves the external social forces to less attention. Furthermore, Feeley mentions that the book by Nonet and Selznick is lacking the discussion of law and politics. Feeley also suggests that these problems may stem from their developmental approach, a perspective that emphasises the inner-logic of the law. (Feeley 1979, 901.) Nevertheless, as Nonet and Selznick themselves state above, the main idea is to identify potentials for change in a specified range of situations and not to predict future developments as such.

Feeley also questions the level of analysis the model by Nonet & Selznick meant to be used. Is it meant for analysing substance, style or neither. Feeley sees that by failing to distinguish the levels of analysis, the authors fail to make problematic the central focus of their investigation, the *relation of legal legitimacy to actual legal practices*. He sees the result of Nonet and Selznick's work as an insightful discussion, but lacking analytical power (Feeley 1979, 904.) As Kagan argues in his foreword to the *Law & Society in Transition*, the book is especially useful since it incorporates both political and jurisprudential aspects of law and it speaks directly to contemporary struggles over the proper place of law in democratic governance. (Kagan 2001, viii.) Feeley also notes, that Nonet and Selznick's discussion may be directed more appropriately at different foundations on which political authority, not law, rests. (Feeley 1979, 907).

The critique from Feeley is duly noted and is taken into account when analysing the empirical findings. This thesis aims at identifying the persistent and new limitations and emergent adaptations described by the organisations and identifying these though characteristic stresses, problems, opportunities, expectations and emergent adaptations.

Moreover, noting the critique and seeing it as appropriate, the aim here is not to provide a developmental model to predict the next step of events, but to describe and discuss the current situation in its own framework. For the last part of analysis I noticed Feeley's criticism to be relevant. It was relevant on the part that it questioned the level of analysis by Nonet & Selznick's model is meant to be used. Is it meant for analysing substance, style or neither? As Feeley noted above, by failing to distinguish the levels of analysis, the authors fail to make problematic the central focus of their investigation. In his view, this contributes to the lack of analytical power. The framework of *repressive law* can and is used here to describe Russia's preconditions, but it does not provide such a useful analytical tool.

To produce a more tangible synopsis of the main findings, I chose to use the helpful characteristics of the developmental model of bureaucracy, on which Nonet and Selznick have based their tripartation to three types of law. Nonet and Selznick state, that the main function of a useful developmental model is to identify *potentials for change*. Hence, a developmental model of bureaucracy proposes that in certain stages a system will generate forces leading to specified changes. As stated, it is helpful if it successfully identifies characteristic stresses, problems, opportunities, expectations and emergent adaptations. These may and do suggest the direction of change, but they cannot tell what will actually happen, since that always depends on widely varying conditions. (Nonet & Selznick 2001, 23.)

5. Methods and data

As Kvale (1996) notes, the original Greek meaning of the word *method* is “a route that leads to the goal”. This chapter thus describes the research methods, which were chosen to best lead to the goals of answering the research questions.

5.1 Qualitative case study

This thesis is a qualitative case study on the part of the non-governmental sector, which is operating under the law on foreign agents in St. Petersburg Russia in the years 2015-2016. The data is limited to one city due to the vast regional differences in Russia, as stated in Chapter 3.2. Collective case study and content analysis were chosen as the most appropriate methods to accomplish the goals of this thesis. Collective case study is used when a number of cases are studied in order to investigate a general phenomenon (Silverman 2005, 127). Case study research is a heterogeneous activity covering a range of research methods and techniques, a range of coverage (from single case study through to multiple cases), varied levels of analysis (individuals, groups, organisations, organisational fields or social policies), and differing in lengths and levels of involvement in organisational functioning (Hartley 2004, 332).

The need to use case study as a method arises from the desire to understand complex social phenomena. Briefly described the case study method allows researchers to retain a holistic and meaningful picture of real-life events. (Yin 2009, 4.) Although case study is not a research method itself, it is an approach to studying reality (Saarela-Kinnunen & Eskola 2010, 159). This is where content analysis is used as a tool for processing the data. Despite the strength of a case study to focus on and describe one phenomenon, it can be criticized for its lack of representativeness and generalizability. This is why it is important in this research, with this approach to ensure a transparent reporting of the

process, for the reader to estimate to what extent the results can be generalized. (Saarela-Kinnunen & Eskola 2010, 162.)

The method of selecting the sample for this thesis is called elite sampling. Elite sampling is closely related to snowball sampling, which means that one suitable interviewee leads to another. Elite sampling differs in the sense that the interviewees are selected based on the researcher's presumption on who would give the most relevant information on the case. (Tuomi & Sarajärvi 2002, 88.) The main source for selecting the organisations to be interviewed was the website of the Ministry of Justice of the Russian Federation, where the list of foreign agents is available and updated. In addition, I received information from interviewees about other potential organisations to interview and include in my data.

The transcriptions were done without adding the pauses or other specifications on how something was said. The focus in this thesis is on the content rather than on e.g. rhetoric means. The level of the accuracy of transcribing interviews depends on the kind of analysis and for this type of analysis, this level is sufficient. Content analysis is data processing by classifying, searching for similarities and differences and condensing the data. Content analysis focuses on creating a compact description, which connects the results into the wider context of the phenomenon and previous researches. (Tuomi & Sarajärvi 2002, 105.)

The study followed a seven-stage route described by Kvale (1996, 83): thematising, designing, interviewing, transcribing, interpreting, verifying and reporting.

Before the planning and conducting the interviews, the researcher should develop a conceptual and theoretical understanding about the phenomena investigated and establish a base to which new knowledge will be added (Kvale 1996, 95-96). My Bachelor's thesis was on the Russian civil society and the roles of personal networks in civil society development. This background has given me insight on the developments of post-Soviet civil society and previous

research on the topic. In addition, have closely followed the Law on Foreign Agents from the media and attended seminars, where this topic has been discussed.

5.2 Conducting the interviews

The Law on Foreign Agents outlined the group of NGOs to be interviewed. Currently¹⁶, there are nine NGOs on the list of foreign agents from St. Petersburg. The data consists of nine interviews from experts from nine different Russian organisations based in St. Petersburg, which have been affected by the foreign agent legislation. One of the organisations was not on the list of foreign agents, but has been under multiple investigations from the Ministry of Justice on their possible functions of a foreign agent. One of the organisations on the other hand had managed to remove itself from the list of foreign agents. Since the focus of this thesis was to observe NGOs that have been affected by legislation it is justified that these organisations are relevant and even a useful addition to the data.

The list on the Ministry of Justice website was a good starting point to find the NGOs for the interviews. After sending out requests for the potential interviewees, I received positive replies to all my e-mails. All the e-mails were answered and all the people I requested for interviews agreed to meet me. Roberts (2012) notes that Russia can be a relatively challenging research environment due to e.g. the problem of arranging interviews with experts. I believe that it might have had an effect that at the time of arranging these interviews I was working in a research centre in St. Petersburg. Knowing the right people might have made me more trustworthy in the eyes of the interviewees. I see this as a significant asset in my work. All the interviews were conducted in St. Petersburg between June 2015 and January 2016. The criteria to be an interviewee in this thesis were that 1.) The interviewee is working in an organisation in St. Petersburg, which has been affected by the Law on Foreign Agents and 2.) The interviewee has (preferably) worked in the organisation for

¹⁶ 20.4.2017

at least 3 years, hence they have experienced the time before and after the Law on Foreign Agents was passed and enforced and 3.) Could be able to participate in English.¹⁷

The questions for the interviews (see appendix 6) were designed to meet the objectives of the research questions. The main aim was to hear from the experts: what are the changes in their work, how do they describe these changes, how do they describe the Russian third sector in general, how do they see their work within this sector, how do they see the state-society relations and how do perceive their connections to the Russian public.

The interviews were carried out by semi-structured means to give more openness and to discuss the issues by themes. This allows the interview to be more open, which suits the goals of a case study well. The openness and flexibility of the semi-structured interview brings many on the spot decisions, for example weather to follow a new lead or stick to the interview structure precisely (Kvale 1996, 83). The interviewer introduces an issue or a problem to be uncovered, follows up on the subjects of the answers, and seeks new information and angles on the topic. (ibid., 97.)

The interviews were conducted anonymously. It is a common issue for the researcher to contemplate on how many participants for the interview are necessary for the purpose of the research. Kvale (1996) gives a simplified answer: “interview as many subjects as necessary to find out what you need to know”. Naturally, the number of participants depends on the purpose of the study, but in current interview studies the number of interviews tend to be around 15 ± 10 . (Kvale 1996, 101-102.)

5.3 Research ethics

Here the research ethics are based upon the ethical guidelines by the Social Research Association (2003). Research can never be entirely objective since

¹⁷ One of the interviews was conducted with the help of an interpreter

the selection of topics commonly reflect a bias of cultural or personal values. Even so, the social science researcher needs to pursue objectivity and to be open about the possible constraints for its achievement. (SRA 2003, 18.) In my case, the personal interest and personal values were present when I chose the topic for this thesis, but as stated above it is quite natural to pursue research on a topic related to personal and professional interests. As mentioned before, at the time of conducting the first interviews I was working for an NGO in St. Petersburg, which was listed as a foreign agent. I do not see this questionable for the research ethics in this thesis, but rather as a valuable addition to my insight on this matter. The off-the-record conversations I have had on the topic and seminars I have attended have definitely shaped my thinking on this matter.

All the interviewees were aware that the interviews are recorded, transcribed and used for my thesis. The interviewees were also promised anonymity. All the interviewees were women and aged approximately between 25 and 65. All the interviewed organisations were all very professional in their work.

5.4 Thematising the data

The interviews were conducted by semi-structured means, hence thematising the text was a natural step in the analysis of the transcribed interviews. The topics selected for the interviews are found in all of the answers, but in different quantities and different ways. Sometimes the themes resemble the base of the interview, but not always. When creating the themes, coding and/or quantification can be useful. When the data is organised by different themes, under each theme there should be coded parts of the transcribed text that mention these themes. (Saaranen-Kauppinen & Puusniekka 2006.) The method for the data-analysis was inductive and the tool used for this step was the programme for qualitative research Atlas.ti.

I started with reading through transcribed text of 79 pages multiple times the looking for recurrent topics, which I found to be important for answering the

research questions. Atlas.ti was a useful tool for this step and allowed the data to be processed in a concise way. The codes I first started with were:

Achievements of NGOs, bureaucracy, changes in every-day work, changes in form of organisation, collaboration, court trials, foreign agents-law, funding, incidents with officials, main goals of NGO, main law to affect NGOs work, ministry of justice, notices of violation, other laws, political activity, ruling elites, Russian NGO sphere in general, understanding non-governmental work, view on improvements, views of the future and why the repressive legislation.

The most frequently mentioned codes were the foreign agents legislation, changes in the form of the organisation, Russian NGO sphere in general, funding, changes in every-day work, incidents with officials and views of the future. From these codes, I moved on to identifying the main categories, which would best describe the findings from my data in pursuing to identify the persistent and new limitations and emergent adaptations. These categories were selected with the research questions and previous research in mind. Chapter 6 is divided into ten chapters for analysis. The final categories are: public support for the NGOs, funding (divided into funding from Russia and international funding), political activity (divided into political activity defined by and state and political activity defined by the organisations), legal environment, term “foreign agent”, cooperation, concrete effects to the work of the NGOs (divided into changes in the work of the NGO and changes in the form of the NGO), harassment met by NGOs and views on the future and potentials for change.

6. Working under the Law on Foreign Agents in St. Petersburg

Based on the empirical findings, the general work environment for the NGOs working under the Law on Foreign Agents is arbitrary and unpredictable. Due to the mixed messages by the government and the ambivalent legislation, the work environment is not eminently encouraging or enabling. Even if the NGO is law-abiding and follows the regulations, they still might encounter problems with the authorities due to the nature of their work. This uncertainty was repeated in all the interviews. There is a strong and persistent fear of making a wrong move that might result in problems for the NGO. Making plans for the future and planning projects can be very frustrating, since the outcome may be unpredictable due to reasons not directly caused by the organisation. The next ten chapters contribute to the knowledge on different factors on why this is so.

6.1 “You just don’t understand that you are serving a foreign state’s interest, they just use you”

This chapter discusses the public support for and the public views about the NGOs in St. Petersburg. The lack of public support is related to a number of issues, but the most frequently mentioned were media coverage of the NGOs, lack of understanding of human rights and the third sector in general, fear of working with foreign agents, misunderstanding of foreign funding, people being busy with their personal life and not having interest in the work of the third sector and that NGOs do not work well for their target audiences.

