

# RUSSIA'S 'FOREIGN AGENT' LAW: A RESPONSE TO AMERICAN DEMOCRATIC PROMOTION POLICY

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## Introduction

Promoting democracy abroad has been one of the main cornerstones of American foreign policy<sup>1</sup>. In this regard strengthening civic activities (Civil society and NGOs) has been declared as one of the primary component in this American democratic promotion policy. "In his testimony to the US Senate Foreign Relations Committee hearing on the role of non-governmental organizations in the development of democracy ambassador Mark Palmer argued that 'achieving a 100% democratic world is possible over the next quarter century — but only with radical strengthening of our primary frontline fighters of freedom' (emphasis added). Palmer characterizes these 'frontline fighters of freedom' (i.e. non-governmental organizations — NGOs) not only as having assisted 'a massive expansion in freedom' but as being the 'heirs of Mahatma Gandhi, Martin Luther King and Lech Walesa'<sup>2</sup>. It is important to mention that from Latin America to Central Asia this policy also meet with success and has been able replace one type of government with another type of government which has been characterized by America as "demo-

cratic government"<sup>3</sup>. However it is because of its inherent tendency of regime change that this policy found severe resistance of many legitimate governments from Cairo to Moscow<sup>4</sup>, as well as criticized by many countries including India<sup>5</sup>. In this regard recently passed 'Foreign Agent' law in Russia against the foreign funding of civic activities can be also characterized as the same expression of the resentment against this democratic promotion policy. Speaking about Russian "Foreign Agent" law and American democratic promotion Selboad (2013) is of the view that "this has led to a global backlash from the international community rightly enraged about the violation of their sovereignty with such impunity. It is far from just Russia that has adopted or is in the process of adopting legislation and measures to ban or curb the interference of US and Western funded NGOs in their domestic politics. In the last few years, India, Israel, Indonesia, Moldova, Venezuela, Bolivia, Ecuador, Egypt, Ethiopia, Zimbabwe, Algeria, Somaliland, Kenya, Eritrea, Belarus, Thailand, and Myanmar have all done the same. Since 1995 in Africa, over one-third of countries, have passed new laws, or

<sup>1</sup> Epstein Susan B., Nina M. Serafino, and Francis T. Miko Democracy Promotion: Cornerstone of U.S. Foreign Policy? 2007 // Mode of access: <https://www.fas.org/sgp/crs/row/RL34296.pdf>

<sup>2</sup> Ishkanian A. Democracy promotion and civil society, In Albrow, Martin and Glasius, Marlies and Anheier, Helmut K. and Kaldor, Mary, eds., Global Civil Society 2007/8 Communicative Power and Democracy, London, SAGE. Mode of access: [http://eprints.lse.ac.uk/37038/1/Democracy\\_promotion\\_and\\_civil\\_society\\_\(lsero\).pdf](http://eprints.lse.ac.uk/37038/1/Democracy_promotion_and_civil_society_(lsero).pdf)

<sup>3</sup> Democracy promotion: America's new regime change formula // Russia Today. 2010. 17 November. URL: <http://russian.rt.com/>

<sup>4</sup> Zirulnick A. From Moscow to Cairo, a war on democracy promotion // The christen Science Monitor. 2013. 15 September.

<sup>5</sup> Keck, Z. India Backs Russia's 'Legitimate Interests' in Ukraine', The Diplomat; Kasturi, Charu S. India bats for Russia interests // The Telegraph. 2014. Mode of access: [http://www.telegraphindia.com/1140307/jsp/frontpage/story\\_18054272.jsp#.UzeQjvmSwS](http://www.telegraphindia.com/1140307/jsp/frontpage/story_18054272.jsp#.UzeQjvmSwS)

tightened old ones, restricting foreign aid to NGOs and/or limiting the work of international groups. Indeed, no self-respecting country would allow such interference in their politics”<sup>6</sup>.

### **Deconstructing Democratic promotion**

Democracy promoters considers democracy as universal value; that is why every human being is entitled to it, however considering democracy only in terms of its specific cultural traits (i.e. liberal democracy; which emerged out of certain cultural-geographical locality) is flawed<sup>7</sup>. And without having some kind of reconciliation between different cultural diversity and universalism, it cannot stand on its claim to have moral value for all. Democracy promotion has been defined as, “full range of external relations and development cooperation activities which contribute to the development and consolidation of democracy in third countries,” which is to say “all measures designed to facilitate democratic development”<sup>8</sup> or in other words “as the widest range of actions that one country with all its actors can take to influence the political development of another towards greater democratization, a definition that reflects a broad consensus among academics and practitioners”<sup>9</sup>. However, the way democracy promotion has been defined clearly reveal its one dimensional procedural aspect which is devoid of any demo-

