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Russia

Restricting the Autonomy of Local Non-Governmental Organizations in the Informal Sector: A Challenge to the Development of Civic Institutions in Post-Communist Russia?"

Topic of Research and Country Visited

I assessed the impact that two laws ("decrees") passed in 2004 had on the autonomy of Russian professional organizations in the legal sphere to interact with foreign partners, non-governmental organizations (NGOs) and institutes of higher education independently of federal authorities. The decrees (1) curtailed electoral freedoms within the Russian Federation and (2) sanctioned the re-allocation of certain administrative powers away from local governments and to more powerful federal ministries, including the important Ministry of Justice, respectively.

Following passage of the decrees, Russian lawyers, jurists, and law reformers whom I met during my December 2004 visit began to fear that the newly empowered federal agencies would move to control both the tenor and substance of partnerships between foreign NGOs, donors universities and their Russian counterparts. A worse case scenario could potentially see the substantial erosion of the ability of local Russian governments and professional organizations to collaborate with their foreign counterparts, thereby impeding the development of a healthy and independent Russian non-governmental sector.

To test these concerns, I interviewed Russian lawyers, law reformers, non-governmental organization representatives and legal academics to assess the extent to which the decrees have impacted the ability of these actors to collaborate with and to receive funding from foreign donors and civic organizations.

Relevance of Research to the Field

Implementation of the 2004 decrees immediately set off a chorus of protests from Western governments, international civic organizations and human rights activists, all bemoaning the perceived anti-democratic impact of these decrees. I was concerned that little if any research had been done to ascertain the actual pragmatic impact of the decrees.

My research adds to a growing body of legal scholarship that explores the scope and content of Russian law reform efforts since the collapse of the Soviet Union. Unlike traditional legal analysis which too often emphasizes doctrinal and theoretical considerations to the exclusion of more pragmatic implications, my research adds to the extant literature by examining the practical impact Putin's decrees have had on Russia's still-emerging non-governmental sector. While the chosen anecdotal model is not designed to supplant traditional legal analysis, my project does demonstrate the value of employing non-traditional approaches in attempting to make sense of Russia's ever-changing legal, administrative and regulatory landscape.

Summary of Approach and Research Methodology

To assess the impact of the 2004 decrees on Russia's nascent non-governmental sector, I interviewed Russian law reformers, law professors, and administrators and NGO representatives in the legal sphere during the summer of 2005. I wanted to assess whether the 2004 decrees had adversely impacted the ability of these actors and organizations to collaborate with and to receive funding and other support from foreign donors and civil society partners, and if so, to what extent.

Summary of Research Findings and Preliminary Conclusions

Importantly, an early operating premise held that the 2004 decrees, which effectively curtailed participatory democracy within the whole of the Russian Federation and drastically consolidated the power of federal administrative agencies, would ultimately restrict the work of the legal NGOs operating in the Republic of Karelia. More generally, this early premise held that the ongoing consolidation of power within the Russian Executive and Administrative branches of government would inevitably lead to the erosion of the relative autonomy that the Russian informal sector has enjoyed since the collapse of the Soviet Union in the early 1990s.

Surprisingly, the interviews revealed a quite different reality. Indeed, a number of important themes emerged from my discussions with Russian law reformers, professors, administrators and NGO representatives, which I summarize below.

- Despite their earlier concerns over the potential restrictive impact of the 2004 decrees none of the interviewees reported any significant interruption in their ability either to collaborate with foreign donor organizations, universities and NGOs, or to receive funding and other support.

- Many of the interviewees, some of whom have worked and/or operated in the non-governmental sector for over a decade, actually reported an increase in contacts with foreign donor organizations, universities and NGOs. Importantly, a consistent viewpoint expressed by the interviewees suggests that they see themselves as being better positioned to identify relevant policy initiatives that local and federal governmental authorities should pursue in order to address the chronic socio-economic pathologies that continue to impede progress in post-communist Russia.

- All the interviewees indicated that local and federal governmental actors could do more to promote the work of Russian NGOs, but that no government agency had actively impeded the work of these same NGOs. Types of assistance identified included greater financial support and perhaps more importantly, greater collaboration between Russia's nascent non-governmental sector and governmental regulators in identifying and implementing useful policy initiatives.

- One NGO reported that the sometimes-controversial (in Russian terms) nature of its work, environmental regulatory and legislative activism, had drawn the ire of a few local officials. This ire was expressed via verbal warnings not to investigate environmental issues involving certain politically or economically sensitive areas. However, there was no indication that such warnings stemmed from any official local or federal governmental policy toward that or any other environmental NGO. That same NGO also reported that since 2004, it has become more difficult to obtain information from governmental agencies on environmental matters. Again, the head of this particular NGO did not attribute this perceived difficulty directly to any of the 2004 decrees, but rather to the more stringent security environment pervasive in almost all spheres of Russian life following a string of recent terrorist attacks.

Based on this preliminary anecdotal research I have concluded that my original operating premise was largely inaccurate. Instead of restricting the work of the legal NGOs operating in the Republic of Karelia, the 2004 decrees appear to have had little if

any impact whatsoever on the bulk of their activities. Indeed, these interviews served to refute, at least in part, those critics who have decried the perceived erosion of democratic institutions in the Russian Federation. My anecdotal findings suggest that it is probably more accurate to describe events in contemporary Russia as involving the deliberate consolidation of state authority in some spheres, primarily in the political and security realms, coupled to a slow but noticeable liberation of the informal or non-governmental sector.

Exactly how these developments will play out in the long run is impossible to predict with any certainty, but critics who had earlier forecast doom and gloom for Russia's thorny transition to democracy should perhaps consider adopting a more nuanced perspective of what is really taking place there.

Suggestions for Further Research

The results of my 2005 IREX short-term summer research project will form the anecdotal basis for a larger work tentatively titled *Reinventing Post-Communist Russia: Presidential Administration, Law and the Informal Sector* (in-progress). This piece will respond to those critics who argue that President Putin's restriction of democratic freedoms in the Russian Federation have universally stifled democratic reforms. My preliminary research indicates that it is probably more accurate to describe events in Russia as involving the deliberate consolidation of state authority in the political and security realms, coupled to a slow but noticeable liberation of the informal sector.

Policy Recommendations

The next several years will prove crucial for Russia's nascent informal sector. The consolidation of federal authority in the political and security realms poses challenges that while formidable, are not insurmountable. The high-profile withdrawal of the Soros Foundation from the roster of foreign donors to Russia notwithstanding, what is needed is a renewed commitment by the remaining donor organizations to continue to work with the Russian informal sector. In particular, I recommend the following types of general assistance:

- Donors like the World Bank and USAID should continue and indeed increase funding to Russia's informal sector for collaborative projects. Such giving should stress the need for the government and Russia's NGO community to cooperate more effectively when it is their interest to do so. Many believe that the greatest hope for progress in Russia lies in the ability of the informal sector, in collaboration with local and federal authorities, to create the institutions necessary for Russian democracy to survive and mature.

- Support for the inculcation of rudimentary skills in Russia's informal sector should remain a high priority. I was consistently reminded during my summer 2005 visit (usually by the Russian's themselves) that the Russian people, while highly literate, lack an important national trait: pragmatism. Simple things like creating sustainable methods of conveying organizational memory from generation to generation simply do not exist to a sufficient degree. Stated another way, personalities and personal contacts, not sustainable organizational systems dominate. This model must change.