The Law on Foreign Agents has not received mentionable criticism or mobilised the Russian public. Based on the data (see appendix 4) and the interviews, the fact that the work of NGOs is not very well understood can be seen as one of the factors. As mentioned in one of the interviews, not only might the work on NGOs be difficult to comprehend, but the whole third sector itself can be a distant concept:

“...people do not understand what is it, the third sector, what is it for society? Why it is important. They have state and they have business, we understand that we are not state and we are not business and it is our bonus” (Interview 4 Quotation # 16_122).

When this background is connected with biased media reporting and the use of the term *foreign agent*, lack of public support for the NGOs listed as foreign agents can be understood in this context.

Misunderstanding of the work of the NGOs and lack of support was a repeated answer to the question on public support for the NGOs. Based on the interviews universal values, which sometimes can be abstract, are difficult to work with. Organisations, which work with more concrete and everyday issues, tend to be seen in a more positive light than the ones that work with issues such as human rights, rights of the media or freedom of information. It was also mentioned that people are not fully aware of the rights that belong to them, hence they do not know to question a wide range of issues or demand these rights.

"I would say that in general there is a very low awareness of human rights, the whole human rights discourse in the general public, the awareness what it means, why is it useful, how it serves Russian citizens, is close to zero, so it's a kind of language Russian public understand very little of." (Interview 5 Quotation # 5_150).

“...I always don't know how to explain that I don't serve any national state interest. Not Russian, not American, not Finnish. I have my own professional interests. But people doesn't understand, “You just don't understand that you are serving their state-interest, they just use you”” (Interview 4 Quotation # 8_114.)

The interviewees also mentioned that the unstable financial situation in Russia contributes to people being occupied with their personal problems and does not encourage to promote the universal rights of others, or there is simply no time to do so. Personal and family matters come first and other issues are seen as secondary.

"...people are getting more poor because of this currency crisis and so they tend not to give money if they have their own problems. So in general I can tell that government do nothing to protect this NGO sector." (Interview 3 Quotation # 27_99).

"So the most of the understanding lies in the areas of charities to support sick children, charities to support animals, very little understanding in the area of human rights, maybe some social aid assistance to elderly, but human rights no." (Interview 5 Quotation # 6_151).

When an NGO deals with more concrete matters, such as children's health or animals in need, the work is more concrete and easier to comprehend.

"When you are talking about something not particular, it's if you're talking about nothing. You need simple explanations with some examples to explain it. "(Interview 3 Quotation # 20_92.)

The media has a big influence over peoples' views and when the term foreign agent is used as equivalent of a spy, it is likely to cause misunderstandings on the nature of the work of the NGOs. The majority of Russian media outlets are state-owned and these outlets actively promote this image. Hence, the role of the state in creating this division is seen as active not only through funding, but also through the state-owned media.

"We need to change it minds of the people and it is a real challenge. It is a situation when state controls mass media, you don't really have these resources to change" (Interview 4 Quotation # 16_122).

"We are aware of not only prejudices but also influence of propaganda and if NGOs and foreign agents are targeted as the main reasons of the problems of the country so of course it's prejudices." (Interview 7 Quotation # 37_247)

Public support for NGOs needs be discussed from the side of the state and its active role and persistence of historical trajectories, but also from the side of the organisations as active players. Based on the interviews, the most frequently mentioned reason for the lack of public support was that the organisations do

not always meet the needs of their target groups. This relates to the quality of the work of NGOs. The third sector in Russia is relatively new, so it was mentioned that it is searching for its own form and way of working (see Ljubownikow et al. 2013). The issue of working efficiently for the target audiences needs to be taken into account. Only because an organisation is working for the third sector with a subject matter that is recognised as universally good, it does not automatically mean that the work they do is of good quality or beneficial for the public. In order for the people to start supporting the organisations and take part, they have to also see the quality of the work and see how it is beneficial for them. As McIntosh Sundstrom (2002) notes the civil society should act as a forum, which serves the interests of the public and communicates the citizens' preferences and demands to the government (McIntosh Sundstrom 2002, 209). Unfortunately far more organisations engage in their own internal organisational work and movement development rather than in activities that involve work with average citizens (ibid., 214).

"Not many NGOs clearly understand the needs of their target audience and they don't just take it into account. I think that they do good and brave and very important work but they don't think for who they are working. It's a very common problem. I can just name less than ten organisations that work really good for their audience. And many organisations just take grants and they do a lot of work but it goes for nothing. And this is a main problem. Working for the real people, for their needs, not for the abstract ideas." (Interview 3 Quotation # 34_106).

"I would also say that a lot of human rights organisations are not, they do not know how to mobilise their beneficiaries" (Interview 5 Quotation # 12_157).

The empirical findings presented in this chapter follow the similar trend as e.g. McIntosh Sundstrom's (2002) findings¹⁸. McIntosh Sundstrom (2002, 215) noted that it is not only a problem of outreach to average citizen's but also a

¹⁸ McIntosh Sundstrom's (2002) study was on Russian women's movements, but similarities can be found.

problem of public opinion. Thus, the issues McIntosh Sundstrom (2002) raised 15 years ago still seem to be relevant today.

6.2 “They really cannot understand what they are buying and what I sell”

This chapter discusses the different issues related to funding. Foreign funding is the other criteria in addition to political activity to be included on the list of foreign agents. It plays a central role in not only the upholding of the NGOs functions, but it also defines the work of the organisation. The functional side is simply that the organisation has enough funds to be able to pay rent, salaries and have the capability to fulfil the goals of the organisation. The defining factor will be discussed further on, but organisations that receive foreign funding are automatically under more strict government control and are exposed to criticism and misunderstandings.

Many of the organisations have received large fines (up to 500,000 RUB, 8300 EUR) for not registering voluntarily as foreign agents. When the law was adopted in 2012, the organisations had the choice whether to register or not and the Ministry of Justice could not add them on the registry of foreign agents without the organisations consent. This was changed in 2013 and from then on, the Ministry of Justice can add NGOs on the list if they meet the criteria of performing the functions of a foreign agent. Most of the organisations did not register voluntarily since they did not consider themselves as foreign agents. This led to fines and legal proceedings, of which some were still ongoing during the interviews. All the NGOs interviewed for this thesis had managed to pay off their fines and continue their work. Not all NGOs have been equally successful. In the next chapters, the national and international funding are divided into two categories and discussed separately.

6.2.1 Receiving of funds from Russia

The so-called Presidential Grant (Rustamova 2014) is a state provided grant for the Russian organisations operating in Russia. It is the main form of monetary support, which the state offers the third sector in Russia. Out of the nine NGOs interviewed three of them had received some support from the Russian government, but it was earmarked for specific projects rather than for the work of the NGO in general.

Benevolenski and Toepler (2017) note that despite the limitations to access foreign funding and the worsening conditions for NGOs working with advocacy, even some of the most prominent radical civil society organisations have continued to receive government support. In fact, even NGOs, which have been included in the “foreign agents” registry, have simultaneously been receiving government funding through the presidential grants programme. (Benevolenski & Toepler 2017, 72.)

"We practically never received any funding from Russian government. We, in fact, to be true, we received it twice. One we received it from the St. Petersburg parliament in 2000, because they asked us to prepare a collection of materials for children rights. They gave us some money to publish it. And the second time we received it from so-called presidential grants, a kind of competition and civil dignity one of the presidential grants operator we applied and received money for NGO programs on legal assistance to vulnerable groups." (Interview 1 Quotation # 12_10).

I would argue that even though the organisations have received money from the presidential grants, it is the conditions under which they are provided that make this support controversial. This type of support is narrow in the sense that it does not contribute to an enabling environment for the organisations. This does not credit the organisations and let them answer to the issues they see as central, but it rather makes the NGOs work for the state's needs and complements its service sector. The government cannot support all NGOs, but the organisations that were interviewed expressed their concern that the government gave the finances in its own terms and preferences and with

emphasis on socially oriented programmes, political youth programmes (such as Nashi), which do not act as bottom-up initiatives, but rather support the values and goals of the state.

“...most of the government grants are going on to Russian orthodox church, over about 80%, or something. There are some figures recently released about how much money the orthodox church has got from the presidential grants ... all these kind of neo-nationalist groups are also kind of getting the funds and all these ones that are promoting traditional values all the money is going to these organisations” (Interview 6 Quotation # 13_183.)

These comments reflect the divide between socially and politically oriented organisations. Based on the interviews, the majority of support is seen to be given to socially oriented organisations, than to "politically" oriented organisations. This type of practise seems to go against civil society's role in answering to the needs of the population and the basics of a bottom-up approach. Some organisations reported that they do not want to apply for Russian funding, since the application process is time-consuming and they saw that they would not receive the funding anyway for the nature of their work.

“...first of all they don't give us money. Second we think twice whether to apply for some money, we are by getting that money experiencing something conflict of interest. We don't do that. So that money comes from USA, from other countries and then the state rejects us as has style to this state and it's difficult to even defend ourselves.” (Interview 2 Quotation # 8_43).

The previous comment sums up one of the main problems with funding from Russia. The organisations mentioned that there are certain themes that the state simply does not fund. The examples used were investigating corruption and LGBT-rights, but generally one could say that state does not provide funding for issues that are against its own policies.

“...it would be highly unlikely anyway that they would finance us anyway” (Interview 6 Quotation # 13_183.)

“But this society never give any money for that. It was society of foreign countries. And then, now we need to change to survive.” (Interview 4 Quotation # 15_121).

“Because in Russia people are not used to giving, making donations. you don’t have that kind of culture here.” (Interview 6 Quotation # 34_204).

Funding received as donations could be one way of financing the work of the NGOs. As mentioned in the quote above, charitable giving is not very common in Russia, especially for “abstract universal values”. The donations in Russia by businesses and individuals are mainly aimed towards the “neediest” sections of society. Since the topics that the NGOs listed as foreign agents work with can be seen as “abstract” or even purely “Western”, donating money would not bring praise to Russian firms if they choose to support them (McIntosh Sundstrom 2002, 222). Openly supporting NGOs on the list of foreign agents (or NGOs with similar goals) as an individual or a business might in the contrary cause negative effects for the person or the business. The most famous case of this type of action would be the case of Mikhail Khodorkovsky. He was arrested in 2003 for charges on tax evasion after funding the political opposition and civil society in general in Russia (Rutland 2006, 81). The quote 15_121 “...now we need to change to survive” sums up a major issue with the funding of the civil society in Russia. The lack of Russian funding and the receiving of foreign funding has led to changes within organisations. These changes will be further discussed in the chapter 6.7.1.

6.2.2 Receiving of foreign funds

The receiving of foreign funding can lead to misunderstandings on the nature of the work of the NGO. It was frequently mentioned that foreign funding is commonly seen as foreign influence. This applies especially when it comes to funding from the US, but funding from other Western countries as well. As Henderson (2003) notes, human rights groups rarely receive financial support from the government or local businesses and are dependent on foreign aid (Henderson 2003, 46).

"...even people who are quite critical-thinking have been influenced by that it's not ok, financing from abroad. Then of course what kind of prejudices, oh yes you implement will of state department of USA or this kind of prejudices." (Interview 7 Quotation # 12_222).

"...they [Russian people] really cannot understand that what they are buying, what I sell and what they buy for this money. And when I say that it is important for people and professional community to exchange knowledge, they don't understand it...and that is why the problem is foreign financing." (Interview 4 Quotation # 7_113).

It can be looked at as a sort of vicious circle; the Russian government does not generally provide steady, or in some cases any form of funding for organisations working with issues the state considers controversial. This leads to the fact that in order to continue their work, the organisations need to apply for funding abroad. When they apply for funding abroad, the Ministry of Justice targets them for inspections on the nature of their activity. If their work is seen as political, the criteria to be included in the registry of foreign agents are met.

"[on foreign funding] unfortunately, it is the only way of getting funding for this field." (Interview 3 Quotation # 35_107)

"I: And what about let's say the foreign funding was completely cut, would you be able to work?"

Y: I don't think so, we will not be able to work. I mean in this scale we are used to. Of course we will continue...but in very limited way." (Interview 1 Quotation # 14_12).

In some interviews the organisations reported, that during difficult times the staff on the NGO had continued to work, even without pay.

"They continue to work even without money. And they find other ways to survive and to pay for rent." (Interview 9 Quotation # 23_289).

The law on foreign agents has also resulted to the organisations having to stop applying for foreign funding. As one interviewee summarized it:

“...no one wants to get foreign funding anymore and you can't easily access Russian funding” (Interview 8 Quotation #: 4_252).

