**Jeff Yarborough St. Petersburg and Moscow December 2013**

**Introduction**

I traveled to St. Petersburg and Moscow from December 3rd to December 12th, during which time I met with a wide range of current grantees, prospective partners, academics, and legal practitioners. It was an interesting time to be in Russia: while my visit was initially timed to coincide with International Human Rights Day (and the numerous side events taking place to mark the date) this occasion turned out to be but a minor blip against a much broader range of dynamics and processes taking place in the country at the time of my visit. In the words of Natalia Taubina, the venerable Executive Director of the Public Verdict Foundation, “this is perhaps the most critical moment for Russian civil society since the collapse of the Soviet Union.” She was speaking, of course, about the full range of political and social developments that can be seen at the present time, and this view, while perhaps hyperbolic, was not far off from those which were expressed by a wide range of interlocutors with whom I met during my visit. There was unanimity in the fact that nothing is certain in Russia these days, and Putin’s surprising and apparently sudden decision to close down and reorganize state-run RIA-Novosti only served to emphasize this point during my visit.

**Country Context**

There were a number of key recurrent themes that emerged during my meetings regarding ongoing developments in Russia:

* **Sochi and its aftermath:** There is broad consensus that the period leading up to the Sochi Olympics could be one of the last remaining windows of opportunity to preserve independent space in the country, with a crackdown and further tightening of state control expected by many as soon as the international community’s gaze has turned elsewhere. The LGBT community has been under exceptional pressure, but other NGOs are feeling the pressure as well. While some legal cases regarding the “Foreign Agents Law” have delivered favorable results, these have almost entirely been based on procedural or administrative grounds. With the Prosecutor’s office failing to obtain its desired outcomes in many instances due to shoddy legal argumentation and procedural irregularities, a new round of civil cases are now being opened on behalf” unnamed citizens” again seeking to compel organizations to register as “foreign agents.”

Most people I spoke with believed that the State was unprepared for the degree of solidarity expressed within civil society against registering as a foreign agent, and moreover, given the unexpected international backlash against this action, has decided for now to put the project on hold, with the potential for renewed inspections and harassment to take place in the middle of next year alongside the deployment of a more diverse range of state tactics. It is clear that many developments in the build up to the Sochi Olympics (i.e. the ballyhooed Amnesty Law) are aimed at burnishing Russia’s tarnished international reputation ahead of intense global attention and media coverage, and are not reflective of a genuine shift in attitudes among the authorities. Legislation on the docket for 2014 promises to further tighten internet freedom, increase restrictions on foreign and domestic crowd sourced funding (i.e. Paypal and other mechanisms of transferring financial resources) while other pernicious laws (i.e. the “Gay Parents Law” as well as proposed amendments to the constitution regarding the establishment of Russian Orthodoxy as a state religion and revising Russia’s constitutional obligation to abide by and implement its international obligations) are also potentially on the table.

