

## Russia's NGO law: the wrong target

By Mary Dejevsky,  
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The Kremlin is at it again: exploiting its near-monopoly on power to curb the hard-won freedoms of its citizens. First, President Vladimir Putin shuts down all independent television stations; then he clamps down on the press; now he is using his party's huge – and ill-gotten – majority in the Duma (parliament) to silence [1] the last truly independent voices in Russia: the non-governmental organisations (NGOs).

This, at least, is the seemingly universal interpretation being placed on draft legislation designed to regulate the activities of NGOs on Russian territory. The bill passed its first reading on 23 November [2] with 370 votes for and only 18 against. The second, of three readings, has been delayed – in part, it is thought, in response to pressure from inside Russia and abroad.

And what pressure there has been! In the weeks before the bill's first reading, scarcely a day went by without some outraged public statement from one or other western human-rights organisation. Human Rights Watch [3] and Amnesty International were the most vocal – warning that the whole burgeoning NGO community in Russia could be shut down, and civil society "eviscerated", if the measures became law.

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Even after the second reading had been postponed, the US secretary of state, Condoleezza Rice, used a public forum in Ukraine to express American "concern [5]". "We would certainly hope", she told an audience in Kiev, "that the importance of non-governmental organisations to a stable democratic environment would be understood by the Russian government."

For many Russians, Rice's intervention from Kiev – of all places – would only have served to reinforce their worries. As was clear from the Duma discussions, foreign-funded NGOs are widely seen as a fifth column [6] for outside political intervention in Russia. There are fears that they are fomenting revolution in Russia, just as many resentful Russians believe they did successfully in Georgia [6] and Ukraine [7], and less successfully in Kyrgyzstan [7].

President Putin and his ministers, it should be said, are wilier than to level such accusations so directly themselves. The closest that Putin came was in a broadcast [8] on state television the

day after the bill passed its first reading, when he said this: "The continuing financing of political activity from abroad should be, I think, in the state's field of vision, especially if this financing is carried out through the state channels of other countries." This was especially problematical, he continued, if the organisations concerned were "in fact, used as a tool of the foreign policy of other states".

This, of course, is the nub of the issue. Those human-rights organisations and NGOs which object to the legislation cite worthy social and charitable activity that, they say, would be threatened if the proposed measures passed into law. Orphanages, braille books for the blind, social work projects, the tracing of long-lost relatives who died or disappeared in the gulags.... you name it, there are utterly unimpeachable good works being done in Russia by NGOs, homegrown [9] and foreign. There are also many projects, most of them foreign-funded, which have to do with different aspects of civil society, good governance, judicial reform and many related matters. Many of these, too, are strictly informative, rather than political in nature.

The reality is, though, that in this discussion neither side is being completely honest. The NGOs and their international backers protest [10] in a rather panicky way that as many as half a million charitable organisations could be forced to shut down if they had to meet what they say are the complex re-registration requirements enshrined in the proposed law [11], and file audited accounts.

This is simply not true. The social projects, in particular, are too valuable to Russia to be placed in jeopardy. Most homegrown and home-funded projects have nothing to fear. The activities the authorities are concerned about are those that could be deemed political – and potentially threatening to the Kremlin.

But the Russian government is also being somewhat disingenuous when it insists that the law is merely designed to put NGOs – whose numbers have rocketed in the past five years – on a regular legal footing and ensure that they are soundly and transparently run. It does not intend to ban NGOs' receipt of foreign money outright, but it wants to know where it comes from and how it is spent and it would require foreign NGOs to set up Russian-registered, Russian-run and Russian-staffed affiliates if they want to continue their work.

Personally, I see little objection to the principle of "Russianising" NGOs that want to function there. But, as everyone who has worked in Russia well knows, anything to do with the bureaucracy contains legion opportunities both for corruption and for political pressure. The NGOs have reason to be wary. That wariness, however, needs to be distinguished from self-righteous pique at the Russians' natural resistance to being preached at about the joys of the west's democratic ways.

## **NGOs and regulation**

How far governments are entitled to regulate, even control, non-government organisations operating on their territory constitutes a real question that relates to national sovereignty. It is one that has been, and continues to be, asked by many other countries, not just Russia. To condemn the Russian government and Putin personally for being uniquely undemocratic in their intention to place NGOs within a legal framework smacks of rank hypocrisy.

Both homegrown and foreign-funded NGOs have enjoyed an enormous amount of freedom to operate in Russia for the best part of fifteen years, and if Russia eventually enacts some form of legislation to govern their activity, it will not be alone. The movement and use of foreign money by individuals, political parties and NGOs is subject to different forms of regulation in several countries already.

In Britain, [Islamic organisations](#) [11], and the money they move in and out of the country, have come under heightened scrutiny since the attacks of 9/11 in the US. Raising or contributing funds to groups that are suspected of having a terrorist purpose is against the law and an organisation found to be doing so can be shut down. During the long conflict in Northern Ireland, successive British governments used to protest strenuously about the pro-IRA fundraising of the Irish Northern Aid Committee ([Noraid's](#) [12]) in the United States.

The United States did not close Noraid, despite its strict laws governing the use of foreign money for political purposes inside the country. Legislation on election campaign funding is not directed against NGOs as such, but it bans foreign contributions to political campaigns and election candidates. The purpose is quite explicit: it is to prevent foreign subversion of domestic politics. Then again, one can only imagine the US reaction if NGOs funded with Russian money were to set up in cities across America with the intention of teaching "democratic" practices – how to compile and keep up to date an accurate electoral register would be a useful start, or advising ex-convicts in which states they could have their right to vote restored.

India, often described as the world's largest democracy, updated and renewed its law regulating foreign funding for NGOs in [July 2005](#) [13]. The express reason was to prevent not-for-profit organisations diverting contributions into profit-making sidelines. But a secondary reason was to prevent foreign money being used to influence Indian policy. The desire to prevent foreign governments from using aid organisations and other NGOs to exert influence on domestic policy is the chief motivation for similar legislation that exists in several southern African countries, including [South Africa](#) [14]. The registration of NGOs (mandatory or voluntary), the filing of accounts, and the exclusion of all political activity are among the requirements.

It is worth noting that in reporting this state of affairs in southern Africa, Human Rights Watch adopts a neutral, uncensorious tone. Russia's proposed law, in contrast, has drawn a response verging on the hysterical. Is this another example of the [double standard](#) [15] the west seems so often to apply to Russia, or is it rather that Russia's draft law on NGOs is seen not as an isolated bill meeting a particular need, but as part of a wider illiberal and retrograde trend?

There is a legitimate view, and it is one that has been voiced in the United States, that any national legislation that treats foreign contributions differently from domestic contributions is undesirable. Freedom, the argument goes, is indivisible; in a global world, let a hundred flowers bloom and let anyone with the means fund whatever cause they choose, anywhere in the world. With money being one of the chief vehicles by which rich countries exert political influence over the poor, and international money transfers not always intended for peaceful purposes, however, a free-for-all is not a realistic proposition.

Russia could have avoided at least some of the vitriol it has attracted by modelling its law on legislation already on statute books worldwide. The Kremlin could then have presented it as a measure that accorded with international precedents: any criticism would then have had to take account of the situation in India, South Africa, the US and elsewhere. Maybe when the amended bill returns to the Duma for its [delayed second reading](#) [16], it will be in a form that is harder for its critics to demonise as uniquely, and undemocratically, Russian.

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