Flikke (2016, 121) had similar findings concerning the refusal of foreign funding. Since it creates too much problems for the organisations the organisations, they have started to refuse it. However, as Chapter 6.7.1 describes, the organisations have altered their administrative bodies to better channel foreign financing for the reason that Russian funding is not available. I would argue that the whole picture is not the refusal of the funding, but finding new and innovative ways to channel it. As argued in Chapter 6.2.1, the receiving Russian funding comes under certain preconditions, but one should also take into consideration the terms under which foreign funding is presented. As McIntosh Sundstrom (2002, 222) argues foreign donors often offer grants for organisations to organise projects mainly based on the donors' aims rather than funding projects proposed by the Russian organisations themselves. Hence seeing foreign or Russian funding to be inherently bad or good can be a limiting approach for the issue as a whole.

6.3 “Everything can be recognised as political activity, like anything”

This chapter focuses on the definition of “political activity”. It is central, since it is the other criteria to be put on the list of foreign agents. For this thesis as well as drawing ideas from previous research, it is interesting to observe how the organisations themselves describe political activity and how the state defines political activity. As noted before in Chapter 3.6, there are contradicting views on the term political, what it means and how it is defined. The definition of political activity by the Ministry of Justice consists of e.g. participating in organizing and carrying out public events, such as rallies, protests, demonstrations, marches or pickets, assessing the government's decisions and policies. This list consists nearly all functions that are inherent for an independent civil society. Hence, the definition from the side of the state what is

“political activity” is very broad. On the other hand, the idea that NGOs themselves have of the meaning of the word *political* is very different. They described the Russian word *politika* to be only about party politics and denied that their work is in any way political (see Kulmala 2016).

6.3.1 How the organisations conceptualize the state’s definition of political

The organisations described the state’s role as active in creating a division between politically oriented organisations and service oriented organisations. When the Law on Foreign Agents was passed in 2012, there was no definition of what is meant by “political activity”. This critique was perhaps noted in the State Duma and on the 2nd of June 2016 the Ministry of Justice of Russia published an exhaustive list¹⁹ of what is defined as political activity. As the Amnesty International report (2016, 5) states, this amendment of defining political activity now includes the full range of public life and almost all forms on how to participate in it. Due to this ample definition of political activity, the law gives the authorities a broad scope for interpretation and implementation.

"And you become more careful with what you talk about, what you do and you become self-censored because everything can be recognised as political activity, like anything. You have some books in your office or you meet some officials, you organise a roundtable discussion, you told something to the press and you become crazy, all these thoughts about what should I do, what should I not do, what project we can organise and which we can't. But still it doesn't matter, in the end it doesn't matter. If they have a goal to put you on this list, they will do it. It doesn't matter what you do." (Interview 8 Quotation # 13_259).

These interviews were conducted before the introduction of the definition of “political activity”. It would be interesting to conduct a new round of interviews and find out if this amendment has affected the situation. The 2016 report by Amnesty International suggests that the amendment was mainly cosmetic. The report suggest that even though the law excludes science, culture, art, health

¹⁹ See Chapter 1

care social support and environmental protection, it still has not stopped organisations working with these issues to be included on the list of foreign agents. (Amnesty International 2016, 5.)

“...it is huge provocation from the side of the state to call political activity all activity...but it is provocations from the state to call everything and to blame everything which is political. Because it’s deconstruct from the outside the third sector from inside...” (Interview 4 Quotation # 34_140).

“...state started to repress those organisations who had some independent view and independent resources of financing and so it was not like this improvement like legislation lead to division of the sector into those into black and white. Those who are supported by the state and those who are not liked.” (Interview 7 Quotation # 7_217).

Hence, the broadly defined political activity gives the state extensive powers for the interpretation of the Law on Foreign Agents and puts the organisations receiving foreign funding under arbitrary and unstable conditions.

6.3.2 How the organisations themselves describe political activity

“...we don’t want to take part in policy; in Russian we have the only one word politika. Politika is a darkened, rubbish and we don’t want to have something with it.” (Interview 4 Quotation # 34_140).

It can be understood that the organisations listed as foreign agents do not want to define their work as political. Since the majority of them are receiving foreign funding and if they would openly describe their work as political, their work would meet the criteria to be included in the list of foreign agents. However, the answers to *what* is seen as political creates an interesting image on the definition of political by the organisations. It was common in the interviews for the organisations to use examples from their, or other organisations’ work in fields such as societal change, influencing public opinion or systematic advocacy for interests and rights of certain groups and not defining this type of

work as political. This comes back to the narrow definition of политика (politics) and the organisations mainly associated this word with party politics.

“Because in Russia this word politics is very wide and it’s hard to define, what does it mean exactly. So, sometimes very strange activities are recognized like political. Like helping some, doing some ecological work or... it’s very strange.” (Interview 3 Quotation # 4_77.)

“...we do not seek any kind of state opposition or anything; we are not running for any office. We are just informing the people what’s going on, so that they could, when they even go to local elections, make their election understanding what they want to improve and what they want to remain the way it is and something. But even then, they insisted that it was political activity.” (Interview 2 Quotation # 31_65).

“...on one of our brochures we had the word, the one that I actually gave you, the word political [from local practices to global politics]” so this is what they said we are involved in political activity.” (Interview 6 Quotation # 6_176).

What Flikke (2016, 106) also noticed in his interviews with organisations listed as a foreign agent, was that the primary aim of the NGOs was not political mobilisation even though the Law on Foreign Agents frames them in that way. The previous quotes demonstrate the arguments used by the organisations on how they themselves define political activity. One interviewee had a more critical view towards the avoiding of the term political:

“...people even in social sphere ... now a lot of them are talking about that we’re, we don’t do anything political. But they do political. And not only state, who could do some political stuff all of us in third sector, it is a mission of third sector to take part in policy”. (Interview 4 Quotation # 34_140).

I would argue here that one of the main effects of this wide definition of political activity is the division and the atmosphere of insecurity it has created among the organisations. This division stems from the fear of inspections and the possible inclusion to the register of foreign agents. The reasons for the organisations to

become targeted for inspections on their “political activity” can be very diverse. It does not necessarily have to be the mission of the organisation as such, which is described as political, but one publication, one roundtable discussion, one project or one piece of writing on their website what makes the organisation to qualify as a foreign agent. This division is closely related to the self-censorship that might follow. This definition on “political activity” is a part of the Law on Foreign Agents and the next chapter will further discuss the legal system and perceptions about the legal system in Russia.

6.4 “You will be a criminal just because the state decides that today I want to create this group of criminals”

This chapter describes the legal environment for the NGOs. Nonet and Selznick (2001) suggest law is defined by its relationship to political power. This is due to the fact that legal systems, judiciaries and law enforcement bodies are created and funded by political authorities. The relation of law to political powers varies according to different kinds of societies. (Nonet & Selznick 2001, 1-17.) As mentioned earlier, Russia has a weak legal system (Rutland 2006, 74-75) and thus in this thesis Russia is placed in the category of *repressive law*. The interviews seems to follow the same definition:

"It's quite sad. Because it's [third sector] facing pressures from the government. In the last few years there was a series of laws adopted to really limit the civil freedoms. And laws directed specifically at NGOs, like the foreign agents law, the undesirable foreign organisations law, number of laws to make public assemblies more difficult to organise and so forth" (Interview 5 Quotation # 7_152.)

It is not only the law on foreign agents, which has influenced the work of NGOs, but based on the interviews it seems to be part of a bigger trend of repressive laws.

"From 2012, the series of repressive laws started being adopted. There was definitely a theory that the massive protests during the

elections scared our vertical government and so that in part was a response to that. I mean this is a very totalitarian trend that our government is taking ... it's comprehensive, it's not just one or two laws here and there it's definitely a strategy. And it's not only nationally, internationally as well. Russia is downplaying the importance of universality of human rights and promoting the discourse of traditional values basically being higher importance to human rights." (Interview 5 Quotation # 11_156.)

"...the first time it was a discussion if this list [of foreign agents] if nobody will be there and people hoped that it will be like a lot of Russian laws they created it but nobody use it. And nobody interested in using it. But and you know what it was, this law was adopted 2012. And then in 2013 was the first wave of this March, spring, first really, then people understand that they will use it" (Interview 4 Quotation # 21_127.)

The Chapter 3.6 discussed the division of the Russian civil society and the interviews seem to follow this same idea presented e.g. by Benevolenski & Toepler (2017) meaning that the state has its own design for a civil society and if an organisation does not fit into that design it is under threat of being repressed.

"It's unpredictable and it's unfair because we did nothing new but it was just applied it is law to those who were not, who didn't fit to these new concept of civil society that prevailed." (Interview 7 Quotation # 25_235).

"...those who have influence are targeted and influenced, effected the most by the legislation. Those who have independent position, those who have foreign financing and those who do not only services but some advocacy." (Interview 7 Quotation # 9_219).

The so-called Gay Propaganda Law²⁰ has been especially arduous for organisations dealing with LGBTI-rights. The law empowers anti-LGBTI people and gives them a strong message that the state does not support LGBTI-people. Hence, this law as along with the Law on Foreign Agents has an effect on the public opinion. Law can be seen as the moral boundaries set by the state

²⁰ The law which was passed in 2013 criminalises "propaganda and promotion of homosexuality among minors", which marginalises the LGBT-community in Russia

and through legislation, the state gives strong signals on what is considered wrong and what is right.

"And the law in general gave a go-ahead for these nationalist groups, these young groups of men to be more violent towards the LGBT-community in general" (Interview 6 Quotation # 30_200).

The NGOs reported that they see the Russian legal system as inconsistent, partial and arbitrary. This finding supports the presupposition this thesis made about Russia falling under the category of repressive law. The lack of confidence in the legal system is one reason why many of the organisations reported that they do not see the traditional ways of influencing (e.g. appealing to the officials) to be effective.

"...we should not be aiming our efforts at so-called traditional advocacy like policy change or legislation change. This is not something where we should invest our efforts because it's just not going to happen any time soon." (Interview 5 Quotation # 22_167).

"...the fear of people in front of the law and bureaucrats were just so used to kind of working and living outside of the law, the laws don't work, people think that the law doesn't work so why bother." (Interview 9 Quotation # 3_271).

"... people always expect that tomorrow another law, another appear and they can do nothing. And you will be criminal just because state decide that today I want to create this group of criminals." (Interview 4 Quotation # 39_145).

"...since 2000 we've seen constant and concerted attack on the constitution and the bringing [forward] laws, the NGOs already in 2005-2006 new laws were brought in bringing changes to NGOs and great restrictions. So it's government led, Putin isn't a democrat and the situation is increasingly getting worse and worse" (Interview 6 Quotation # 36_206).

There was also a positive undertone and some of the organisations reported the laws to be useful in keeping themselves aware of their own shortcomings and keeping them reforming for the better:

"On the one hand, these repressive laws are good, because they keep us active and pushes us to think how to continue working" (Interview 9 Quotation # 19_285).

6.5 "Foreign agent"

The choice of wording in the Law on *Foreign Agents* has received international criticism especially from the side of human rights organisations. For example, Amnesty International has criticised the use of the term since it can be seen to bring up memories from Stalinist repression, purges of the 1930s-1950s and cold war era propaganda. It also fits in the bigger picture presented in the government-controlled media, which evokes distrust in "foreign" connections and ideas. (Amnesty International 2016, 4.)

"This foreign agents-law was about, not only about this mark, because in the public ... it has very negative meaning. It came from the early Soviet years from 1930s when foreign agent was an enemy, a man who want to bring some damage, spy. And it's a long traditions of this misunderstanding. Many people understand it in this negative way." (Interview 3 Quotation # 30_102.)

"We were always considered inostrannie agenti [foreign agents] or at that time the agents of the West. In 1994 there was a leaflet, where was the logo of European commission and their logo, this was proof for the others that these are enemies." (Interview 9 Quotation # 8_274).

As discussed in Chapter 1.2, Harle (2000, 16) suggests that in Russia the West and United States have been perceived to represent dangerous and detrimental forces for Russia's religion, values and politics. The negative connotations are also visible in the surveys conducted by the Levada centre (see appendix 4). The question on "What is your general perception of the phrase "foreign gent" 39% answered "A spy, intelligence officer of a different country planted in Russia, an undercover spy" and 22% "Covert enemy from within active in Russia in the interest of other states, a fifth column". Hence, the wording for this law cannot be described as neutral and it could be argued that it aims at smearing this group of organisations and their work.

6.6 “Government officials don’t want to work with foreign agents”

Cooperation was one of the central issues raised among the interviewed NGOs. The NGOs listed as foreign agents reported an overall decrease in potential forms and directions for cooperation. The main forms of cooperation discussed were cooperation with other NGOs and partners in Russia, and cooperation with state officials. As McIntosh Sundstrom (2002) notes, networks among NGOs build a sphere, which can be seen to create a community for public discourse. These networks are also important for their mobilisation potential in the case of threats from the state. (McIntosh Sundstrom 2002, 210.) Weigle (2000) notes that the most central problem in accomplishing democracy in Russia is not the absence of non-governmental organisations, but the cooperation between NGOs and the state (Weigle 2000, 377). As the following quotes illustrate, the cooperation between the organisations listed as foreign agents and state officials has become nearly impossible:

“...we cannot continue this function of link between state and NGOs because now until unofficially it’s so that foreign agents are not somehow welcome in co-operation with state institutions.” (Interview 7 Quotation # 17_227).