cratic substance. In this context while showing deficiency of “transition theory” Nodia (2014) in his article “The revenge of geopolitics” has argued that “Another problem with this approach is that it presumes the countries of the European neighbourhood naturally resist democracy, and thus need a powerful outside actor to push them toward that regime type, if not to impose it on them outright. This is democratization through hegemonic, even if “soft,” power. Such a heavy emphasis on external drivers clashes with the basic idea of democracy, which is about the capacity of the demos to impose limitations and accountability on its own rulers”<sup>10</sup>. It is open fact that democracy promotion has not been a charitable or benevolent activity but has been based on well thought out strategic as well as geopolitical calculation where any action to facilitate democratic development has been allowed. Writing about democracy promotion Nodia is further of the view that “one should admit that the most important and successful foreign policy project of the EU, its expansion into the former communist world, has been geopolitical from the start, and Russia is right to see it as such. It was a concerted effort between the EU and NATO, two organizations with a heavily overlapping membership as well as shared values and institutions. This project dramatically changed the balance of power in Europe and consolidated the victory of the democratic West in the Cold War”<sup>11</sup>. Similarly “Thomas Carothers, a leading authority on US democracy promotion, has decried the instrumentalisation of democratization by recent American administrations: The United States has close, even intimate relations with many undemocratic regimes for the sake of American security and economic interests and struggles very imperfect-

<sup>6</sup> Sleboda M. Is Russia’s ‘foreign agents’ law justified? Mode of access: <http://us-russia.org/1317-is-russias-foreign-agents-law-justified.html> (date of access: 12 February).

<sup>7</sup> Bikhu P. The Cultural Particularity of Liberal Democracy // Political Studies. 1992. Vol. 40, Issue Supplement s1. P. 160–175.

<sup>8</sup> Bouchet N. Sedaca N.B. Holding steady? US democracy promotion in a changing world. Americas PP 2014/01; Chatham House. Mode of access: [http://www.chathamhouse.org/sites/files/chathamhouse/home/chatham/public\\_html/sites/default/files/170214DemocracyPromotion.pdf](http://www.chathamhouse.org/sites/files/chathamhouse/home/chatham/public_html/sites/default/files/170214DemocracyPromotion.pdf)

<sup>9</sup> Burnell P. Does international democracy promotion work? Bonn: Dt. Inst. f r Entwicklungspolitik, 2007.

<sup>10</sup> Nodia G. The Revenge of Geopolitics // Journal of Democracy. 2014. Vol. 25. P. 139–150.

<sup>11</sup> The Crackdown on NGOs in Russia // Radio free Europe radio free liberty. Mode of access: <http://www.rferl.org/section/crackdown-on-ngos-in-russia/3272.html> (date of access: 23 January, 2014).

ly to balance its ideals with the realist imperatives it faces". The Author is further of the view that "Rarely has the US promoted human rights and democracy in a region when they did not suit its grander foreign-policy objectives"<sup>12</sup>. In this context Sussman (2006) is of the view that "today, the U.S. government relies less on the CIA in most cases and more on the relatively transparent initiatives undertaken by such public and private organizations as the National Endowment for Democracy (NED), the U.S. Agency for International Development (USAID), Freedom House, George Soros's Open Society, and a network of other well-financed globetrotting public and private professional political organizations, primarily American, operating in the service of the state's parallel neoliberal economic and political objectives"<sup>13</sup>. Sussman in his article has further noted that "Allen Weinstein, who helped establish NED, noted: 'A lot of what we [NED] do today was done covertly 25 years ago by the CIA'"<sup>14</sup>. In a different article titled "Template Revolutions: Marketing U.S. Regime Change in Eastern Europe" Sussman and Krader are of the view that "Between 2000 and 2005, Russia-allied governments in Serbia, Georgia, Ukraine, and (not discussed in this paper) Kyrgyzstan were overthrown through bloodless upheavals. Though Western media generally portrayed these coups as spontaneous, indigenous and popular ('people power') uprisings, the 'color revolutions' were in fact outcomes of extensive planning and energy — much of which originated in the West. The United States, in particular, and its allies brought to

bear upon post-communist states an impressive assortment of advisory pressures and financing mechanisms, as well as campaign technologies and techniques, in the service of 'democracy assistance'<sup>15</sup>" (ix). However simply overthrowing of elected government cannot guarantee the establishment of Western style democratization and marketization. In this context Georgi Derluguian (2010) in his article titled "Colour Revolution Betrayed" is of the view that "The color revolutions of Georgia (2003), Ukraine (2004) and Kyrgyzstan (2005) promised these countries substantive democratization, which was supposed to end the immoral practices of post-Soviet imitation democracies, foster market-driven prosperity, and open the way into the prestigious club of European nations. High hopes, alas, quickly sank into renewed cynicism"<sup>16</sup>. In this regard Ioffe (2013) is of the view that "To become successful, the American policy of promoting democracy abroad needs to be scaled down and decoupled from geopolitics. In the post-Soviet world, the democracy-geopolitics doublespeak breeds cynicism and achieves mixed results at best. Particularly discouraging are the outcomes of democracy promotion in the so-called cleft countries, straddled by a cultural divide. In Ukraine, American foreign policy achieved some success at the price of intensifying inter-regional antagonisms, which subsequently compromised and offset the progress that had been achieved in democratic forms of governance. In Belarus, democracy promotion failed altogether because inter-regional antagonisms in that country are too modest and are therefore difficult to leverage"<sup>17</sup>.

