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Russia's NGO Law: An Attack on Freedom and Civil Society

Yevgeny Volk, Ph. D.

In early May Russian President Vladimir Putin signed executive orders that give the Justice Ministry and the Federal Registration Service broad powers of control over non-governmental organizations (NGOs). The mechanisms for enforcing the new NGO law are now in place. The Federal Registration Service, whose staff has swelled by as much as five thousand, will conduct check-ups of an NGO's activity to verify its compliance with its objectives stated in its founding documents. The Justice Ministry, to which the Federal Registration Service is subordinate, will determine the order of these check-ups.

The idea for this NGO law originated within the Kremlin administration in 2005, and the law embodies the present ruling elite's fears of the "color revolutions" on the post-Soviet space, such as those in Georgia, Ukraine, and Kyrgyzstan, where NGOs took the center stage. The Kremlin was especially concerned with Western NGOs and foreign funding of Russian NGOs. Putin repeatedly indicated that the Kremlin would not allow financing political activities in Russia from abroad.

In early November 2005 a group of the Kremlin-connected State Duma deputies submitted a harsh bill designed to tighten state control over NGOs. The bill envisioned compulsory registration for NGOs followed by the submission of information about their performance and the filing of fiscal reports for scrutiny by a registration agency. The bill's authors proposed to prohibit the operations of foreign NGOs' representative offices in Russia. These foreign offices would be required to register their branches in Russia as Russian public policy associations.

The bill put before the Duma raised a tide of protests both in the Russian democratic community and in the West. Most Russian NGO leaders decried the bill as unconstitutional and counter to the standards of civil society.

Western leaders including George W. Bush

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repeatedly expressed concerns about this anti-democratic law with President Putin. The U.S. Congress passed a resolution denouncing the bill, and an avalanche of protests from American and other foreign public policy organizations assailed the State Duma and the Kremlin.

Nevertheless, the State Duma put through a first reading of this bill, and Putin and parliament were forced to reckon with the flaming protest at home and abroad. Putin suggested that the State Duma soften tough provisions of the NGO bill in the first reading, and he proposed to do away with the requirement that foreign NGOs register their Russian branches as Russian public policy associations.

The passage of the law was preceded by a media campaign initiated by the Russian secret services that leveled charges at a number of Russian NGOs for having contacts with Western intelligence services. Its purpose was to justify the need for a stiff control over NGO financing.

On December 23, 2005 the State Duma approved the amendments to the NGO bill that took account of President Putin's remarks. On December 26, the federation Council, the upper House of parliament, endorsed the bill. This bill, however, introduced a new requirement—foreign NGOs would have to notify the Federal Registration Service of their incoming funds and the way these funds were spent. The bill also imposed penalties and sanctions—up to filing a suit to shut an NGO down—for failing to submit this information.

The passage of this softened version of the bill did not quell the protests inside the country or abroad. On January 10, 2006, President Putin signed the bill into law in total secrecy, even as he was hosting German Chancellor Angela Merkel, who had also been critical of the document. The circumstances of the signing became known after a few days. Clearly, Putin

did not want to call Merkel and the whole world's attention to his anti-democratic decision.

The NGO law came into effect on April 18. It will regulate the activity of over 500,000 NGOs in Russia, including 148,000 public policy organizations and 5,000 foreign NGO branches. To manage these oversight duties, the Justice Ministry has employed a 5,000-strong bureaucratic staff, in addition to the 1,000-strong NGO registration staff.

As NGOs feared, the regulations issued by the government agencies in response to the law have introduced harsh restrictions on NGO performance. From now on, NGOs will have to report every detail of their activities. An activity report form is seven small-print pages long and includes accounts of performance, both of the substance of an NGO's work and its expenses. If money is spent on putting on events, the NGO must detail their number, the topics, and participation. Foreign organizations, such the Heritage Foundation's Moscow office, also must indicate the cost of office supplies. The regulations will significantly increase an NGO's expenses.

Russian rights organizations are unanimous in their belief that the worst expectations of this new law are justified. If an NGO cannot be banned directly, the red tape, all-out control, endless check-ups, and a stepped-up financial burden could smother it.

What America Can Do to Support Freedom in Russia

To promote democracy and arrest Russia's drift to autocracy the Bush Administration should take a resolute action. It should do the following:

- Conduct permanent monitoring of the freedom situation in Russia;
- Evaluate the scale and nature of the abuse of individual freedom in Russia;

- React decisively and protest violations of basic freedoms;
- Engage the Russian government in public discussions on every level on the status of freedom in Russia;
- Criticize the NGO law and its implementation practices at the G8 Summit in St. Petersburg;
- Encourage the U.S. OSCE Commission to hold regular hearings on the status of freedom in Russia;
- Call for sanctions against Russia in case of its violent abuse of freedom; and
- Provide broad support to the freedom movement in Russia by contacts with freedom fighters, inviting them to international forums, rendering them political and moral assistance.

Russian NGOs and foreign NGO representative offices in Russia remain the stronghold of nascent civil society and freedom in Russia. The work of these organizations cannot be strangled by the intrusions of the Russian government.

Yevgeny Volk, Ph.D., is Coordinator of the Heritage Foundation's Moscow Office.