“The biggest problem happens now, because since we were registered as a foreign agent in December 2014, governmental officials or any other people connected to the government, the judicial system, to the police department, they do not want to collaborate with us (...) they told me that they understand everything, but in these circumstances they are not able to collaborate.” (Interview 1 Quotation # 10_9).

“...it is becoming dangerous and this, so we could just jeopardise this research project because government officials don’t want to work with foreign agents” (Interview 3 Quotation # 12_84.)

The cooperation with other NGOs and partners in Russia was seen of high value and “deconstruction of networks” was seen as a big challenge to be overcome. The organisations, which had been affected by the Law on Foreign

Agents reported to be regularly in contact with each other and share best practises and experiences.

"...the most important is not to lose people and technologies. And the last thing is very big because it's more and more difficult to establish NGO and to conduct activities and do this and so many reasons." (Interview 7 Quotation # 18_228).

Being on the list of foreign agents makes the organisations a difficult partner to work with. They can have a negative influence because their partners might get in trouble for collaborating with them. Moreover, being on the list itself can cause possible partners to retreat as demonstrated in the following quotes:

"We are as a foreign agent, if we are working together or in a project with other organisations, if we give them some grant, some money from ...if they are not foreign agents, they will be, foreign agents." (Interview 4 Quotation # 35_141).

"And people just stop the communication with us, partners stop communication and financial relations just because not to be in that list. Because it create too much difference, symbolic, financial, problems." (Interview 4 Quotation # 36_142).

"We get a lot of refusals from venues, but having said that there are always new venues opening and there are people who are willing to work with us. So it's always uncertain." (Interview 6 # Quotation: 41_213).

For many of the NGOs cooperation with state officials was an important part of their work and after being included on the list of foreign agents, the organisations are unable to continue this cooperation. This lack of cooperation also contributes to the isolation of the part of organisations on the list of foreign agents and further divides the third sector.

6.7 “You think of other ways to exist”

The concrete effects to the work of NGOs are divided into two parts. The first part 6.7.1 presents the findings of the expedients and the reasoning behind the expedients the NGOs have taken to alter their form to work in the changing environment. The second part 6.7.2 focuses on the concrete changes to the everyday work of the organisations.

6.7.1 Changes in the form of the NGO

The restrictive legal and social environment is the setting where the NGOs in St. Petersburg are operating. The organisations need to balance between keeping up with their activities and avoiding backlashes from the authorities. Due to mainly the problems related to the receiving of foreign funding, the NGOs have had to develop different strategies to work in the challenging environment. The following quote sums up the two main strategies, which were present in all the interviews:

“...the strategy of NGOs kind of split... part of NGOs said we’re not going to do that [register the NGO as a foreign agent], and if they charge us with violating this law we’ll go to court, to defend ourselves in court. Another part of NGOs said that we will liquidate the organisation. We will not comply with this law and we will basically close down the organisation and we will find other ways of operating. So a number of organisations did that... we also, you know, found other ways of operating without having to, without being an NGO and having to comply with this law.” (Interview 5 Quotation # 8_153).

Out of nine organisations that were interviewed three had chosen to defend themselves in court and six had changed their NGO into a more diverse legal entity. Hence, they were doing the same activities as before, but had administratively divided their work into different sections. These different administrative bodies consisted of commercial entities, charities or separate organisational bodies. This opens up a completely new and fruitful viewpoint on the development of the organisations and the whole third sector in Russia.

Below are listed the parts of the interviews, where the organisations talk about this change to a different legal entity:

“...because it’s not an NGO, it’s a commercial firm, but just legally it’s commercial. We have some very narrow, narrow number of some services that we can provide for money, but basically it’s usually we don’t do this work, we do everything for free.” (Interview 3 Quotation #14_86.)

“... you think about other ways to exist so we founded a commercial company, so because commercial companies are not targeted by this law on foreign agents and they can, they much more flexible. So now we will operate as commercial company, probably” (Interview 8 Quotation # 9_255).

“This organisation is no longer an NGO. Our organisation it was founded in 2007 and at that time just because it was easier we registered as a commercial organisation. So then in 2011 we registered a non- commercial organisation...we always ran the organisation through two organisations. Funds, funders can send money to non-commercial organisation ... so our NGO it existed from 2011 to 2013” (Interview 6 Quotation # 1_171).

The main reason for the creation of a commercial part or registering the whole NGO under a commercial legal entity appears to be that for some NGOs it is the only way to keep their functionality. If the organisation functions only through a commercial entity, they cannot gain access to applying for grants. However, if the NGO has the organisation and the commercial part, they can also apply for grants.

“...we have a legal entity in Czech Republic and we get money from this organisation. The donors send money to our NGO in Czech Republic and this NGO gives money for us. Very complicated” (Interview 3 Quotation # 15_87).

The NGOs are not doing anything illegal; it is legal for the NGOs to administer a commercial entity to their name. Some organisations even saw the change as positive:

"...and another positive thing for NGOs here, that people start to create some new ideas ... we start to create infrastructure which could be more, state cannot catch you. More, flexible. Everything is legal, official. But we create a centre in Germany, we are creating a centre in States, we are doing commercial firm here, we try to create and most of the NGOs they are, even if they close their first organization who became this foreign agent, if they want to do things which they did before, they create different body organizational bodies, which is more, maybe not so easy to catch from the side of our state. And sometimes it really develops your organisation, because for example for us we always thought about creation of some organisation, some things outside Russia, to improve to develop our centre and now it's just objective situation, which forced us to do it, so maybe it's a good for our organisation as well" (Interview 4 Quotation # 29_135.)

"...what is also important that we don't have only our organisation, but we have some other holding. And so four years ago we established a charity foundation and we also have commercial organisation that organises some services for payment and some commercial seminars, big conferences and so this is also important that we have possibility to keep people and to provide them by the work" (Interview 7 Quotation # 34_244).

The organisations, which chose to keep their original form and defend their case in court had also heard about this other way of continuing their work, but chose the more traditional approach. All three NGOs had the privileged of having jurists who work for them free, which might help the situation.

Another way to avoid the criteria to be included in the list of foreign agents is to create an initiative group. For initiative groups it is more difficult to get financing, since only registered organisations can apply for funding, but the Law on Foreign Agents cannot target initiative groups.

"Someone established NGOs in other countries and they try to organise something abroad. It's expensive way, but it's also a way. Some just don't create any legal bodies at all and they operate as initiative group. If you don't have a legal body, you can't get

finances and you can't get inspected by prosecutors" (Interview 8 Quotation # 19_265).

Hence, the strategies of the NGOs are mixed. As mentioned in the quote:

"...the fact that there is no unanimous effort to decide what's to be done and people going to different directions, they are free to go but somehow that is the weak thing." (Interview 2 Quotation # 38_72).

6.7.2 Changes in the work of the NGO

The most commonly reported effect on the everyday work was the increased amount of bureaucracy and administrative resources towards e.g. court trials and reporting about the work of the organisation. The number of annual reports the organisations listed as foreign agents have to produce to the Ministry of Justice is eight. For one of these reports the organisations need to employ an outside auditor to make a report on the organisations finances and activities. This external audit is also time-consuming and expensive. The interviewees saw this amount of reporting as absurd and unnecessary:

"...before we were registered as foreign agent we had to once a year produce a report about our activities...And now, we have to produce eight reports each year." (Interview 1 Quotation # 24_22).

"This situation with these laws, they create more and more this kind of bureaucratic challenges." (Interview 4 Quotation # 4_110).

"We managed to keep basically all our functionality, our activities, but what it did was for about two years and it's still ongoing ... we had to spend much more administrative resources. First it was court battles for about 16 months and then it was basically finding other ways of operating and changing our administrative structure and so forth. It was a lot of administrative overhead." (Interview 5 Quotation # 9_154).

The process of registering an organisation as a foreign agent starts with inspections from the Ministry of Justice to the nature of the organisation's work.

The officials can enter and inspect the organisations when they see appropriate. The organisations reported this practice as stressful, since it was difficult to prepare for. The organisations mentioned that the instructions presented by the Ministry of Justice on what documents to present was very vague. In addition, the inspections sometimes included fire inspections and other evacuation measures as well.

"The biggest problem is that a NGO who was recognized as a foreign agent became an object of many inspections and we have to provide a lot of documents every three months. When we had a first inspection, we provided 23 kilos of paper. We have everything on our website, everything about funding, about people who work here and so on. But they wanted more. It was not about really inspecting us it was about making our life just impossible, to make us not to do our work, but to prepare all these documents for the inspection." (Interview 3 Quotation # 31_103).

"What you need to be aware of, how to organise your documents so, that you are ready for the inspections. One example, the organisations share with each other their experiences because what is really bad that these inspections, urgent inspections, nobody knew especially when it started three years ago. Nobody knew how and what and so on. So organisations also share what happened and because it's very hidden all this information. (Interview 7 Quotation # 15_225)"

The inspections and the arbitrary legal environment create an atmosphere of fear for the organisations:

"And you become more careful with what you talk about, what you do and you become self-censored." (Interview 8 Quotation # 13_259).

"...there is a self-censorship that is in place." (Interview 9 Quotation # 11_277).

"...it's very bad because it's mistrust, it is waiting for inspections that could come from any prosecutor's office, ministry of justice, tax inspection, labour inspection, fire inspection so it's like that, you never know it's almost, it's very difficult to work in this stress, stressy, stressy environment." Interview 7 Quotation # 23_233).

"I think that the most important thing which happened, you feel yourself unprotected... for me honestly connected with this fear to do something wrong for your organisation. You don't know really what could be used against you, any of your words could be and that is why you appear this feeling, maybe I shouldn't talk to others, maybe I shouldn't do something in public or pretend in public." (Interview 4 Quotation # 25_131).

"And you now it lead to burnout of some activists, emotional professional burnout. But we survived." (Interview 5 Quotation # 19_164).

The mental effects the Law on Foreign Agents has to the work of the NGOs are important to take into consideration. There have been reports about self-censorship in the context of the media, but not so much about organisations working in repressive environments. One interviewee used the term "desperate patriot" to describe this conflict between the aim to do good for the country, but the struggle it can be when the work environment is repressive.

6.8 "I don't really know how to deal with all these official people who are coming to your office. Sometimes very aggressively"

This chapter discusses the problems and misconducts by the State officials. All the organisations that were interviewed had faced some problems with Russian officials, most frequently the Ministry of Justice. The most commonly mentioned incidents included checks done by the government officials. These checks were most frequently related to fire inspections or related to checks to the paperwork done by the organisation. The inspections can also be related to tax issues, labour inspections, inspection of reporting in general, inspection of using the term foreign agent on all publications or inspection of funding. These inspections were reported to cause a lot of stress for the employees of the NGOs. The checks were not always notified of in advance. The NGOs reported that in the beginning they did not know what types of documents they need to prepare in order to avoid troubles with the officials. The organisations kept informing others on how to deal with these unexpected checks.

"I do not know what are the procedures, what are the limits of my activity and their and what they should do and what I should do and it is fear to do something wrong which our state authority will use against my organisation. And it is very strong fear. (Interview 4 Quotation # 23_129)

"...inspections, sometime they took computers, without any, they didn't have the right to take but they took it. (Interview 4 Quotation # 24_130)"

"...every day we understand that there will be some new inspection that will destroy us economically because this is the biggest threat, risk now that those sudden inspections they can control everything and choose something and make fines." (Interview 7 Quotation # 32_242)

The inspections are taken very seriously since the fines can be so big that if issued, they can force the organisation to close down. This creates a lot stress for the people working at the organisation. The inspections were generally seen as arbitrary and directed at disturbing the actual work of the NGOs, rather than being justified for the goals of the legislation.

The organisations also mentioned clear misconducts of procedures by the Ministry of Justice and by other authorities:

"...when they invited me let's say to come to their office at three o'clock on a certain day. But the letter, in which they invited me to their office was mailed three days after the day of our meeting. And it arrived, it was mailed according to the seal on this letter, but that, it arrived six days later. Meanwhile, they started suing me for not coming on time in court. (Interview 2 Quotation # 22_56)"

"...they stopped me at the airport, they deprived me of my computer, my iPad, my eleven memory sticks... They suspected that I was taking out of the country some state secrets and they investigated that for more than ten months." (Interview 2 Quotation # 12_47)"

"[Vitaly] Milonov in 2013 Molodaya Gvadi this youth organisation pro-Putin, they set us up basically, they sent 17-year-olds to our screening" (Interview 6 Quotation # 28_198)

"The information that they used against the organisation was actually concerning grants that we had received prior to the passing of the law, so even though Russian laws are not to be backdated...they actually used grants that we received prior to the passing of the law" (Interview 6 Quotation # 6_176).