<sup>12</sup> Carothers T. The Clinton Record on Democracy Promotion // Carnegie Endowment for International Peace, 2000; Smith, America's Mission; Sreeram C. Democratisation, NGOs and "colour revolutions" open democracy, 2006. Mode of access: [https://www.opendemocracy.net/globalizationinstitutions\\_government/colour\\_revolutions\\_3196.jsp](https://www.opendemocracy.net/globalizationinstitutions_government/colour_revolutions_3196.jsp)

<sup>13</sup> Sussman G. The Myths of 'Democracy Assistance': U.S. Political Intervention in Post-Soviet East // Monthly review. Vol. 58, Issue 07. P. 15–29, 2006.

<sup>14</sup> Ibid.

<sup>15</sup> Susman G. Karder S. Template revolutions: marketing US regime change in Eastern Europe // Westminster papers in communication and culture. Vol. 5(3). P. 91–112, 2008.

<sup>16</sup> Derluguian G. The Color Revolutions Betrayed // PONARS Eurasia Policy Memo 2010. No. 100.

<sup>17</sup> Ioffe G. Geostrategic Interest and Democracy Promotion: Evidence from Post-Soviet Space // Europe-Asia Studies. 2013. Vol. 65, No. 7. P. 1255–1274.

### Foreign Agent law and civil society in Russia

It was approximately one year back when Russian Duma (Russian legislative body) passed "Foreign Agent" law in order to regulate civil society (NGOs) activities in Russia. This law basically has been introduced to investigate foreign funding and political activity of NGOs. Since introduction of this law seven administrative cases, fifteen cases of violation charges, more than 40 cases on the inadmissibility of violations have been came into light however no criminal case has been reported yet<sup>18</sup>. Added to this is, mass searches of NGOs across the country where Russian officials/authorities have detected 22 "Foreign Agents" on the basis of violation of foreign agent law<sup>19</sup>. Foreign agent law defines all NGOs as foreign agent who are funded from international donor/sources and involved in "political activity" inside Russia. The law requires the phrase "Foreign Agents" to be included in all materials produced by all affected NGOs. They would also have to undergo financial audits and issue twice-yearly reports on their activities. Non-profit organizations which fall under the law's jurisdiction will be put on the "foreign agents" list what means that an NGO will be required to put a foreign agent label on all printed materials it publishes, including media materials<sup>20</sup>. Failure to comply with the law could result in four-year jail sentences

and/or fines of up to 300,000 rubles (\$9,200)<sup>21</sup>. In addition to it an NGO needs to inform the Justice Ministry about any foreign funding transactions greater than 200,000 rubles (about \$7,000); it may receive, according to the amendments into the law against money laundering and terrorism funding. Further, the planned regulations envision that failure to reveal foreign sponsors or to register as a "foreign agent" will be punishable by fines of up to 1 million rubles (\$30,600), according to Irina Yarovaya, who chairs the lower house of the Duma's security committee and heads United Russia's conservative wing. The same fine can be imposed if an NGO publishes articles in its name without the "foreign agent" label, Yarovaya said, as quoted by Interfax<sup>22</sup>. In this context the issue of functioning and funding of Russian NGOs is currently became one of the most urgent questions in Russian political process because of its domestic as well as international ramification. This law has negative impact on independent civic activism. Considering its important implication for on-going democratization process inside Russian geographical boundary as well as its implication for political stability in Russia the major issues of debate is constitutional rights of a group or association to function freely vs. sovereign rights of a nation to regulate the activity of groups or associations considered to be dangerous for political stability and national security.

NGOs encompass the entire range of civil society: from lobbying for better health, protection of the environment, and advancement of education for all; to delivering humanitarian relief and securing

<sup>18</sup> The Crackdown on NGOs in Russia // Radio free Europe radio free liberty. Mode of access: <http://www.rferl.org/section/crackdown-on-ngos-in-russia/3272.html> (date of access: 23 January, 2014).

<sup>19</sup> 22 'Foreign Agents' Detected in Russia after Mass Searches Prosecutor Says // Johnsan's Russia list. 2013. 23 August. Mode of access: <http://russialist.org/22-foreign-agents-detected-in-russia-after-mass-searches-prosecutor-says/>

<sup>20</sup> Russian Duma passes controversial NGO 'foreign agent' bill in landslide vote // Bellona. 2012. 13 July. Mode of access: <http://bellona.org/news/russian-human-rights-issues/russian-ngo-law/2012-07-breaking-russian-duma-passes-controversial-ngo-foreign-agent-bill-in-landslide-vote>

<sup>21</sup> Russia's Ombudsman Files NGO 'Foreign Agent' Law Appeal — Report // RIA Novosti. 2013. 3 September.