* **EuroMaidan:** I arrived in Russia just as the Ukrainian protests were heating up in earnest. “EuroMaidan” had just survived the initial and brutal attempt by security forces to disburse the movement, signaling a staying power and reflection of broad-based social grievance that has put Russia on edge. Television coverage of the events was rife, with Putin himself blaming “foreign provocateurs and agents” seeking to continue their plans first set into motion in 2004. It’s worth noting that it was in response to the first wave of so-called “color revolutions” that more restrictive legislation was first introduced (i.e. reneging on the direct election of governors, increased government interference into the activities of the third sector, for instance) so it is very likely to expect a similar process of tightening in response to current developments in Ukraine. In Russia’s rubber-stamp Duma, draft legislative amendments often get previewed and bandied about, and thus, if one looks at proposed legal changes to gauge the worst case scenario of what could be to come, it is a very worrying picture which emerges. The events in Ukraine make a worst case scenario (which can be envisioned based on the above) more likely in Russia as well, depending on how things develop. Take, for instance, proposed amendments to Article 15 of the Russian Constitution which would negate the necessity of adhering to Russia’s international obligations. Gone then, would be the formal need for the State to follow and implement ECHR rulings. Others spoke of the chilling impact of a concerted use of Russia’s 2012 Treason Law, which broadened the definition of treason to make it vague enough to be selectively applied to almost any inconvenient figure providing information or assistance to international organizations or foreign governments. Many pointed toward the arrest of Mikhail Savva, the Grant Programs Director of the Southern Regional Resource Center in Krasnodar (who was threatened with treason before ultimately being charged with fraud) as having an instructive intent for civil society actors. This coincides with a process already underway in academic circles to limit academics’ free speech, with state institutions recently amending work contracts to prohibit part-time work and requiring any public commentary or provision of expertise in legal proceedings to be approved by the institution’s rector in advance.
* **Cooperation, Cooptation and Rebranding:**  While simultaneously attempting to brand many civil society organizations as “foreign agents,” the state has also made a significant amount of funding available to civil society organizations through a series of grant competitions, essentially tripling the amount of government funding available to the third sector in 2013. To the surprise of many observers, a large number of OSF grantees and critical human rights groups, including those battling ongoing legal proceedings, have ended up receiving state funding, with the latest round of recipients announced during my visit.[[1]](#footnote-1) In light of the parallel process to demonize civil society organizations and limit their scope of operations, this development at best presents some nuance in understanding the aims and intent of this government initiative. Anecdotally, the application process was a lengthy one which required extensive information about an organization’s past work and funding, leaving just a paragraph in the application template to elaborate on the proposed project. Grants come with significant administrative requirements, are solely project-based, and often of short (>1 year) duration. One interlocutor mentioned that failure to comply with the strict grant requirements could potentially expose organizations in the future to criminal charges for “misuse of state funds” apparently giving the government significant leverage in the event of a potential future crackdown.

Thus, while it is great to see our partners diversifying their base of funding and increasing their cooperation with the state, this format is less than ideal and is something to watch carefully moving forward. While many groups feel they can accept government funding without compromising their pro-democracy missions, in some meetings I detected a certain towing of the party line/talking points when discussing sensitive issues, though it’s perhaps too soon to infer any causality.[[2]](#footnote-2) Nonetheless, some believe that the state will ultimately force recipients to “choose” between ongoing domestic support and continued foreign financing and the “foreign agent” stigma which this brings. At the same time, while the state dramatically increased its funding for civil society this year (and promises to continue the trendin 2014) the fact remains that for many observers Russia’s economic outlook remains rather bleak, with across the board federal government budget cuts expected in 2014.

Therefore, leaving aside all other issues, it doesn’t appear that current government funding for civil society is likely to be sustainable over the medium to long-term, suggesting instead, that the increase in state funding for civil society is an attempt to realize more short-term objectives. A key development to look towards is the Constitutional Court’s ruling on the “Foreign Agents Law” which is expected to be delivered in early February. There are indications that given the initial and widespread civil society solidarity expressed in reaction to the Foreign Agents Law, the State is now slowly aiming to divide groups that work on “social” issues and/or engage in service provision from those working on more sensitive topics (such as migrant rights, LGBT, high level corruption etc.) with some groups that fall into the former category being portrayed as legitimate and beneficial, while those in the latter will continue to be accused of being “political.” However, it remains to be seen whether such distinctions and divisions can be effectively created and exploited in order to create ruptures within the sector.

**Implications for OSF work**

Detailed meeting notes can be found in the appendix to this report, but for the sake of brevity I’d like to briefly summarize the main takeaways and issues for our work which emerged from my visit.

**Increased State Funding: What does it mean and how to respond?** One interesting dynamic which came up throughout my meetings was the question of state funding and conversely, the ongoing use of legal pressure and inspections against a select group of organizations. As it turns out, a rather large number of our grantees have received state funding in the past year, although it’s also clear that certain issue areas remain under intense scrutiny and pressure (for example, LGBT and combatting homophobia; although this has also attracted significant international attention and it seems that other groups and resources appear to be available and ready to support actors in this area) while other forms of civic activism are safer and/or have more potential to develop and grow. It’s somewhat difficult to infer just where this line is drawn, or what other factors may be behind certain state funding decisions While we should continue to support those groups whose work meets our strategic goals, we should also be cognizant of those groups who have been unsuccessful in their attempts and/or who run the potential risk for greater marginalization within the sector. Do we view state support as ultimately buttressing our own efforts and the organizations we support? Or conversely, does it point towards new risks and a potential benefit in broadening our partners? I don’t have a clear answer, but I remain dubious about the potentially positive aspects of this dynamic. Determining our risk tolerance and deciding how and whether to develop our programming into new areas/work with new partners is something that we should carefully consider in the near term.