Hence based on the preceding quotes, misconducts by the authorities do happen and they contribute to the arbitrariness of the work environment of the organisations.

6.9 "One eye in paradise and one eye in hell"

This chapter presents the organisations' views on the future. The views are listed by positive views, negative views, mixed views and possible ideas for future improvements within the NGOs.

Some NGOs saw the future as positive. This was a result of the organisations having to develop their skills to be able to work in the unstable environment. This pressure has made the organisations to think profoundly about their work and their ways of operating.

"...the sector it's different than it was 20 years ago and there is a lot of competent, professional NGOs who think about profoundly how to go on and continue their activities." (Interview 7 Quotation # 14_224).

The common undertone was to survive and to continue the work no matter the circumstances. The NGOs saw their work as valuable and worth continuing, which gives them strength and purpose to continue their work.

"...these dangerous and difficult circumstances but we will continue of course, until the very end. I still think that we are doing valuable things and we are, let's say, on the side of the angels. And this

means that we will win, not maybe tomorrow" (Interview 1 Quotation # 41_37).

"We don't have any choice but to go on in our work because it's good, good to do this work. Until we can we will do this and we will see, like human rights defenders say that "do what you can and what you are supposed to do and what will happen will happen" (Interview 7 Quotation # 36_246).

"The whole thing don't look very optimistic but we try to be optimistic, we'll carry on. I think we'll carry on, we'll try to maximise our work within the context and the possibilities and the resources we have." (Interview 6 Quotation # 37_207.

The negative views were related to the idea that in order for the third sector to become more enabling, it would need big institutional reforms, which require time.

"I think that it can change if only, if we will have another president and another government, no way it can be improved in some other ways. I think that the next five or even more years the situation will become worse." (Interview 3 Quotation # 29_101).

The uncertainty was also present in the views on the future:

"...all this situation, two or three years, last two-three years it's really changed for the third sector and it could destroy it or it could make it stronger" (Interview 4 Quotation # 10_116).

The main goals for improvement within the NGOs were focused on better working for their target groups in building and actual third sector responding to people's real needs:

"...we should create real civil society and it means that not only that people likes us, but people understand that they want to donate for different public interests, for different interest of society, which serve this NGO. And openly take part as volunteers and give some money, give some resources to these organisations. But I think in Russia we need time to do it. People really have to understand that they really need that." (Interview 4 Quotation # 32_138).

“And the other [challenge] is to try to change public opinion. There is this, what’s called moveable middles, the segment of population that’s actually open to information and is not zombieified by the government propaganda. And we should aim our efforts at them” (Interview 5 Quotation # 23_168).

As discussed in Chapter 6.1, the organisations mentioned that not many of them work well for their target audiences. As seen in the quotes above, the criticism seems to be noted and the organisations are aware of this shortcoming. Outreach projects require resources, hence it might take time for the organisations to reach these goals.

6.10 Potentials for change

In the last part of the analysis, the whole data was coded anew with Atlas.ti to identify the potentials for change. These codes were characteristic stresses, problems, opportunities, expectations and emergent adaptations.

Whilst going into this part of analysis using the framework provided by Nonet and Selznick, I noticed Malcom Feeley’s criticism to be relevant. It was relevant on the part that questioned the level of analysis by Nonet & Selznick’s model is meant to be used. Is it meant for analysing substance, style or neither? As Feeley noted earlier, by failing to distinguish the levels of analysis, the authors fail to make problematic the central focus of their investigation. In his view, this contributes to the lack of analytical power. The framework of *repressive law* can and is used here to describe Russia’s preconditions, but it does not provide such a useful analytical tool.

To produce a more tangible synopsis of the main findings, I chose to use the helpful characteristics of the developmental model of bureaucracy, on which Nonet and Selznick have based their tripartation to three types of law. Nonet and Selznick state that the main function of a useful developmental model is to identify *potentials for change*. Hence, a developmental model of bureaucracy

proposes that in certain stages a system will generate forces leading to specified changes. As stated, it is helpful if it successfully identifies characteristic stresses, problems, opportunities, expectations and emergent adaptations. These may and do suggest the direction of change, but they cannot tell what will actually happen, since that always depends on widely varying conditions. (Nonet & Selznick 2001, 23.) This is the idea I chose to follow-up on and why I chose the codes: characteristic stresses, problems, opportunities, expectations and emergent adaptations.

As Nonet and Selznick note, the key function of a developmental model in social enquiry is to help detect the *capacities* and *weaknesses* of institutions and assess the potentials for the realisation of values (Nonet & Selznick 2001, 9). Hale (2002, 311) also notes that the choice of a model for investigating a certain phenomenon inevitably involves trade-offs. Hale suggests, that analysts are advised to state their preconditions probabilistically, recognise the inherent complexity of politics and the unforeseen events that influence politics.

Table 1. Potentials for change

Characteristic stresses	Problems	Opportunities	Expectations	Emergent adaptations
Unstable, repressive environment	Increased bureaucracy	Better involving the public in organisations' work has reduced prejudice, appealing to the "moveable middles"	To continue to work no matter what	Founding of an additional commercial entity/charity/organisational body
Low-awareness among public of universal rights	Unlikely access to Russian funding		Situation will become worse	Closing down the organisation and working through a commercial company
Division of the third sector	Organisations' lack of knowledge of their target groups' needs	Repressive legislation forces the organisations to develop their skills	Situation will become more unpredictable	
Lack of public support	Obstruction to collaborate with officials		Valuable work will be rewarding at some point	Legal proceedings
Suspicion of "Western" influence	State's biased promotion of traditional values over universal values	Good connections and networks are in place	Process of overall improvement will take time	Service-provision for NGOs to better cope with the changing situation
	Mental effects; Fear, stress, uncertainty	NGOs more professional than 20 years ago		
	Feeling of lack of influence over future developments over strong state			
	Self-censorship			

The preceding Table 1 on potentials for change contributes to two main issues: it presents the most central findings from the empirical data in a concise way and aims at identifying what are the persistent (characteristic stresses) and new limitations (problems) and emergent adaptations. In addition, the main expectations and opportunities described by the organisations are listed to give an idea of where the possibilities for improvement may lay and in what way, or if any, the organisations will continue working and how do they depict the future ahead. This table follows the previous findings, but it also brings forth new ideas. The characteristic stresses and problems noted similar issues as e.g. Hale (2002), McIntosh Sundstrom (2002), Benevolenski and Toepler (2017) and Flikke (2016). However, this table also introduces new findings to take into consideration, such as the mental effects of the repressive legislation on the organisations, self-censorship and the emergent adaptation of changing the form of the organisation.

7. Discussion

The aim of this thesis was to identify the effects of the law and expedients by organisations in St. Petersburg, which have become subjects of the Law on Foreign Agents. This task included listing the concrete impacts to the work, but also a description by the organisations on environment where they are working.

Arguably, the main findings in this thesis were the changes in the structure of these organisations. Five out of nine organisations had changed from being a “traditional” NGO to having some form of commercial or other entity through which they also function. One of the organisations had completely changed the form from an NGO to a commercial company, but the work was still done in the framework of civil society and human rights. This brings up a discussion on what kinds of forms can the third sector take and still be categorised as separate from the state and business. As previously defined, in the framework of the UN an NGO is: a private body that is independent from the government control, not seeking to challenge governments by presenting itself as a political party, nor having a narrow focus on human rights, not working for profit and not involved in criminal activity (UN 1945). Based on the empirical findings of this thesis and previous research, I would argue that the forms the third sector can take is a very topical question, and will perhaps become even more relevant over time. Heerad Sabeti (2011) has introduced in this paper “The for-benefit enterprise” the idea of a fourth sector, which operates in many ways like a traditional business, but is founded primarily to provide social benefits rather than to maximise financial returns (Sabeti 2011, 5). Out of the five NGOs, which had established a commercial entity only one had completely shut down the NGO, while the others continued to operate through two or more administrative bodies. Sabeti’s focus is more on “creating enterprises that combine a social mission with a business engine”, hence his focus is more on businesses, which aim at societal change. (Sabeti 2011, 7). The idea of a fourth sector, which challenges the division of the sectors and finds profitable synergies for all would be a fruitful approach for further research.

In the case of NGOs in St. Petersburg, the change from a “traditional” NGO into a more complex administrative body was seen as necessary and even in a positive light by some organisations. The positive comments were related to the flexibility and security of the organisation. The organisations reported that they were considering of founding different legal entities in possibly different countries even before the legislation pushed them further in that direction. When the organisation is only working through one administrative body, they have “all their eggs in one basket”. Meaning if they have problems with the one entity they have, it might result in closing down the whole organisation.

Moreover, having separate administrative bodies helps the organisations to channel the foreign financing in a way that the state cannot hold them accountable for receiving foreign financing. This is all done in legal ways and as one NGO described it, the goal is to make the structure of the organisation more flexible. Financing has a very central role in the third sector in St. Petersburg. As described in Chapter 6.2, foreign financing not only can create misunderstandings about the work of the NGOs, but it is vital for the upholding of the work of the NGOs who do not receive funding from the Russian state. This results in the organisations having to look for funding from abroad, which makes them a target for inspections for the nature of their work. If the work is found to be political, the prerequisites to be labelled a foreign agent are present.

The three organisations, which did not choose to create separate administrative bodies, chose the way to purely representing their cases in court. The organisations, which had established a different administrative body, were also facing court battles to exclude themselves from the list of foreign agents, hence the expedients had a mixed character. The main reason for the trials was that the organisations were opposing the fines they received for not registering voluntarily as a foreign agent. One of the organisations had managed to remove itself from the list of foreign agents and it was done through legal proceedings.

The other main finding was that the organisations reported a high level of uncertainty related to their work environment due to arbitrary legislation and the repressive policies. As Uhlin states, civil society requires a public space, which

is independent from the state and has the ability to organise within it to influence the exercise of state power (Uhlin 2006, 23). In Russia, the public space seems to be shrinking and the organisations felt they have little or no influence on the state's policies. Moreover, Uhlin added that civil society cannot be completely autonomous from the state (ibid. 24). This highlights the importance of the issues presented in Chapter 3.6 on the state and civil society relations in Russia. One cannot ignore the extremely central role the state plays in creating the space for civil society.

The growing division of the third sector emphasises the state's active role in civil society functions in St. Petersburg. It was reported that the state actively pushes the third sector into two directions; it prefers the socially-oriented organisations and discriminates the advocacy-oriented organisations. The state funds more the socially/service oriented organisations while systematically neglects funding the "politically oriented" organisations. This creates a divide and also deconstructs the third sector from the inside. The organisations start avoiding the use of the idea of doing something political, even though societal impact is one of the main goals of civil society.

The lack of public support and low level of awareness of the role and function of civil society was seen in the statistics by the Levada centre and Aleksateri Institute. This was related to various issues connected to the history, biased media reporting and representation of the west as something corrupt.

As Nysten-Haarala (2001, 4) has stated, in the Soviet times the state was the ultimate source of law and law was a tool in the hands of the ruling elites. Looking at the trend of repressive legislation starting from 2004, the democratic development of Russia seems to take steps towards the Soviet times. All the organisations (in line with international human rights organisations such as Amnesty International and Human Rights Watch) reported the Law on Foreign Agents to be discriminatory, repressive and mainly aimed at targeting those organisations, which have influence and foreign funding. On the one hand, the concept of civil society *po-russki* (Ljubownikov et al. 2013) could be applicable in the sense that based on the findings of this thesis, it does seem that the

organisations working under the Law on Foreign Agents are developing new and innovative ways of continuing their work. On the other hand, Hale (2002) criticised the division to “Russian” and “Western” models of civil society, which simplifies the differences within both scholarly traditions. It is not of interest to explore whether a “real civil society” is developing in Russia. Hale contends, that observing state-society relations is a fruitful approach on discussing different patterns (Hale 2002, 306-307.) I would agree that the search of a “real civil society” is a very limiting approach. Rather, it is more productive to observe emergent adaptations and state-society relations, which I have also attempted to cover in my work. Ljubownikov et al. (2013) note that after the failure to import Western style civil society, it seems that Russian civil society activists are becoming increasingly comfortable with the idea of a civil society *po-russki* as the framework in which they can operate (Ljubownikov et al 2013, 164). This idea does not necessarily contradict with Hale’s (2002) critique on the Western vs. Russian models of civil society. I would argue that the civil society *po-russki* is something completely new, hence it does not ignore Russian scholarly traditions and simplify what is “Russian”. The repressive laws act as a driving force for NGOs to find new ways to operate and survive in the new concept of civil society that is prevailing.