<sup>22</sup> Russian Duma passes controversial NGO 'foreign agent' bill in landslide vote // Bellona. 2012. 13 July. Mode of access: <http://bellona.org/news/russian-human-rights-issues/russian-ngo-law/2012-07-breaking-russian-duma-passes-controversial-ngo-foreign-agent-bill-in-landslide-vote>

and protecting basic civil and political rights. There are NGOs devoted to specific health issues, such as women's health care or HIV/AIDS<sup>23</sup>. Or Civil Society encompasses all individuals and organizations that are not governmental. Therefore, included are: grassroots groups, non-governmental organizations (NGOs), academics, think-tanks, individuals who do not presently work for any level of government or governmental organizations, and the private or for-profit sector. According to one estimate there are around 277,000 NGOs active in Russia today<sup>24</sup>. Their work is ranging from for human rights, environment, health, child care, women's empowerment to electoral monitoring. In this regard Russian president Putin pointed out that there were 654 foreign-funded groups operating in Russia, while Russia sponsored only two foreign NGOs — one in France and one in the United States<sup>25</sup>. The main target of this "Foreign Agent" law is politically active foreign funded civil societies (NGOs). In this regard Russia president is of the view that he is prepared to accept the amendment to the law that would differentiate between groups receiving foreign funding to engage in social welfare programme, patriotic activities and deal with ecological problems from those who are attempting to influence Russia's internal politics and international affairs<sup>26</sup>.

<sup>23</sup> Lowenkron, Barry F. The Role of NGOs in the Development of Democracy // Scoop. 2006. 5 July. Mode of access: <http://www.scoop.co.nz/stories/WO0606/S00277.htm>

<sup>24</sup> Rodriguez A. Hobbled NGOs wary of Medvedev Watchdogs are civil lifeline in lawless Russia // Chicago tribune. 2008. 7 May. Mode of access: [http://articles.chicagotribune.com/2008-05-07/news/0805060608\\_1\\_civil-society-russian-authorities-russian-president-vladimir-putin](http://articles.chicagotribune.com/2008-05-07/news/0805060608_1_civil-society-russian-authorities-russian-president-vladimir-putin)

<sup>25</sup> Foreign agents law is here to stay — Putin // Russia Today. 2013. 4 July. Mode of access: <http://russian.rt.com/>

<sup>26</sup> Putin's promises to tone down 'foreign agent' NGO law gets mixed reception from rights leaders // Bellona. 2013. 5 July. Mode of access: [http://bellona.ru/bellona.org/articles/articles\\_2013/putin\\_back\\_off](http://bellona.ru/bellona.org/articles/articles_2013/putin_back_off)

The Russian prosecutor general's office, in this regard, has identified just 654 of these that receive significant foreign funding. Of these it has chosen so far to audit just 80 NGO's for compliance with the new law which requires registration and identification of NGO's engaged in political work as well as that receive funding from foreign governments. And out of these, only 30 foreign funded political NGOs have been determined so far to fall under the guidelines and must register as "Foreign Agents" and face greater accounting scrutiny in order to continue their work<sup>27</sup>. However, till date only one NGO has been registered as foreign agent. In this regard "criticism of the government's efforts has been widespread, but generally off the mark. In a careful review of N.G.O. studies, Debra Javeline and Sarah Lindemann-Komarova show that there is little evidence of co-optation by the government — even anti-government N.G.O.s, like the Moscow Helsinki Group and the Committee of Soldier's Mothers, can receive funding. They also found little substance to claims that the government limits what recipients can do with the money or that new legislation has intensified difficulties for N.G.O.s. Indeed, only 2.9 percent of N.G.O. leaders say that pressure from the government is the primary problem for their organization"<sup>28</sup>. At the meeting a representative of the Russian ministry of economic development stated that, according to ministry figures, the country's voluntary sector would lose 13 billion roubles in 2013 as a result of the 'Foreign Agents' law — the amount NGOs would have received from foreign and international funders who have decided, or been forced, to wind up their

<sup>27</sup> Sleboda M. Russia must defend its civil society // The Voice of Russia. 2013. 7 June.

<sup>28</sup> Petro N. Russian NGO Laws Reinforce Western Practices // OpEdNews. 2014. 17 January. Mode of access: [http://www.opednews.com/articles/Russian-NGO-Laws-Reinforce-by-Nicolai-Petro-NGOs\\_Putin-140116-231.html](http://www.opednews.com/articles/Russian-NGO-Laws-Reinforce-by-Nicolai-Petro-NGOs_Putin-140116-231.html)

operations in Russia<sup>29</sup>. In this regard Putin suggests increasing funding to NGOs by at least three times, from 1 billion rubles (\$30 million) to 3 billion (\$91 million) from the federal budget as the new law may reduce the amount of money they normally receive from foreign funds<sup>30</sup>, which will make Russian NGOs less dependent on foreign resources. However government offer of state support for non-profit groups, according to some experts, would have to be channelled through independent bodies to ensure independence.

