

How We Assess Civil Society Developments

The Russia Example

PONARS Eurasia Policy Memo No. 34

Debra Javeline

University of Notre Dame

Sarah Lindemann-Komarova

Siberian Civic Initiatives Support Center

August 2008

In assessing a country's commitment to democracy, civil society developments are a key component. An encouraged, or at least unfettered, civil society usually provides evidence of democratic governance. An overtly repressed or even subtly stifled civil society usually signifies its absence.

How are we currently getting information about civil society in order to make such assessments? The answer is: anecdotally and therefore problematically. Using Russia as an example, we suggest that policymakers and scholars would have a much better understanding of civil society developments if they applied clearer standards for what constitutes positive and negative developments and if they sought systematic, not anecdotal, evidence of these developments.

Russia Is Worse Than Afghanistan?!

Recent assessments of Russia's civil society development have been universally negative: when Vladimir Putin was president, he is alleged to have squashed civil society as part of a "rollback" of democracy. The basis for most of these assessments is usually a handful of cases involving high-profile individuals or

organizations from a single city (Moscow), with their stories retold by detached second- or third-hand parties. Such stories repeatedly mention the same few surnames, organizations, and specific instances, such as the arrest of Garry Kasparov, Moscow Helsinki Group press statements, and anything to do with Mikhail Khodorkovsky.

As a result, Freedom House and other organizations and authors have now taken to comparing Russia to “unfree” countries including Algeria, Angola, Azerbaijan, Cambodia, Congo, Egypt, Oman, Pakistan, Qatar, Rwanda, Tajikistan, and the United Arab Emirates. In its 2008 survey of world freedom, Freedom House concludes that Russia is even less free than Afghanistan, Bahrain, Jordan, Kuwait, and Yemen. These sorts of comparisons should make us pause and question the method of comparison. Some of the countries on the above list practice female genital mutilation. In Afghanistan, it is still possible for a young girl to be murdered for going to school.

While the individual cases that led to Russia’s downgraded freedom score may merit its new ranking, we currently have no way to be certain. Russia has 141 million citizens spanning 11 time zones, and yet the perspectives of a select few Muscovite human rights leaders are implicitly taken to represent the experiences of all 141 million. Human rights organizations are a vital component of civil society, but they are not synonymous with it. Civil society, according to scholars like Larry Diamond, also involves organizations that are economic, cultural, educational, developmental, issue-oriented, and civic-oriented. It involves citizens expressing interests, exchanging information, making demands on the state, and holding state officials accountable. Treating human rights organizations and civil society as synonymous and anointing a select few geographically constrained human rights leaders as civil society spokespeople leads to distortions, misinformation, and, ultimately, poor policy decisions.

What policymakers and scholars need are:

- 1) systematic trend data of civil society organizations and average citizens across the vast Russian territory on an annual basis;
- 2) balanced reporting of *all* legal developments pertaining to civil society and their implementation, not just worrisome developments or anticipated problems but actual outcomes; and
- 3) open-minded studies of civil society development unbiased by distaste for Vladimir Putin and prior assumptions that all developments in Putin’s Russia must be incompatible with democracy.

The above needs are not currently being met. Until they are, the best we can do is to challenge the oft-cited anecdotes about a decline in civil society with equally convincing but unreported anecdotes about positive developments. These positive developments include new legislation, institutions, and

competitive funding for nongovernmental organizations and other civic groups that are flying below the radar of Western scholars and policymakers. Together, these developments suggest there is a foundation in Russia to support citizen participation in governance.

New Legislation

If Western analysts know only a single legislative fact about civil society in Russia, it is usually Russian Federation Law #18-FZ (2006), which expanded government authority to audit and to require reporting from Russian NGOs. This knowledge, however, tends to be highly skewed. According to Freedom House, Law #18 represents an “intensified crackdown on NGOs, particularly those receiving foreign funding.” Human Rights Watch calls it an “unprecedented assault on the work of human rights groups” that is “catastrophic for the protection of human rights in Russia.”