**Financial Instability in the Sector:** The 1/3 rule will impact a number of our existing grantees, and as foreign donor funding becomes more difficult for groups to access (and restrictions on crowd sourced domestic funding may come into force even before many groups have attempted to utilize such an approach) the perennial issue of financial sustainability in the sector becomes an even greater and more immediate challenge. The increased availability of government financing (leaving aside the potential problems associated with this) still doesn’t address the lack of institutional support that most organizations are forced to deal with. Reliance on project-based grants can distort a group’s adherence it its core mission, and for the most part doesn’t do anything to help groups strengthen professionally, increase their development/fundraising capacity, or enhance their strategic communication skills. While some groups are thinking creatively about how to address these issues (CISR and the establishment of an endowment, for example) and there are organizations dedicated to capacity building in these areas such as the Donor’s Forum, Charities Aid Foundation, and the NGO Development Center, the fact remains that there is a large deficit in third sector funding (exacerbated by the departure of USAID) which is unlikely to be resolved any time soon. Domestic donors and corporate philanthropy are unlikely to support a majority of our partners and the issues which form our core mission and current strategy. Thus, increased cooperation and coordination with other donors to ensure that key partners have the resources they need is one imperative created by this situation.

**Working with the Arts community and urban grassroots activism:** The Arts sphere, while clearly not immune from government interference or pressure, is one area of civic engagement that remains somewhat under-explored in our current portfolio, but one which has the potential to engage a broader segment of the Russian public and sensitize people to their potential as citizens to engage policy makers around issues that are of importance in their lives and neighborhood. While the Russian state is clearly engaged in a top-down identity building project (i.e. Russia as an Orthodox Christian society which embraces its own set of “traditional values”) there is the potential to promote horizontal and bottom-up civic engagement which encourages people to establish their own shared values and norms (which may be more nuanced than that which is promoted by the state) in order to challenge, or at least provide an alternative to, the hegemonic discourse propagated throughout the highly-controlled media sphere. The challenge for OSF is to determine how to work with more loosely-affiliated groups which don’t fit into the traditional NGO model, and to identify such movements and regions where this may be a more viable endeavor. Our work which serves to promote local identity, (and in a sense, touches upon “place branding”), such as the ProVladimir website and Memo.ru social marketing projects, addresses some of these themes, but I believe there is more space where this approach could be beneficial and potentially less contentious in a deteriorating environment. More broadly, there is an emergent younger generation of activists who have not been traditionally associated with the NGO sector and more established human rights organizations. Determining if, and how, we can engage these initiatives (particularly in light of the 1/3 rule and new eligibility criteria) is something which warrants further discussion.

**Digital and Physical Security:** During my visit, I did not feel that I was under any particular scrutiny, save for the one meeting in which everyone became concerned that we were being directly surveilled. However, other meetings, particularly those held in the offices of organizations, gave me the impression that perhaps some interlocutors did feel that the y might be listened in on. Given the recent surveillance of OSF’s convening of LGBT activists and the subsequent use of the surreptitiously-obtained recording on national television, it is worth understanding that our work, and that of our partners, is definitely being watched. The fact that this development caught many of our local partners by surprise indicates that a deeper understanding of digital security risks and measures is something which could be beneficial for our partners and grantees.

This is also important in thinking through our own local presence, and how we integrate the Moscow office into our internal organizational systems, where there is the risk that they could become compromised at the Russian endpoint. At the end of the day, there are likely very few ways of truly keeping information completely secure from a motivated entity (like a government) but there are certainly ways in which organizations could at least take the risks more seriously and follow better guidelines and procedures. One-off trainings are perhaps a less effective model of promoting this than just fostering a practice of more regular checking in and discussion of the risks and mitigation tools with our partners and grantees. One interlocutor mentioned that the Russian authorities appeared to have accessed their internal organizational documents dating back several years, so this is something that we should be aware of, as well as our grantees.