### Fear factor

It is important to mention that it is not the first time that this type of bill has been introduced. Russia had already witnessed this type of law in order to protect itself from “Colour Revolution” like situation<sup>31</sup>. Similar event happened during December 2011 and onward when Russia witness a series of protest march in Moscow, St Petersburg and other major cities in opposition to parliamentary and presidential election in general and Putin regime in particular. Similar to role played by NGOs during “Colour Revolution”, foreign funded NGO played prominent role in this movement also<sup>32</sup>, which some way or other threatened the authority of political elites in particular and Russian political stability in general. Ac-

cording to ex- American assistant secretary of state “a key impetus for the recent crackdown has been reaction by many rulers to the “Color Revolutions” of 2003–2005, when a series of governments in the post-Soviet area were overthrown in the mid-2000s. They believed that the popular pressure for change was instigated and directed from abroad through U.S and other foreign support for NGOs on the ground”<sup>33</sup>. In this context, Moscow suspects that primarily the United States, but also EU member states, are keen to see regime change in Russia. Shortly before Putin was elected to his third term as president, Washington pledged an extra \$50 million to support the rule of law in Russia and strengthen its civil society<sup>34</sup>. Putin, in this regard, had already hinted at this tough line during the presidential campaign, when he associated human rights advocates and NGO activists with traitors. He said that there are citizens “with Russian passports who (promote) the interests of foreign states,” adding that the “fight for Russia” continues<sup>35</sup>. Putin made clear that he would not allow other countries to turn Russia into an ‘amorphous state formation’ that could be manipulated from outside in the same kind of way<sup>36</sup>. According to White (2010), what was most distinctive in this attempt of crackdown was that the choice of political form should be for Russia alone, and that it should avoid anything that weakened the state and allowed it to be manipulated from outside<sup>37</sup>. However,

<sup>29</sup> Chikov P. Russian NGOs: the funding realities // Open Democracy. 2013. 15 February. Mode of access: <https://www.opendemocracy.net/od-russia/pavel-chikov/russian-ngos-funding-realities>

<sup>30</sup> President Putin to put major amendments to “foreign agent status” bill // Russia Today. 2012. 10 July. Mode of access: <http://russian.rt.com/>

<sup>31</sup> Wilson, Jeanne L. Coloured Revolutions: The View from Moscow and Beijing // Journal of Communist Studies and Transition Politics, 2009. Vol. 25. No. 2–3. P. 369–395.

<sup>32</sup> Council of Europe: Russia’s Treatment of NGOs ‘Chilling’ // Voice of America. 2013. 11 April; NGO ‘Foreign Agents’ Law Comes into Force in Russia // RIA Novosti. 2012. 20 November; Elder M. and McGreal C. USAid ordered out of Moscow as Putin’s protest crackdown continues // The Guardian. 2012. 18 September.

<sup>33</sup> Lowenkron, Barry F. The Role of NGOs in the Development of Democracy // Scoop. 2006. 5 July. Mode of access: <http://www.scoop.co.nz/stories/WO0606/S00277.htm>

<sup>34</sup> Bidder B. Putin vs. the NGOs: Kremlin Seeks to Brand Activists ‘Foreign Agents’. Spiegel online. Mode of access: <http://www.spiegel.de/international/world/russian-draft-law-seeks-to-label-ngos-and-activists-foreign-agents-a-842836.html>

<sup>35</sup> Ibid.

<sup>36</sup> White S. Classifying Russia’s politics, in Stephen White, Richard Sakwa and Henry E. Hale ed. // Development in Russian politics, London: Palgrave Macmillan, 2010.

<sup>37</sup> Ibid.

in this regard, ex-American assistant secretary of state was further of the view that they have not grasped that the “Color Revolutions” were examples of citizens standing up for their right to free elections and demanding accountability when election results did not reflect the clear will of the people because of manipulation”<sup>38</sup>.

Meanwhile, as the debate over how to regulate foreign-supported NGOs rages, Vladimir Zhirinovskiy, leader of the Russian Liberal Democratic Party, called for shutting down every non-governmental organization (NGO) connected to foreigners, saying their goal is to instigate “orange” revolutions and provocations in Russia. “We should close down every organization linked to abroad; not just check them but close them down,” “What does an NGO mean? This is a concealed form of espionage, sabotage, provocation and encouragement of “orange” revolutions,” he said. Since these organizations “are supported from abroad” they should not be tolerated, he concluded<sup>39</sup>. However all political party in Russia did not subscribe the same view, another opposition party represented in the State Duma — Fair Russia — does not approve of the legislative initiative put forward by ruling United Russia. The leader of the party, Sergey Mironov, called it “repressive” and stressed that NGOs must not be labeled “foreign agents, public enemies”<sup>40</sup>. Similarly Ilya Ponomarev — a member of the Fair Russia’s fraction in the State Duma that did not take part in the voting on the bill — stated the adoption of the politically-active non-profit organizations law is

“at least ill-timed” and will only split Russian society<sup>41</sup>. However the author of the bill, MP Aleksander Sidiyakin, dismissed all criticism as “hysteria and delirium” and stressed that the bill used similar US legislation as a “blueprint”<sup>42</sup>. A senior United Russia member, Andrey Vorobyov pointed out that the authors of the document took into consideration international experience. For instance, such a law has been in force in the US since 1938, he observed<sup>43</sup>. The Russian Foreign Minister, Sergey Lavrov, said that the very term “foreign agents” and the concept of attitude to them were borrowed from the United States<sup>44</sup>. It is important to note that in order to regulate the NGOs and civil society activity USA has also a law called Foreign Agents Registration Act (FARA). So for them Russia is not alone to have this type of law.