Assessing civil society developments in Russia based on Law #18 is problematic on three counts. First, while it is not easy for NGOs to exist in Russia, the problems for Russian NGOs, like complying with reporting requirements or being subject to audits, have been ongoing rather than intensifying (indeed, prior to Law #18, there was Law #134-FZ). There has been no systematic evidence of an intensified government crackdown following the passage of Law #18 on either NGOs in general or those receiving foreign funding in particular. In 2007, the International Center for Not-for-Profit Law (ICNL) was funded by the U.S. Agency for International Development to conduct surveys and focus groups among Russian NGOs. This mysteriously unpublicized study shows that Law #18 had not intensified difficulties for NGOs, created more burdens for human rights and advocacy groups than for other NGOs, nor changed the number of audits of NGO activities, unexpected visits by state representatives, or requests for information. None of the NGOs surveyed by the ICNL in 2007 were penalized for nonsubmission or incorrect submission of reporting forms. (The study is available in Russian at www.lawcs.ru/doc/law/NGO_and_CO_Comparative_Analysis_RF.doc.)

Second, many NGOs that have been victims of a “crackdown” have not been innocent and constructive components of civil society but, in fact, frauds and criminals. Interviews with civil society organization leaders from cities across Siberia, the Volga region, and the Far East in January 2008 suggest that among the Russian NGOs closed after audits were many that either engaged in corrupt and illegal operations or were already defunct. Many of the leaders interviewed actually welcomed the cleansing of fraudulent operations in the name of enhancing the reputation of legitimate Russian NGOs that are trying to attract funding and improve the effectiveness of their activities.

Third, other legislation has been passed that is supportive of civil society and deserves attention. Since January 2006, Law #131 on the “General Organizational

Principles of Local Self-Government in the Russian Federation” allows Russian citizens to participate in decisionmaking on “issues of local significance,” either directly or through local self-government bodies. Issues of local significance include land use, housing development, overall city planning, execution of the budget, establishment of local taxes, and many other major areas of public policy (www.federalism.ru/docs/fz_131_199.doc).

It is too early to tell how serious federal, regional, and local governments are about allowing citizens the powers granted by Law #131 and how likely citizens are to take advantage of their new powers. Still, if the question is whether the Russian government encourages or hinders the development of citizen participation in governance, Law #131 should be part of the discussion. Even if Russian citizens do not try to affect local decisionmaking, there are now legitimate mechanisms in place for them to do so. The question would then be whether it is government repression or other factors that explain public passivity. The answer would be found in systematic studies of the implementation of Law #131 across Russia.

In addition, since the end of 2006, Law #275 and Law #276 on the “Procedure for the Formation and Use of Principal Capital for Non-Commercial Organizations” allow certain noncommercial organizations the right to establish endowments and free these endowments from taxes (www.rg.ru/2007/01/11/nko-kapital-dok.html, www.v2b.ru/archiv/2007/vb106/articles/Article20070116111929.aspx). Financial sustainability is one of the biggest issues for civil society organizations in Russia, so the existence of legislation that facilitates sustainability should again be part of any assessment of the Russian government’s facilitating or hindering of civil society.

Prior to Putin, the overall legislative framework for supporting civil society in Russia consisted of three laws allowing for the creation of NGOs and no government-citizen partnerships promoting additional legislation. Since that time, representatives of the business, government, and nonprofit sectors have worked to make the legislative framework more supportive of civil society. Students of Russian civil society should be rigorously analyzing this legislation.

New Institutions

In addition to Law #18, a second fact that Western analysts often know about civil society in Russia is the existence of a new Public Chamber that Putin proposed in 2005 to exercise control over law-enforcement bodies and act as a bridge between authorities and the public. Its 126 members, selected by the president, representatives of public organizations, and representatives of the regions in equal parts, meet at least twice a year in Moscow to discuss state initiatives to promote civil society. There are now also 34 regional Public Chambers with more to come.