Beyond digital security, there is also the issue of physical security, with perhaps the LGBT community facing the greatest threat. The LGBT groups I met with are definitely thinking through these issues, and were in the process of establishing greater security safeguards (such as a camera outside their office door, as well as a panic room/button to alert the authorities should they come under physical threat) but the risks may not be as acutely felt by other actors, though they may be present as well. To prepare for a worst-case scenario, I recommend that the Russia Project set aside a certain amount of resources to respond to emergency situations, for instance, if someone needs support to quickly leave the country due to threats. The Director’s Reserve could potentially be a pocket of money for this, but given uncertainties across the region, it would be ideal if there could be Russia-specific funds earmarked for this purpose.

**Other Areas of Assistance to the Sector:** Aside from potentially reserving resources in order to respond to emergency situations, there is also a need across the third sector for increased legal support and capacity. The onerous legal cases which many organizations are dealing with take away time and resources that would otherwise be spent pursuing their core missions and implementing projects. While we have provided emergency legal assistance through the Human Rights Resource Center to support Coming Out and Side by Side, there are numerous other organizations which don’t have the capacity or resources to adequately manage the increased work load. Organizations which have lawyers as permanent staff members (for instance, those which provide legal assistance) have found their ability to adequately manage their case load stretched thin. In the short-term there is a financial need of many organizations to help pay for existing cases, as well as the longer-term need for increased legal trainings and growth in the quantity of skilled lawyers able to effectively argue Foreign Agent/Civil Society related cases. This need could either be met by assisting individual organizations with hiring additional legal staff, or by keeping a pool of lawyers on retainer for a group of organizations—perhaps best determined on a case by case basis.

Others spoke of the benefits of the provision of funds for travel and horizontal peer exchanges with international interlocutors, in the first instance, from an advocacy perspective to ensure that these groups’ voices are represented in international fora and discussions. Beyond this aim, it was also expressed that fostering closer links and ties between grassroots Russian activists and their counterparts in other countries could help maintain enthusiasm and interest in the sector (helping to counter the brain drain that occurs) while exposing them to the work of organizations which operate in relatively-unfettered environments, potentially contributing to more long-term learning and professional development.

Finally, it was expressed on more than one occasion that beyond financial assistance, OSF (and the international community) could support civil society through conducting its own sustained public and high-level advocacy, and by liaising with governments and international institutions to ensure that the international spotlight and pressure doesn’t dissipate once the Olympics have passed.

**Methods of Grantmaking:** When I joined the Russia Project, it was interesting to me that we currently have no open calls for proposals. Instead, our grantmaking is largely done through renewals/additional grants to existing partners, as well as referrals and targeted solicitations. This allows for our network of partners and grantees to slowly develop and change over time, but also makes it challenging for completely unknown or new groups to apply for funding. Certainly, open calls are more labor-intensive and potentially make it harder to vet applicants (and I can only imagine the number of GONGO proposal we might receive) but it might be useful and interesting to at least make an open call on a specific issue or theme to see what comes in. This could potentially add an element of transparency and openness to our grantmaking and help us to become aware of groups outside of our usual circle of friends and in a more diverse range of regions. Of course, there are also downsides to this approach (for instance, potentially creating a cadre of aggrieved unsuccessful applicants) but after this visit, I wanted to at least flag this question for further discussion as I have the sense that there are potentially worthwhile projects and groups in the regions which are not currently on our radar; and that capital-based coalitions, while their voice often resonates more loudly with donor organizations and the international community, don’t always reflect the voices and views of regional actors.

1. See:<http://rbth.ru/news/2013/12/05/russian_government_grants_to_be_provided_to_124_ngo_projects_out_of_over_32292.html> [↑](#footnote-ref-1)
2. A more likely explanation for this is perhaps the prevailing sense that meetings, at least in offices, are being recorded. At one meeting in St. Petersburg we were explicitly surveilled (at least according to the participants, I failed to observe the individual in question) but generally throughout the sector one is able to perceive the current pressure that organizations are under and the lure of being on the “good side” of the government. [↑](#footnote-ref-2)