### Democracy vs. Political stability

NGOs, in this context, are of the view that the crackdown has featured a series of laws restricting the rights to freedom of association, expression, and assembly<sup>45</sup>. “This bill will stifle civil society development in Russia and is likely to be used to silence critical voices who often still depend on external funding. Already NGOs operating in the Russian Federation have to wade through many layers of bureaucracy to carry out their work” said John Dalhuisen, Amnesty International’s director for

<sup>38</sup> Lowenkron, Barry F. The Role of NGOs in the Development of Democracy // Scoop. 2006. 5 July. Mode of access: <http://www.scoop.co.nz/stories/WO0606/S00277.htm>

<sup>39</sup> Zhirinovskiy suggests closing all NGOs connected to abroad // Russia beyond the Headlines. 2013. 10 April.

<sup>40</sup> LibDems: bill tagging NGO’s ‘foreign agents’ is reasonable // Russia Today. 2012. 5 July. Mode of access: <http://russian.rt.com/>

<sup>41</sup> Lower House gives final approval to ‘foreign agents’ // Russia Today. 2012. 13 July. Mode of access: <http://russian.rt.com/>

<sup>42</sup> Russian Lower House approves foreign agent status for NGOs // Russia Today. 2012. 6 July. Mode of access: <http://russian.rt.com/>

<sup>43</sup> LibDems: bill tagging NGO’s ‘foreign agents’ is reasonable // Russia Today. 2012. 5 July. Mode of access: <http://russian.rt.com/>

<sup>44</sup> Ibid.

<sup>45</sup> Russia: Harsh Toll of ‘Foreign Agents’ Law // Human Rights Watch. 2013. 26 June. Mode of access: <http://www.hrw.org/news/2013/06/25/russia-harsh-toll-foreign-agents-law>

Europe and Central Asia<sup>46</sup>. “The authorities have failed to demonstrate the necessity of these measures. This bill appears to have no other purpose than to set hurdles for many of the leading NGOs critical of the government and to make it even more difficult for them to operate in Russia. It should be repealed immediately” he further argues. So critics of this law are of the view that these policies are “virtually strangling” NGOs, and by extension, democracy in Russia. However for Petro (2014) “the proper purpose of such laws to increase the public accountability of political actors — is recognized in every Western country. It is therefore entirely appropriate for Russia have something similar in place. This does not deviate from Western practices; it reinforces Russia’s adherence to them. Setting aside, for a moment, the self-serving rhetoric of the few organizations actually affected by this law, anyone truly concerned about the public interest must surely be troubled by their concerted efforts to evade such accountability. In the long run, this can only undermine respect for the law, harm the domestic standing of Russian NGOs, and weaken the independence of Russian civil society”<sup>47</sup>. In this regard, president Putin was of the clear opinion during discussion with the NGO representatives that “as far as the law is concerned, or rather the part of it that causes great discussions — whether the organizations that are engaged in internal political activities should register — we will not change this position”. “This is because when people are doing some political work inside the country and re-

ceive money from abroad, the society has the right to know what kind of organization this is, and where they get the funds to sponsor their existence,” the President added<sup>48</sup>. However he is further of the view that “the freedom of NGOs is not limited in any way, they just have to register”. The new law on NGO activities — and mass audit to enforce it — only sought to introduce control over cash flow, not the political activities of foreign-sponsored groups. “All our actions are connected not with the closures of these organizations, not with the ban, but with putting the cash flow under control,” Vladimir Putin said at press conference in Hannover (Germany)<sup>49</sup>. For Putin this involves the issues of Russian political stability and it has international dimension<sup>50</sup>. He is further of the opinion that the volume of money coming from foreign for NGOs is huge, and it is major concern for government.

“For four months after we adopted the respective law on these organizations’ accounts, can you imagine how much money came [to them] from abroad? You can’t imagine [...] 28.3 billion rubles (\$905 million),” he told Germany’s ARD television channel, as quoted by the Moscow Times.

These are organizations engaged in domestic political activities. Shouldn’t our society know who is getting this money and what it is for?” Putin said, according to the paper” (Ibid). He was further of the opinion that Russian authorities did not intend to pressure or shut down any organizations. “We only ask them to admit: ‘Yes, we are engaged in political activities, and we

<sup>46</sup> Amnesty international. Russia: End ‘smear campaign’ against NGOs. 2012. 13 July. Mode of access: <http://www.amnesty.org/en/for-media/press-releases/russia-end-smear-campaign-against-ngos-2012-07-13>

<sup>47</sup> Petro N. Russian NGO Laws Reinforce Western Practices // OpEdNews. 2014. 17 January. Mode of access: [http://www.opednews.com/articles/Russian-NGO-Laws-Reinforce-by-Nicolai-Petro-NGOs\\_Putin-140116-231.html](http://www.opednews.com/articles/Russian-NGO-Laws-Reinforce-by-Nicolai-Petro-NGOs_Putin-140116-231.html)