Nonet and Selznick also that repression is a “natural” response to certain stages of legal and social formation and there are conditions under which it was perhaps wiser, maybe necessary course of institutional evolution, if only because no practical alternative was available (Nonet and Selznick 2001, 25). Nonet and Selznick convincingly argue that the essence of repressive law is moralism and ultimately its appeal is derived not from fear, but from the premise that only through the use of efficient exercise of force can the security and morality of social order be preserved (Feeley 1979, 900).

It is important to address the limitations of and critique towards the scholarly approaches in this thesis. The organisations working as foreign agents are only a small fraction of the Russian civil society as a whole and the question can be raised of the importance of this small group and small sample. At a first glance, the Law on Foreign Agents seems to have affected only a fraction of the third

sector in Russia²¹. If solely looking at the numbers this truly is the case. Yet this group of organisations has attracted wide international attention and has been under pressure from the side of the Russian state. The following quote suggest one possible view on why this small group of NGOs can be seen as important:

“...those who have influence are targeted and effected the most by the legislation. Those who have independent position, those who have foreign financing and those who do not only services but some advocacy.” (Interview 7 Quotation # 9_219).

Hence, the group of foreign agents is a small, but an important part of the Russian civil society. It can be seen to be targeted for the potential they possess, their good international connections and potential for bringing improvements to the third sector in Russia. As mentioned in some of the interviews, the organisations saw that the Russian state was repressing these organisations to prevent the potential “Colour Revolutions”, which was reported in the eyes of the organisations as one of the main threats towards Putin’s rule.

Moreover, in relation to the small sample used in this thesis, I would argue that even if we are talking about a small group of organisations, they create an example for the other NGOs working in the same sector. The repression they face might not only contribute to their own self-censorship but to the self-censorship of other organisations who are trying to avoid being added to the list of foreign agents. This effect also contributes to the lack of trust of the separation of powers working in Russia and giving the state a Janus face.

As Cohen and Arato note, movements that can be easily restrained cannot play an important role in overcoming resistance to reform, while those that can play such a role cannot be controlled and are unpredictable in the eyes of the state. In the Soviet Union there was a fluctuation between measures that lead forward and those that revive past practices. The regime wanted radical reform and unleashed the revival of civil society, but it also wanted to press its prerogative to determine the limits of what can and cannot be changed, including the

²¹ Out of approximately 226 000 organisations 115 organisations are currently (15.4.2017) listed as a foreign agents

structure and dynamics of the civil society itself. (Cohen & Arato 1992, 63.) This idea is relevant to describe the practises by the Russian state; civil society as such is not inherently bad, as long as it stays within government control.

The developmental model of different types of legal orders as stages of evolution (Nonet & Selznick 2001, 18) was the analytical tool I chose to achieve a better understanding of the state (law)-society relations. The model was useful for placing Russia in a specific category of law, but the analytical power of this model was lacking. As presented in Chapter 6.10 it allowed me to create a concise listing of the central findings of the thesis in a form of potentials for change. As Nonet & Selznick note, the key function of a developmental model in social enquiry is to help detect the capacities and weaknesses of institutions and assess the potentials for the realisation of values. For this purpose, it was quite useful, but a different theoretical approach e.g. linking the empirical findings to political theories such as social movement theory, Habermasian²² approach, consider the framework of the “Dual state”²³ by Richard Sakwa or even a more historical analysis on e.g. critical junctures²⁴.

McIntosh Sundstrom (2002) argues that in order to increase the strength of democratic procedures and institutions NGOs should possess certain qualities. These qualities include autonomy from the state manipulation of activities (certain amount of state funding is acceptable), knowledge of and communication/collaboration with other NGOs working with similar issues, outreach to relevant constituencies and the possibility to turn to the state and government institutions to advocate for improvements in public policy, when needed. (McIntosh Sundstrom 2002, 209-210.) Out of these qualities, the law on foreign agents has effected negatively on all the mentioned necessary qualities. The communication between the NGOs working as foreign agents is the only mentioned quality that that the organisations working in St. Petersburg reported as active.

²² e.g. Habermas, Jürgen (1987) 'Historical Consciousness and Post-Traditional Identity: The Federal Republic's Orientation to the West'.

²³ Sakwa, Richard (2011) *The crisis of Russian democracy: the dual state, factionalism and the Medvedev succession*. Cambridge: Cambridge University Press.

²⁴ Soifer, Hillel David (2012) *The Causal Logic of Critical Junctures*. *Comparative Political Studies*, 45:12, 1572–1597.

The point of a developmental model is to ground the recognition of essential or emerging values in the analysis of historical stresses and opportunities (Nonet & Selznick 2001, 25) and based on this thought the model in Chapter 6.10 was created based on the empirical findings. Analysing the table “Potentials for change”, the key element seems to be how to survive in the changing situation. There is a lack of trust in the traditional ways of influencing the state via advocacy. The Law on Foreign Agents has isolated the group of NGOs in the sense that not being able to collaborate with state officials has changed the ways of working for the NGOs. There is a faint positive undertone, which relates on the one hand to the notion that the repressive law forces the NGOs to develop. On the other hand, the NGOs have a strong personal feeling that their work is valuable and they see their work as a mission for the general good. This notion helps to keep them adapting and continuing their work.

As stated in the introductory chapter, Russia is not the only country that has adopted repressive legislation towards NGOs, but rather it is a global trend to silence independent voices in non-democratic regimes. From the beginning of 2017, China adopted the “Law on Management of Domestic Activities of Overseas Non-governmental Organizations”, which forces foreign NGOs working in China to submit to greater government control if they wish to continue their work in China. NGO experts have said that this law is mainly targeted at NGOs working in fields such as human rights and the rule of law (Huang 2017). The difference between these two laws is, that when the foreign agents law is targeted at Russian NGOs, the Chinese law targets foreign organisations working in China. The Chinese law also demands more reporting from the organisations, which receive foreign funding or collaborate with international NGOs (ICNL 2017). The interesting finding is that the majority of foreign NGOs in China have changed their forms to businesses or are functioning without a registration at all (Huang 2017). There was a similar direction to be seen within the NGOs in Russia, to develop in the way that the boundaries between NGOs and commercial companies might become blurred.

There are various possibilities for future research on the topic, but based on the findings of this thesis here the main interest for future research would be related to these “blurring boundaries” between sectors and the possible idea of a “fourth sector”. For the organisations, it might be beneficial to study more the needs and ways to reach to their target groups. This was reported as one obstacle for the Russian third sector to grow and get the general public on its side.

8. Conclusions

This thesis has brought forward its contribution of new knowledge on the adaptations the organisations working under the Law on Foreign agents have taken to continue their work. It has also discussed the characteristics of the work environment of these organisations.

The NGOs, which receive foreign funding and promote non-traditional Russian values or advocacy are working under great pressure from the side of the government. The Law on Foreign Agents has not done what it has officially been described to be used for - creating a more transparent third sector in Russia. Instead, it has created many troublesome and hard-to-meet criteria for the organisations, which have become its subjects. These limitations affect the everyday work of the organisations, take up time from their actual projects, and contribute to an environment of self-censorship. The reporting demands were seen by all interviewed as unnecessary and burdensome. This does not mean that the NGOs should be able to work without being monitored, the current criteria just seems to be too demanding considering the workload it creates.

The problem is also with the term *foreign agent*. Its strong connotations cannot be ignored when looking at how the law has affected the NGOs. Being referred to as a foreign agent can cause misunderstandings both in the cooperating party as well as the general public. Since the term needs to be included also in all the publications produced by the NGOs listed as foreign agents, it causes problems with credibility among the Russian audience. On the other hand, within the international community it seems that being listed as a foreign agent proves that the organisation is doing something interesting. Since the organisation is critical towards the government, it is not being controlled by it. The law makes it difficult for the organisations to cooperate with international, national and state actors. If the organisation stays on the list of foreign agents, it must meet the burdensome reporting that takes time from the actual work. If they manage to leave the list, the organisation has to give up all foreign funding or stop the “political activity”. To the day, the only organisation in St. Petersburg, which managed to remove itself from the list managed to do this at the time

when they were not receiving foreign funding. This means that they could object to both the funding and “political activity”. Currently, there are NGOs defending their cases in court who have foreign financing but try to prove that their work is not political. The process is still ongoing. This can be difficult, since for the NGOs, which are working in the field of e.g. human rights, it is very hard to receive funding from Russian sources. Giving up foreign funding can result in serious financial problems and even in closing down the NGO. The only way to get off the list of foreign agents is to give up foreign funding completely. The other way to do it would be to stop the so-called political activity. Since political activity is very broadly defined in the law it is quite difficult for the NGOs working in fields such as human rights, freedom of media, freedom of information or election monitoring to not have their work categorised as political.

As mentioned in Chapter 7, the most significant findings of this thesis were related to the new forms the organisations have had to take in order to navigate in the repressive environment. These developments bring up various discussions on not only the form of NGOs, but the civil society/third sector in general.

In January 2016 I attended a seminar on *Emerging needs for and forms of NGOs in contemporary Russia*. In the final session there was a discussion on why the state does not simply close down all the organisations they see as detrimental for the status quo and possible threats for starting colour revolutions. One participant replied using a concept of “a useful enemy”. By this she meant that it is useful for the state to have enemies to point to when the country faces hardships. In this way, having organisations in the country who are called *foreign agents* can be used in various narratives by the state. If the state would simply close down all critical NGOs they would not have this advantage and would have to answer to more critique. As the saying goes, “There is only one thing more useful in politics than having the right friends, and that is having the right enemies”²⁵.

²⁵ Anonymous, *Economist* 375: 8432 (25 June 2005), p. 84

As one interviewee put it:

“They are sometimes told that they should close as well, because by functioning they allow the power to keep its human face. It’s the logic of the worst the better²⁶”

²⁶ A phrase used by Nikolay Chernyshevsky

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List of appendices

Appendix 1: NGOs on the list of foreign agents

1. Association of NGOs in Defense of Voters' Rights "Golos" (Moscow) – June 5, 2014
2. Regional Public Association in Defense of Democratic Rights and Freedoms "Golos" (Moscow) – June 5, 2014
3. Center for Social Policy and Gender Studies (Saratov) – June 5, 2014 (*the organization was shut down – May 22, 2015*)
4. Women of Don (Rostov region) – June 5, 2014 (*"foreign agent" status was suspended – February 29, 2016*)
5. Kostroma Center for Support of Public Initiatives (Kostroma) – June 5, 2014 (*"foreign agent" status was suspended – June 19, 2015*)
6. Interregional Human Rights Association "Agora" (Kazan) – July 21, 2014 (*the organization was shut down – December 29, 2016*)
7. Regional public organization "Ecozaschita! – Womens' Council" (Kaliningrad) – July 21, 2014
8. Public Verdict Foundation (Moscow) – July 21, 2014
9. Human Rights Center "Memorial" (Moscow) – July 21, 2014
10. Lawyers for Constitutional Rights and Freedoms / JURIX (Moscow) – July 21, 2014 (*the organization was shut down – May 26, 2015*)
11. Soldiers' Mothers (Saint Petersburg) – August 28, 2014 (*"foreign agent" status was suspended – October 23, 2015*)
12. Freedom of Information Foundation / Institute for Information Freedom Development – August 28, 2014
13. PIR Center – September 3, 2014 (*"foreign agent" status was suspended – February 24, 2016*)
14. Association "Partnership for Development" (Saratov) – October 2, 2014 (*the organization was shut down – November 6, 2015*)
15. "News Agency MEMO.RU" (Moscow) – November 20, 2014
16. Regional Press Institute (St. Petersburg) – November 20, 2014
17. Moscow School of Civic Education – December 9, 2014
18. Rakurs, Arkhangelsk regional non-governmental LGBT organization – December 15, 2014
19. All-Russian movement "For Human Rights" – December 22, 2014 (*"foreign agent" status was suspended – December 30, 2015*)
20. Human Rights Center (Kaliningrad) – December 25, 2014
21. Krasnodar Regional Social Organization of University Alumni – December 25, 2014 (*"foreign agent" status was suspended – April 22, 2016*)
22. Regional social organization "Public Commission for Academic Sakharov's Heritage Preservation" – December 25, 2014
23. Resource Human Rights Center (St. Petersburg) – December 30, 2014 (*the organization was shut down – November 3, 2015*)
24. Regional Public Organization "Man and the Law" (Republic of Mari El) – December 30, 2014
25. Center for Social Development "Vozrozhdeniye" (Pskov) – December 30, 2014 (*the organization was shut down – January 31, 2017*)

