

# NGOS UNDER STATE REGULATION: STRENGTHS AND WEAKNESSES OF RUSSIAN CIVIL SOCIETY. *Introduction*

**Elena Bogdanova**

*Elena Bogdanova is a research fellow at the Centre for Independent Social Research, Saint Petersburg, Russia. She is also a researcher at the European University at St. Petersburg. Address for correspondence: CISR, PO Box 193, Saint Petersburg, 191040, Russia. bogdanova.nova@gmail.com.*

The publication of this issue was provoked by the international conference “Between the Carrot and the Stick’: Emerging Needs and Forms for Non-State Actors including NGOs and Informal Organizations in Contemporary Russia,” organized by the Centre for Independent Social Research in collaboration with colleagues from the Aleksanteri Institute of the University of Helsinki on January 28–29, 2016. It was a moment when it became impossible to avoid talking about the problem of NGOs in Russia, especially for the Centre for Independent Social Research. For many years the theme of civil society and nonstate initiatives was one of the central issues of the CISR agenda. In addition, in 2014 the Centre itself went through numerous inspections and was acutely worried about the newly acquired status of a “foreign agent.” Changes in legislation regarding NGOs during the early 2000s have become a catalyst for a new wave of discussion about the relationship between state and nonstate actors, ways to understand civil society and trends in its development, and freedom and democracy in general. In the history of the development of NGOs in Russia, one period had ended and another began. The crossing of this Rubicon demonstrated eloquently a need to understand of the experience of the first post-Soviet decades, the history of successes and defeats of Russian NGOs and other nonstate initiatives. For the CISR, the conference was simultaneously a response to repression, a defensive reaction, and an invitation to colleagues to discuss the existence of NGOs and civil society in Russia from a new perspective.

The position of the nongovernmental sector in Russia has never been easy or stable during the postsocialist period. The first decade was marked by ignorance on the part of the state. As researchers argue, “the sector was in its infancy with only minimal civic participation and limited support from the general public, businesses and government” (Skokova 2016:127). On the one hand, low interest on the side of the authorities greatly impeded cross-sectoral collaboration—or even communica-

tion. On the other hand, the leaders of NGOs and researchers usually characterize the 1990s as a period of freedom for international collaboration and development of independent initiatives (Sundstrom 2006). Facing a lot of problems every day, NGOs in the first postsocialist decade faced a steep learning curve and acquired outstanding experience in fundraising, international partnering, and the development of independent expertise in different spheres.

Those first years of nongovernmental sector development generated momentum for the following years and defined the further development of civil society in many respects. The period of the early postsocialist establishment of the nongovernmental sector is still underestimated and contains the answers to many of today's questions.

The first attempts to regulate the nongovernmental sector appeared in the second half of the 1990s (Federal Law No. 7, 1996). Since the beginning of Vladimir Putin's presidency the state has turned its attention towards the nongovernmental sector and broader civil society, welcoming dialogue. In 2005 the Federal Public Chamber was established as the first institutional product of the new policy, followed by civic chambers in each constituent region of the Russian Federation (Skokova 2016:128). These platforms were established to provide a sustained channel of communication between civil society and government (Richter 2009; Stuvøy 2014; Aasland, Berg-Nordlie, and Bogdanova 2016; Bogdanova and Bindman 2016; Krasnopolskaya, Skokova, and Pape 2015).

In the 2010s the policy of the state toward NGOs manifested itself particularly vividly and contradictorily. The first signs that the state wished to take nongovernmental initiatives under control appeared in 2006 (Federal Law No. 18, 2006; Crotty, Hall, and Ljubownikow 2014). Legal restrictions on the foreign funding of NGOs were imposed for the first time, among other things to prevent "financing of illegal political activities from abroad." The restrictions were tightened extensively by the so-called law on "foreign agents" (Federal Law No. 121, 2012). This law prescribed special measures for the control of NGOs with international sources of funding or those engaged in political activity. Herewith, if the first point was very transparent, then the second one—"political activity"—remained vague and uncertain.<sup>1</sup>

One particular segment of NGOs suffered from the law on "foreign agents" significantly. These are primarily human rights and advocacy NGOs, NGOs specializing in problems of the environment and health, and research NGOs (Daucé 2014; Salamon, Benevolenski, and Jakobson 2015). In general, these were the NGOs trying to follow what the authorities are doing.

Simultaneously with the repressions, the opposite trend applied to NGOs providing state social policy. This new legislation (Federal Law No. 40, 2010; Federal Law No. 442, 2013; Federal Law No. 287, 2016) includes the law on state support for nonprofit organizations providing social services, in particular, the law allowing transfers from regional social welfare budgets to NGOs providing social services (Tarasenko 2013:16). The new legislation has been designed to stimulate one type of NGO and to constrain the others.

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<sup>1</sup> Later, the Constitutional Court and the Ministry of Justice, in April 2014 and January 2016 respectively, gave clarifications, but in practice the broad definition, which allows various interpretations, remains in use.

State policies regarding NGOs reveal the hybridity of the regime. It made efforts to control and regulate civil society but simultaneously tried to preserve the appearance of democratic freedom for civic activism and independent initiatives. Such a duality (Salamon et al. 2015) had particular consequences. This policy has caused the country's nonprofit sector to split into two distinct types of organizations: "socially oriented," which are encouraged by the state, and "foreign agents," which became a subject of special control and restrictions on the part of the state (Skokova 2016:127–128).

The initial experience of applying laws regulating the activities of NGOs showed that the task is rather complicated and the results of the efforts are not always predictable. For 20–25 postsocialist years the nongovernmental sector reached a certain level of development, acquiring its own rules, rhythms, and patterns of existence, which are deeply grounded in cultural/societal institutions that affect their organizational practices and standards. Over the years of formation, NGOs and civil society as a whole have found some balance with social policy (Bindman 2017), systems of governance, and the actual needs of the society. If the state begins to make efforts to regulate the nongovernmental sector now, then it deals with a sustainable structure, which makes definition of the aims of regulation, selection of methods of influence, and predictability of the results really challenging.