Western reaction to the creation of Public Chambers, driven largely by the outcry of Moscow-based human rights activists, was extremely negative. Words like “window dressing,” “smokescreen,” and “wax dummy” were used to describe the institution before it even met. Once it did meet, we heard little about its activities, anecdotally or systematically.

In lieu of preliminary speculation based on limited evidence, then, it would be desirable to report whether and how the public chambers have fulfilled their mission. The experiences of actual representatives on the chambers should be canvassed. The Public Chamber itself is attempting to get data on Russian civil society for its annual Status of Civil Society Report, now in its second year. Analysts should at least read the reports and fairly evaluate them.

New Competitive Funding for NGOs and Civic Groups

As recently as 1995, the Russian government did not provide money to foster the development of civil society. Today, government-financed grant competitions to support citizen-driven projects are common. At the regional level, places like Novosibirsk and Krasnoyarsk are awarding grants totaling more than one million dollars and offering free consultations to citizens on social project development and grant writing. Federal-level open competitions to support NGO projects began in 2006, with 15 million dollars distributed to 600 NGOs. By the end of June 2007, Putin had signed an order for the distribution of 50 million dollars in funding (www.oprf.ru/678/679).

To the extent that Western analysts of Russian civil society acknowledge these developments, it is usually to express concern that the funding will go to non-threatening organizations and somehow co-opt civil society. Human rights organizations, adversarial environmental organizations, and election monitoring or other democracy-promotion organizations are predicted to suffer.

In reality, many anti-administration groups have benefited from government funding without any apparent cooptation. This includes the Moscow Helsinki Group, one of Russia’s most well-known human rights organizations and outspoken critics of the Putin government (2,545,000 rubles, or approximately 100,000 dollars from the federal competition) and the Committee of Soldier’s Mothers, an organization defending the rights of draft age boys, those serving in the army, and their parents (729,800 rubles, or approximately 30,000 dollars).

The level of government funding for civil society is currently far from the amount necessary to tap the potential for community activism and support a stable “Third Sector,” as Russians refer to their nonprofit organizations. Federal government funding (like Western funding) is also disproportionately distributed to civil society organizations in the Central Federal region where Moscow is located. However, the new trend of open and competitive financing is positive and deserves to be part of the discussion about civil society

development in Russia.

Conclusion

Anecdotal evidence abounds of successful grassroots activists in Russia interacting with government, including the environmental activists who persuaded Putin to reroute an oil pipeline originally planned near Lake Baikal, others in the Altai republic who got native lands declared a national park, and still other activists in various parts of Russia who went on to become policymakers.

A systematic and unbiased assessment of civil society may find that such events are few and that the widely publicized negative anecdotes are more typical. We suspect the opposite: that an objective assessment with no stake in proving Russia's "rollback" in democracy would show a government that is relatively tolerant and occasionally encouraging of civil society development.

Such an objective assessment should involve studies of random samples of the Russian public and civil society organizations. The studies could be stratified across Russia's many regions, or they could be stratified by types of organizations and issue areas. The studies could even be limited to major Russian cities, where the vast majority of the population lives, provided that generalizations about state-society relations are then clearly limited to these areas. The main criterion is that such studies be random in the statistical sense of the term, with the population of interest defined and identified ahead of time (for example, "adult Russians over age 18," "urban adult Russians over age 18," "registered nongovernmental organizations," or "successfully and unsuccessfully registered nongovernmental organizations") and with a sufficient number surveyed to achieve statistically significant results. Studies should also look beyond NGOs and more broadly investigate the level of public activism and the opportunities for and constraints on activism, including not only government actions but also public (dis)interest. Only with such systematic approaches will we get an accurate assessment of Russia's civil society.

PONARS Eurasia publications are funded through the International Program of Carnegie Corporation of New York. The views expressed in these publications are those of the author alone; publication does not imply endorsement by PONARS Eurasia, Georgetown University, or the Carnegie Corporation.

© PONARS Eurasia 2008