<sup>48</sup> Foreign agents law is here to stay — Putin // Russia Today. 2013. 4 July. Mode of access: <http://russian.rt.com/>

<sup>49</sup> Foreign Agents law demands financial control, not NGO closure — Putin in Hannover // Russia Today. 2013. 8 April. Mode of access: <http://russian.rt.com/>

<sup>50</sup> Cartalucci T. Bombshell: US Caught Meddling in Russian Elections! // Global research. 2011. 6 December. Mode of access: <http://www.globalresearch.ca/bombshell-us-caught-meddling-in-russian-elections/28060>



are funded from abroad,” Putin said. “The public has the right to know this”<sup>51</sup>.

### Conclusion

The Civil 20’s<sup>52</sup> address to the leaders says, in part: “trans-boundary financial support of civil society organizations is a common practice when the activity of NCOs is legal and transparent, international financial support and participation in international cooperation should not be grounds for doubting their legitimacy”<sup>53</sup>. In particular, donors, through the provision of moral support, technical assistance, and financial funding to nongovernmental organizations, can provide critical support to domestic NGOs that work in hostile political, economic, and social environments, thus counteracting some of the domestic impediments to organization<sup>54</sup>. In this regard Dupuy et al (2012) are of the view that “In some cases, this support helped an already-vibrant civil society grow stronger. In other instances, however, money from the outside turned civil society into a vulnerable, externally oriented community. Over time, many local

NGOs became top-down groups nourished from abroad, rather than local products of a popular, grass-roots civic movement. Understandably, foreign-supported NGOs began to adopt the issues, language, and structure their foreign donors wanted, rather than those preferred by local people”<sup>55</sup>. While supporting “Foreign Agent” law Petro (2013) is of the view that “this is exactly what should happen. Civil society can flourish only if it is domestically oriented, locally funded and motivated by patriotic sentiments. Dependence on foreign funding undermines each of these objectives. Even worse, it isolates democracy advocates from their most important constituency, the citizens to whom they should be appealing for support”<sup>56</sup>.

Foreign funding can be one of the most important components in the development of a purposeful civil society and NGOs. It is important to mention that mostly under-developed and developing countries are not yet in a position to make available enough funding for civil society and NGOs engaged in various humanitarian work like fight against starvation, educational activity, peace activity, women’s and child cause. For this foreign funding can be boon. However, funding political activity of civil society and NGOs which can have destabilising impact on county political system cannot be justified. Paul (2014) in this regard has rightly pointed out that “It is not democracy to send in billions of dollars to push regime change overseas. It isn’t democracy to send in the NGOs to re-write laws and the constitution in places like Ukraine. It is none of our business. In de-

<sup>51</sup> Russian NGOs blast Putin’s estimate they have received nearly \$1 billion in last four months // Bellona. 2013. 9 April. Mode of access: <http://bellona.org/news/russian-human-rights-issues/russian-ngo-law/2013-04-russian-ngos-blast-putins-estimate-they-have-received-nearly-1-billion-in-last-four-months>

<sup>52</sup> Civil G20 — is a meeting for policy dialogue between the Political Leaders of G20 countries and representatives of civil society organizations working on the issues related to the agenda of G20 Summit. The goal of Civil G20 meeting is to facilitate exchange of ideas and opinions about the agenda of the G20 Summit and discuss pertinent issues which are of relevance to civil society with a view to making substantive contributions to policy formulation based on the civil society assessment of the main agenda and issues of the G20 Summit. URL: <http://g8civil.org/g20civil-society>

<sup>53</sup> Role of NGOs discussed at world’s first G20 Civil Summit in Moscow // Bellona. 2013. 20 June. Mode of access: <http://bellona.org/news/russian-human-rights-issues/russian-ngo-law/2013-06-role-of-ngos-discussed-at-worlds-first-g20-civil-summit-in-moscow>

<sup>54</sup> Henderson S. Civil Society in Russia: State Society Relations in Post Yeltsin Era, 2011.

<sup>55</sup> Dupuy K. James R. Aseem P. Foreign aid to local NGOs: good intentions, bad policy // Open Democracy. 2012. 15 November. Mode of access: <https://www.opendemocracy.net/kendra-dupuy-james-ron-aseem-prakash/foreign-aid-to-local-ngos-good-intentions-bad-policy>

<sup>56</sup> Petro N. Russian NGO Laws Reinforce Western Practices // OpEdNews. 2014. 17 January. Mode of access: [http://www.opednews.com/articles/Russian-NGO-Laws-Reinforce-by-Nicolai-Petro-NGOs\\_Putin-140116-231.html](http://www.opednews.com/articles/Russian-NGO-Laws-Reinforce-by-Nicolai-Petro-NGOs_Putin-140116-231.html)

ocracies, power is transferred peacefully through elections, not seized by rebels in the streets. At least it used to be”<sup>57</sup>. So the time has come when Western donor countries including USA should think of their funding purpose. Making fund available in order to overthrow the legitimate government cannot be justified. This type of funding creates suspicion regarding intention and function of NGOs and civil soci-

eties in the eye of native country as well as it brings bad reputation for donor country and can defeat the very purpose of foreign funding (i.e., enhance human condition). It further escalates tension between donor country and the country where funding is coming. There can be several other ways to promote the democracy apart from overthrowing the governments through foreign funding. So in order to enhance peace and security and to reduce the tension emerging from this policy it is pertinent to think in this direction.