Here are some figures on the number and location of NGOs in contemporary Russia. According to statistics from the Russian Ministry of Justice, the number of registered nongovernmental organizations stood at 227,000<sup>2</sup> in October 2016. They are distributed throughout Russia very unevenly. The great majority of NGOs are located in the central regions of Russia. A little more than a quarter (27 percent) of all Russian NGOs are concentrated in Moscow, Moscow Oblast, Saint Petersburg, and Leningrad Oblast. On average, there are just "1.5 NGOs per one thousand of people living in Russia, but this number is significantly higher in sparsely populated regions, such as the Far East and the North Caucasus, and in regions with stronger non-profit sectors, such as Moscow and St. Petersburg, and Moscow and Kaliningrad regions" (Skokova 2016:128).

The passions that flared up around the NGO theme in 2014 had a significant impact on the entire nonprofit sector. Current surveys show a decline in such indicators as awareness, trust, and participation of society in NGOs after 2014 (*Informatsionno-analiticheskii biulleten'* 2016:8). The NGOs themselves show a turn towards collaboration with the state and a weakening of plans related to the development of independent authorial initiatives (10). This means that the regulative efforts of the state have achieved particular results and that civil society in the classical sense has become weaker.

This special issue contains four articles, all of which discuss the weakness of Russian civil society, focusing on its different aspects. Svetlana Tulaeva, Maria Tysiachniouk, and Laura A. Henry investigate one type of NGO—the environmental pro-

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<sup>2</sup> Ministry of Justice of the Russian Federation, data on registered nonprofit organizations (<http://unro.minjust.ru/NKOs.aspx>).

tection organization—which suffered greatly from the law on “foreign agents.” Some of them were closed. Some others were forced to invent complex strategies of survival. This segment of NGO activities has been significantly weakened. However, the researchers consider in detail another side of the process. Analyzing interviews with leaders and representatives of environmental NGOs, the authors show that their strategies are connected to different methods of avoiding formality and the implementation of various informal practices. Tighter regulation has led to unforeseen consequences associated with the low quality of public administration. The new rules established by the state led to a blurring of boundaries between formal and informal modes of interaction with the NGOs. This created a paradoxical situation: the state, which by its very nature should strive for the formalization of relations in society, creates incentives for their deformatization. It prevents the proper working of the state system, since it leads to an increase in informal practices in the work of officials who have received very broad discretionary powers. Network structures of NGOs, which are difficult to control, emerge as a recourse, helping NGOs to survive under conditions of pressure and uncertainty.

Aadne Aasland, Linda J. Cook, and Daria Prisyazhnyuk pay attention to the protest potential of society against the pension reform ongoing in Russia. The political and administrative elites are making changes to the pension system, which will largely affect future pensioners. Simultaneously, they make efforts to protect the interests of current retirees. The main burden of the ongoing pension reform will lie on the shoulders of future generations. Intriguing to the researchers is the total absence of protests against the pension reform measures. This seems especially strange considering the protests against the monetization of social benefits in 2005. The authors search for answers by considering such things as the complexity and secrecy of the reform (the majority of people simply do not know about any changes), the weakness of civil society, and special efforts to protect the rights of pensioners on the part of the state. Pension rights are protected in Russia by the state social bloc, not by civil rights protection organizations.

Two other articles are especially valuable since they make contributions to the underinvestigated problems of civil society and NGOs in the regions of Russia, including the countryside. Ann-Mari Sätre and Leo Granberg discuss local initiatives in policy implementation in Russia and, more broadly, the question of the relations between state and civic organizations in Russia. The state supports local initiatives through grants, making attempts to solve local societal problems by combining hierarchic decision making and popular participation. Simultaneously, the state administration keeps strong control over the realization of grant-funded activities. In the conditions of restricted resources any support is valuable for local communities, although the controlling measures have negative effects on local initiatives and innovations. For local citizens this creates a situation where they need to adapt their activities simultaneously to the support and punishment by the state.

The article by Nina Ivashinenko and Alla Varyzgina is devoted to a similar problem, although they consider another side of it. They investigate how local NGOs protecting children and families make connections and develop their relationships with

families who potentially need their assistance. The authors argue that de facto local NGOs are not acting as representatives of the local communities because they rely more on a customer-oriented approach. Analyzing multiple interviews with leaders and representatives of NGOs, with local activists, and with potential customers, the authors find that these NGOs behave more like social services providers rather than support the initiatives of local inhabitants or engage local communities in various forms of civic activity. They also demonstrate the weak relationship between NGOs and the population as one of the key features of Russian third sector development.

Considering different sides of contemporary Russian civil society, the authors of articles in this issue of *Laboratorium* pose several important questions. Firstly, the state is interested in the resources developed by NGOs during the postsocialist decades. These resources include active people, practical skills, and professional expertise. Current state policy weakens the nongovernmental sector, and the consequences of this are detrimental not only for civil society but also for the state. Contradictory, inconvenient, and repressive policy toward a particular type of NGOs affects the third sector as a whole. Secondly, the duality of the state policy towards the NGOs is expressed in different forms. It is expressed not only in different policies with regard to different types of NGOs but also in the informal approach to implementation of formal state regulations toward nongovernmental organizations and in excessive control over the implementation of socially useful projects. The latter tends to destroy local initiatives, because it combines support and punishment in one. Thirdly, these articles, in discussing the weakness of civil society and NGOs, simultaneously contribute to our understanding of the weakness of the state, since these are two pieces of the same puzzle.

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