26. Public Human Rights Organization "Civil Control" (St. Petersburg) – December 30, 2014
27. The League of Women Voters (St. Petersburg) – December 30, 2014 (*the organization was shut down – May 22, 2015*)
28. Free Press Support Foundation – December 30, 2014
29. Interregional Non-Governmental Organization "The Committee Against Torture" – January 16, 2015 (*the organization was shut down – September 13, 2016*)
30. Educational Center "Memorial" (Sverdlov region) – January 16, 2015
31. Autonomous non-profit human rights organization "Youth Center for Consulting and Training" – January 20, 2015 (*"foreign agent" status was suspended – July 22, 2015*)
32. "Information Bureau of the Nordic Council of Ministers in St. Petersburg" – January 20, 2015
33. Jewish regional branch of the Russian public organization "Municipal Academy" – January 26, 2015 (*the organization was shut down – May 22, 2015*)
34. The noncommercial partnership "Press Development Institute - Siberia" – January 30, 2015
35. Center for social, psychological and legal help to victims of discrimination and homophobia "Maximum" (Murmansk) – February 4, 2015 (*the organization was shut down – October 28, 2015*)
36. Interregional public fund for civil society development "Golos-Povolzhye" (Samara) – February 6, 2015
37. Interregional charity organization "Siberian Environmental Center" (Novosibirsk) – February 12, 2015
38. Center for Civic Analysis and Independent Research / GRANI (Perm) – February 13, 2015 (*"foreign agent" status was suspended – June 19, 2015*)
39. Municipal public organization "Samara Center for Gender Studies" (Samara) – February 16, 2015
40. Regional Fund "Center for Defense of Mass Media Rights" (Voronezh) – February 26, 2015
41. Regional Charitable Social Foundation "For nature" (Chelyabinsk) – March 6, 2015
42. Regional Ecological Social Movement "For nature" (Chelyabinsk) – March 6, 2015
43. Humanist Youth Movement (Murmansk) – March 13, 2015 (*the organization was shut down – August 25, 2015*)
44. Regional Social Organization for Contribution to Harmonization of Interethnic Relations "Azerbaijan" – March 13, 2015 (*"foreign agent" status was suspended – July 22, 2016*)
45. Regional Social Environmental Organization "Bellona-Murmansk" – March 19, 2015 (*the organization was shut down – October 16, 2015*)
46. "Educational Center for Environment and Security" (Samara) – March 20, 2015 (*"foreign agent" status was suspended – October 8, 2015*)
47. Foundation "Migration XXI Century" – March 27, 2015 (*"foreign agent" status was suspended – November 25, 2016*)
48. Eco-logika (Rostov) – April 3, 2015 (*"foreign agent" status was suspended – March 30, 2016*)
49. Transparency International Russia - April 7, 2015
50. Social Environmental Organization "Planeta Nadezhd" – April 15, 2015
51. Foundation for Consumers' Rights Defense (Novosibirsk) – April 17, 2015 (*the organization was shut down – May 12, 2016*)
52. Civic Assistance Committee – April 20, 2015
53. Foundation 19/29 - Foundation for Support of Investigative Journalism – April 24, 2015
54. Commemorative Centre of History of Political Repressions "Perm - 36" – April 29, 2015 (*the organization was shut down – August 18, 2016*)
55. Women's League (Kaliningrad) – April 29, 2015 (*the organization was shut down – December 16, 2015*)

56. Legal Expert Partnership "Soyuz " – May 7, 2015 (*the organization was shut down – 25 August 2015*)
57. Center for Development of Non-Commerical Organizations – May 13, 2015
58. Club of Accountants and Auditors of Non-Commercial Organizations – May 13, 2015 (*"foreign agent" status was suspended – March 30, 2016*)
59. Informational Bureau of the Council of Ministers of Northern Countries (Kaliningrad) – May 13, 2015
60. Sutyajnik (Yekaterinburg) – May 15, 2015
61. Human Rights Academy (Yekaterinburg) – May 15, 2015
62. Ecological Center "Dront" (Nizhny Novgorod) – May 22, 2015
63. The non-profit organization "Liberal Mission" Scientific Foundation of Theoretical and Applied Research – May 25, 2015 (*"foreign agent" status was suspended – September 11, 2015*)
64. The non-profit Dynasty Foundation – May 25, 2015
65. Union of Employers (Tula region) – May 28, 2015 (*"foreign agent" status was suspended – December 13, 2016*)
66. Youth organization "Nuori Karjala/Young Karelia" – June 19, 2015 (*the organization was shut down – March 25, 2016*)
67. Siberian Center for Support of Social Initiatives – June 19, 2015 (*"foreign agent" status was suspended – September 21, 2016*)
68. Interregional Social Foundation for Peace in the South and in the Northern Caucasus – June 19, 2015
69. Informational Center "Free Inform" – June 22, 2015 (*the organization was shut down – June 21, 2016*)
70. Center for Independent Sociological Studies (St. Petersburg) – June 22, 2015
71. Regional Organization for Population and Development – June 23, 2015
72. Geblerov Ecological Societ (Barnaul) – June 23, 2015
73. Association "Legal Basis" (Yekaterinburg) – July 3, 2015
74. Interregional Non-governmental Organization "Northern Environmental Coalition" (Petrozavodsk) – July 8, 2015 (*the organization was shut down – December 1, 2015*)
75. Komi Human Rights Commission "Memorial" (Syktyvkar) – July 21, 2015
76. Altai Regional Public Fund for 21st Century Altai (Barnaul) – July 22, 2015 (*the organization was shut down – March 28, 2016*)
77. Interregional Public Foundation for Civil Society Development "GOLOS-Ural" (Chelyabinsk region) – July 22, 2015
78. SREDA Foundation – July 28, 2015
79. Non-governmental environmental organization "Green World" (Nizhny Novgorod) – July 29, 2015 (*"foreign agent" status was suspended – October 28, 2016*)
80. Civic Action Foundation (Perm) – August 5, 2015
81. Alliance of Funds of Local Communities of the Perm territory – August 11, 2015 (*"foreign agent" status was suspended – October 26, 2016*)
82. Kabardino-Balkaria Human Rights Center – regional branch of the "For Human Rights" All-Russian movement (Nalchik) – August 18, 2015 (*the organization was shut down – November 6, 2015*)
83. The Human Rights Center of the Chechen Republic (Grozny) – August 21, 2015
84. Interregional Social Ecological Foundation "ISAR-Siberia" (Novosibirsk) – August 26, 2015
85. Perm Regional Human Rights Center (Perm) – September 3, 2015
86. Siberia's lifeline (Novosibirsk) – September 3, 2015
87. Golos Foundation in Support of Democracy – September 4, 2015 (*the organization was shut down – June 21, 2016*)
88. Jewish Cultural Center "Hesed-Teshuva" (Ryazan) – September 11, 2015 (*"foreign agent" status was suspended – December 13, 2016*)

89. Sakhalin Environment Watch (Yuzhno-Sakhalinsk) – September 18, 2015
90. Yasavey Manzara Information and Research Center (Naryan-Mar) – September 23, 2015 (*the organization was shut down – June 15, 2016*)
91. Consumer Rights and Environment Protection Association "Princip" (Moscow region) – October 5, 2015
92. Far East Center for the Development of Civil Initiatives and Social Partnership (Vladivostok) – October 13, 2015
93. Russian Research Center for Human Rights – October 20, 2015
94. Women of the Don (Rostov region) – October 27, 2015
95. Friends of the Siberian Forests (Krasnoyarsk) – October 28, 2015 (*the organization was shut down – December 6, 2016*)
96. Photography Club "Sobytiye" (Omsk) – October 28, 2015 (*the organization was shut down – December 16, 2015*)
97. Research and Information Center "Memorial" (St. Petersburg) – November 6, 2015
98. Baikal Environmental Wave (Irkutsk) – November 10, 2015 (*the organization was shut down – August 1, 2016*)
99. Glasnost Defense Foundation – November 19, 2015
100. Human Rights Institute – November 20, 2015
101. Center for Support of Indigenous Peoples of the North – November 27, 2015
102. Green World (Leningrad region) – December 2, 2015
103. Mashr (Republic of Ingushetia) – December 8, 2015
104. Woman's World (Kaliningrad) – December 11, 2015
105. Panorama Information and Research Center (Moscow) – December 18, 2015
106. Dauria Ecological Center (Chita) – December 30, 2015 (*the organization was shut down – September 1, 2016*)
107. Yekaterinburg Memorial Society (Yekaterinburg) – December 30, 2015
108. Bureau of Public Investigations (Nizhny Novgorod) – January 14, 2016
109. Committee for the Prevention of Torture (Orenburg) – January 14, 2016
110. Institute of Forecasting and Resolving of Political Conflicts (Nizhny Novgorod) – January 22, 2016
111. Ryazan Historical, Educational and Human Rights Center "Memorial" (Ryazan) – February 1, 2016
112. Society of Assistance to Social Protection of Citizens "Peterburgskaya EGIDA" (Saint Petersburg) – February 2, 2016 (*the organization was shut down – April 26, 2016*)
113. Center for Health and Social Support "SIBALT" (Omsk) – February 15, 2016
114. Chelyabinsk Regional Organ of Public Independent Action "Ural Human Rights Group" (Chelyabinsk) – February 15, 2016
115. Women of Eurasia (Chelyabinsk) – February 15, 2016
116. Ural Democratic Foundation (Chelyabinsk) – February 15, 2016
117. Legal and Social Support Charitable Foundation "Sphere" (Saint Petersburg) – March 1, 2016
118. Centre for Civic Education and Human Rights (Perm) – March 3, 2016
119. The International Development Fund for Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation "Batani" (Moscow) – March 11, 2016
120. Center for Social and Labor Rights (Moscow) – March 21, 2016
121. Arkhar (Gorno-Altaysk) – April 5, 2016 (*the organization was shut down – October 6, 2016*)
122. Publishing House "Valentin Manuylov" – April 15, 2016
123. Tengri School of Soul ecology (Altay) - May 17, 2016
124. Hanse Buero / Information Bureau of Schleswig-Holstein in Kaliningrad (Kaliningrad) - May 24, 2016 (*the organization was shut down – December 30, 2016*)

125. Krasnoyarsk Regional Public Organization «Agency of public initiatives» (Krasnoyarsk) - May 27, 2016 (*"foreign agent" status was suspended – September 21, 2016*)
126. Saratov Regional Public Organization "Socium" (Engels) - May 30, 2016
127. Perm regional non-governmental organization "Perm Civil Chamber" (Perm) - June 9, 2016 (*"foreign agent" status was suspended – September 21, 2016*)
128. Regional non-governmental organization Integration center "Migration and Law" (Moscow) - June 16, 2016
129. Non-Profit Partnership "ESVERO" (Moscow) - June 22, 2016
130. Andrey Rylkov Foundation for Health and Social Justice (Moscow) - June 29, 2016
131. Altai regional sport and patriotic youth public organization "Arctica" (Biysk) - July 6, 2016 (*"foreign agent" status was suspended – February 8, 2017*)
132. Autonomous non-governmental organization "Free Word" (Pskov) - July 13, 2016
133. The Institute of Economic Analysis (Moscow) - July 22, 2016
134. Penza regional youth civic organization for prevention of negative phenomena among youth "Panacea" (Kuznetsk) - August 15, 2016 (*the organization was shut down – December 8, 2016*)
135. Samara regional, civic organization "American alumni club" (Samara) - August 26, 2016
136. Autonomous non-for-profit organization "Publishing house 'Park Gagarina'" (Samara) - August 31, 2016
137. Levada Analytical Center (Moscow) - September 5, 2016
138. Environmental Watch on North Caucasus (Maikop) - September 13, 2016
139. Autonomous non-for-profit human rights organization "Draftee's school" (Chelyabinsk) - September 21, 2016
140. Foundation for support of civil freedoms "Legal mission" (Chelyabinsk) - September 21, 2016
141. International Historical, Educational, Human Rights And Charitable Society Memorial (Moscow) - October 4, 2016
142. Sverdlovsk regional non-profit foundation "Health Era" (Ekaterinburg) - October 11, 2016
143. Chapaevsk non-profit organization "Chapaevsk city medical personnel association" (Chapaevsk) - October 21, 2016
144. Regional charity foundation "Samarskaya gubernia" (Samara) - November 2, 2016
145. Non-profit partnership "Internet Community" (Samara) - December 13, 2016
146. Autonomous non-profit organization for social support "Project April" (Tolyatti) - December 19, 2016
147. ANNA Centre for the prevention of violence (Moscow) - December 26, 2016
148. Southern Human Rights Centre (Sochi) - December 26, 2016
149. Sverdlovsk branch of the International Historical, Educational, Human Rights And Charitable Society Memorial (Ekaterinburg) - December 29, 2016
150. SOVA Center for Information and Analysis (Moscow) - December 30, 2016
151. Sverdlovsk civic organization for assistance to legal migration "Nelegalov.Net [No Illegals]" (Ekaterinburg) - January 10, 2017
152. Environmental human rights center Bellona (Saint Petersburg) - January 16, 2017
153. Youth civic organization "Pro-movement" (Altay region) - January 25, 2017
154. Kaliningrad regional civic organization "Society for German culture and Russian Germans Eintracht - Soglasie" (Kaliningrad) - January 31, 2017

155. Foundation for development assistance to mass communication and legal education "Tak-Tak-Tak" (Novosibirsk) - February 20, 2017 (Human Rights Watch 2017.)