<sup>57</sup> Paul R. US ‘Democracy Promotion’ Destroys Democracy Overseas // Ron Paul institute for peace and prosperity. 23 March, 2014.

## Российский «Закон об иностранных агентах»: реакция на американский курс по распространению демократии

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**Аннотация.** Недавно принятый в России закон об «иностранных агентах», направленный против финансирования из-за рубежа российских НКО и гражданского общества, вызвал мощную волну критики. Многие заинтересованные участники (организации гражданского общества, НКО, страны-доноры (в частности, США и европейские страны), некоторые российские оппозиционные партии) назвали этот закон недемократичным, выразив мнение, что он призван урезать гражданские права и снизить гражданскую активность. Однако, анализируя закон об «иностранных агентах» в контексте американской политики продвижения демократии, автор данной статьи пришел к выводу, что этот закон нельзя назвать антидемократическим, нарушающим ключевые принципы верховенства права и гражданских свобод; закон следует воспринимать как естественное продолжение тех вызовов, с которыми сталкивается американская политика продвижения демократии по всему миру. Важно отметить, что обещания мира, стабильности и процветания, сделанные сторонниками продвижения демократии, не были в достаточной мере осмыслены вплоть до сегодняшнего дня. Эти обещания коренным образом отличаются от того, с чем сегодня сталкиваются страны постсоветского пространства — создание шовинистских националистических правительств в странах, где происходили цветные революции. Весь регион захлебывается в экономических проблемах, этническом национализме, подъеме религиозного фундаментализма. Недавняя отставка легитимного правительства Виктора Януковича на Украине и последующие решения действующего правительства о лишении русского языка статуса государственного можно привести как живой пример. Неслучайно бывший американский конгрессмен от республиканской партии Рон Пол заявил, что «американская система продвижения демократии разрушает демократию по всему миру».

В данной статье автор заявляет, что демократия только в том случае может принести пользу, когда она созрела внутри определенного общества, а не привнесена извне вместе с некими геополитическими интересами. Оценивая мощную негативную реакцию людей на эту политику, автор данного исследования приходит к выводу, что Америке стоит переосмыслить политику продвижения демократии через спонсирование НКО, в то время как гражданскому обществу следует воспитывать политическую сознательность и ответственность за свой выбор.

**Ключевые слова:** Россия, демократия, гражданское общество, НКО, иностранный агент, политика продвижения демократии.

## Russia's 'Foreign Agent' law: a response to American democratic promotion policy

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**Abstract.** Recently passed the Russian 'Foreign Agent' law against foreign funding of NGOs and civil society has attracted criticism from almost every quarter. From home to abroad all party concerned (i.e., civil society organizations, NGO groups, donor countries (especially America and European countries) as well as some Russian opposition political parties) are of the view that this bill has been introduced to scuttle the independent civic activities and in this way unconstitutional. However on the basis of overall analysis of 'Foreign Agent' law in the context of American democratic promotion policy this paper is of the view that this law simply cannot be characterized as anti-democratic, which is against the very basis of freedom and rule of law, by the anti-democratic Russian government but it should be seen as extension of same challenge which American democratic promotion policy is facing around the whole world. It is because of its illegal and unconstitutional method of regime change policy, with the help of foreign funded NGOs, and civil society which has compelled various countries including Russia to resort this type of law. It is important to note that the promise of peace, stability and prosperity by the democratic promotion protagonists after the fall of Soviet Union has not been realised till today. Instead what post-Soviet states are witnessing today is emergence of chauvinist nationalist government in respective countries which witnessed colour revolution. Whole region is now plunging into economic turmoil, ethnic nationalism, rise of religious fundamentalism and identity politics. Recent overthrow of legitimate Viktor Yanukovich government in Ukraine and subsequent decision by incumbent government to exclude Russian as administrative language can be cited as example. That is why former American Republican Congressman Ron Paul is of the view that "US 'Democracy Promotion' Destroys Democracy Overseas".

In this context this paper will argue that democracy can only be beneficial when it evolved from within according to the aspiration of native masses and should not be imposed from outside with certain geopolitical interest in mind. Looking at the backlash against this policy this paper will further argue that the time has come when America should think of to review the policy of democratic promotion through foreign funding and simultaneously NGOs and civil societies should instead of fulfilling the agenda of their donor counties should work for making native people politically conscious and should not let the people make sceptic even of its guanine activity.

**Key words:** Russia, civil society, NGO, democracy, foreign agent, democracy promotion policy.