Appendix 2: Three types of law by Nonet & Selznick

	Repressive law	Autonomous law	Responsive law
Ends of law	Order	Legitimation	Competence
Legitimacy	Social defence and raison d'état	Procedural fairness	Substantive justice
Rules	Crude and detailed but only weakly binding on rule makers	Elaborate; held to bind rulers as well as ruled	Subordinated to principle and policy
Reasoning	Ad hoc; expedient and particularistic	Strict adherence to legal authority; vulnerable to formalism and legalism	Purposive; enlargement of cognitive competence
Discretion	Pervasive; opportunistic	Confined by rules; narrow delegation	Expanded, but accountable to purpose
Coercion	Extensive, weakly restrained	Controlled by legal restraints	Positive search for alternatives e.g., incentives, self-sustaining systems of obligation
Morality	Communal morality; legal moralism; "morality of constraint"	Institutional morality; i.e., preoccupied with the integrity of legal process	Civil morality; "morality of cooperation"
Politics	Law subordinated to power politics	Law "independent" of politics; separation of powers	Legal and political aspirations integrated; blending of powers
Expectations of obedience	Unconditional; disobedience per se punished as defiance	Legally justified rule departures, e.g. to test validity of statutes or orders	Disobedience assessed in the light of substantive harms; perceived as raising issues of legitimacy
Participation	Submissive compliance; criticism as disloyalty	Access limited by established procedures; emergence of legal criticism	Access enlarged by integration of legal and social advocacy

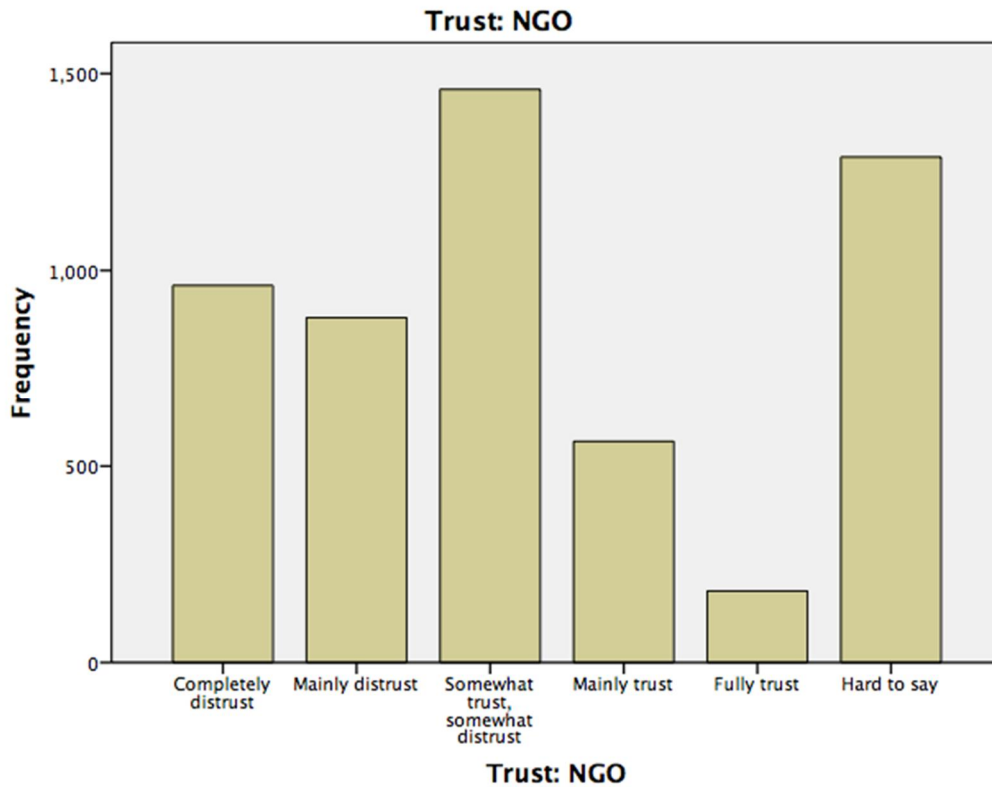
(Nonet & Selznick 2001, 16)

Appendix 3: Three types of formal organisations

	Prebureaucratic	Bureaucratic	Postbureaucratic
Purpose	Particularistic; confusion of private interests and public responsibilities	Explicit, fixed, public; identified by assigned jurisdiction	Mission-oriented; flexible
Authority	Traditional, charismatic, unstructured	Hierarchically subdivided spheres of competence; communication "through channels"; formal rationality	Team and task force organisation; open communication; diffusion of authority; substantive rationality
Rules	Unsystematic	Codified; blueprints for action; focus on administrative regularity	Subordinated to purpose, avoidance of rule-boundedness
Decision making	Ad hoc; subject to whims of one-man rule and to uncontrolled actions by subordinates	Systematic; routinized; limited delegation; assumption of stable social world composed of elements readily classified and made subject to rules	Participatory; problem-centred; broad delegation; assumption of environment shifting requirements and opportunities
Careers	Unstable, nonprofessional; offices available for sale or as part-time prizes for elites	The official as full-time professional committed to the organisation; no personal constituency; appointment based on merit; emphasis on seniority and tenure	Multiple and temporary affiliations; involvement through sub-contradicting; experts have autonomous professional base

(Nonet & Selznick 2001, 22)

Appendix 4: Statistics on public opinion of Russian people



(Social Distinctions in Modern Russia 2015).

Table 8.5.7

What is your general perception of the phrase “foreign agent”?

Positive, in general	12
Negative, in general	62
Difficult to answer	26

2012, September; N=1600

Table 8.5.8

What does “foreign agent” phrase mean to you?

(responses are ranked)

A spy, intelligence officer of a different country planted in Russia, an undercover spy	39
Covert enemy from within active in Russia in the interest of other states, a “fifth column”	22
Official representative of another state or foreign commercial company, organization openly representing interests of the government, company or corporation in Russia	18
Any non-governmental organization, Russian or foreign, which receives foreign funds to finance the activity in Russia	11
Difficult to answer	10

2012, September; N=1600

Table 8.5.14

What is your attitude to NPOs operating in Russia analyzing the national developmental outlook, civil rights defense and civil society development in Russia and seeking foreign donations?

Absolutely positive	13
Rather positive	42
Rather, negative	12
Very negative	2
Difficult to answer	31

2012, July; N=1600

Table 8.5.9

What is your attitude towards the tougher law on non-governmental organizations and the requirement to register as a “foreign agent” for any organization receiving funding from abroad?

	2012 VII	2013 VI
Absolutely positive	17	14
Rather positive	28	35
Rather, negative	14	15
Very negative	4	5
Difficult to answer	37	30

N=1600

Table 8.5.10

Do you know what is a “non-profit organisations”?

	2012 VII	2013 VI
I understanding the term well	19	16
I heard something about it	49	52
I am not aware	25	29
Difficult to answer	7	4

N=1600

Table 8.5.11

What, in your opinion, non-profit organizations primarily do in Russia?

	2012 VII	2013 VI
Aid to various groups of society	42	35
Deal with various social issues	35	31
Solve local issues	18	15
Defend civil rights	21	20
Political activity	15	15
They do not do any real job but tap into money in grants	7	12
Difficult to answer	19	20

N=1600

**How would you estimate the performance
of non-profit organizations in Russia?**

	2012 VII	2013 VI
Absolutely positive	11	9
Rather positive	39	41
Rather, negative	10	15
Very negative	3	4
Difficult to answer	38	31

N=1600

(Levada centre 2013, 91-93).

Appendix 5: Statistics on the NGOs operating in North-West Russia

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2.1. ОРГАНИЗАЦИИ

Уровень развития третьего сектора в России в несколько раз ниже, чем за рубежом. По данным «Доклада о развитии институтов гражданского общества в России», в 2011 году доля сектора НКО в российском ВВП составила 0,9%, в то время как аналогичный показатель для стран с развитым третьим сектором достиг 6,5%. Доля занятых в третьем секторе в России — 1%, за рубежом — 7%, доля социально ориентированных НКО от общего числа НКО у нас — 13,5%, у них — 60–70%. Это по состоянию на 2011 год. В последующие годы число НКО в стране примерно на треть уменьшилось. Ситуация в Северо-Западном федеральном округе (СЗФО) не отличается от общероссийской: по данным Единого государственного реестра юридических лиц (ЕГРЮЛ) к 2015 году число НКО в округе по сравнению с 2011 годом уменьшилось на 35%.

Уровень развития сектора НКО в России и за рубежом (2011)*

	В России	За рубежом
Доля НКО в ВВП	0,9%	6,5%
Доля занятых в третьем секторе	1,1%	7,1%
Доля социально ориентированных НКО от общего числа НКО	13,5%	60-70%

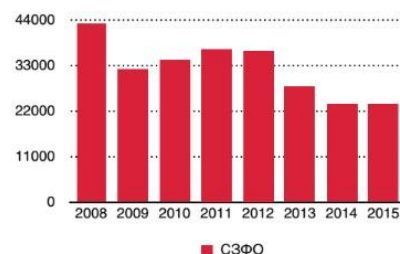
Источник - <http://civil.ru/ru/mai20>
ДОКЛАД О РАЗВИТИИ ИНСТИТУТОВ ГРАЖДАНСКОГО ОБЩЕСТВА В РОССИИ
«Третий сектор» в России: текущее состояние и возможные модели развития

Число НКО, регистрируемых в соответствии со специальным порядком (Минюст России)



По сравнению с данными ЕГРЮЛ на 1 января 2012 г., число НКО в округе уменьшилось на 35%. В Санкт-Петербурге сокращение числа НКО составило 22%, в Архангельской области — 31%, в Псковской — 34%, в Новгородской — 35%, в Мурманской — 36%, в Калининградской — 37%, в Вологодской области — 39%, в Республике Карелия — 41%, в Республике Коми — 45%, в Ленинградской области — 54%, в Ненецком автономном округе — более 90%.

Динамика НКО СЗФО



Изменения в численности НКО, действующих на территории отдельных регионов, городов и других населённых пунктов, может объясняться не только фактическим созданием или ликвидацией организаций, но и, чаще всего, изменением порядка регистрации организаций, изменением общероссийских классификаций юридических лиц (ОКАТО, ОКВЭД и др.), а также перерегистрацией некоторых организаций в качестве филиалов, отделений и пр. В сложносоставных субъектах РФ, к которым относится Архангельская область, некоторые организации могут быть зарегистрированы в Архангельске, а реальную деятельность осуществлять в других городах.

Appendix 6: Questions for the interviews

Theme 1 – General discussion and background of the interviewee

How long have you been working for the non-governmental sector?

How long have you been working for this organisation where you work now?

What is your position in this NGO?

Theme 2 – History, changes and understanding NGO sector

Why and when was this organisation founded?

Has it changed a lot from since the beginning? Main changes?

Do you often have to explain to people who do not work for NGOs themselves what you do for work/what your organisation does, or is it clear to them?

Have people had different ideas about what you do compared to what you are/your organisation is actually doing?

What are the most common misunderstandings?

How would you describe the current state of Russian NGO field?

Theme 3 – Projects and importance

What do you think are you biggest achievements as an organisation?

What have been biggest setbacks/problems you have encountered?

Would you describe your work as political?

Theme 4 – Funding

Do you receive/have you received funding from the government?

Would your organisation be able to work without foreign funding?

Theme 5 – The changing legislation of NGOs in Russia

What have been the main changes in the Russian NGO legislation or amendments to the legislation, which have affected the work of your organisation?

In what ways has the legislation or new amendments changed the work of your organisation?

Why do you think this legislation, or amendments to the legislation is being introduced by the authorities?

Theme 6 – Future visions

What would be the most useful reform by the government for your organisation?

Where do you see your organisation in two years? What about in ten years?

Theme 7 - Final comments

Can you summarize, what is in your opinion the main problem with the Russian NGO sector in 2015?

Do you have something you would like to add?