

# Adapting to closing space

*Human rights NGOs' strategies in Putin's Russia*

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## Abstract

This thesis is concerned with investigating two phenomena related to civil society occurring in competitive authoritarian regimes: Closing space for civil society and deliberation in the form of limited pluralism. The study explores how Russian human rights NGOs perceive this mix and how they respond. While some level of pluralism in civil society is assumed to be necessary in order to cope with the institutional uncertainties that competitive authoritarian regimes experience, closing the space for civil society is equally called for in order to ensure the survival of a regime that is neither entirely democratic nor completely authoritarian. How do NGOs respond to the resulting dual framework?

Although Russian human rights NGOs have been the targets of increasingly restrictive measures over the last fifteen years, they have nevertheless also been invited to take part in an increasing number of bodies tasked with consulting and monitoring. The thesis answers the research question: *In what ways do Russian human rights NGOs respond to new restrictions, and why and how do they participate in co-optation efforts from the state?*

Twelve semistructured interviews have been conducted with the goal of contributing with new knowledge about what strategies NGOs develop to succeed in closing space. The thesis looks at new and less formal organizational forms, funding opportunities and prospects of building domestic support. It discusses what benefits NGOs gain from participating in consultative- and monitoring bodies and issues related to legitimacy with regard to participating.

Key words: Closing space for civil society, limited pluralism, authoritarian deliberation, civil society, competitive authoritarian regimes, democratization, democracy support, Russia, human rights, NGOs, foreign agent law.

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# 1 Introduction

The assumption that the existence of strong civil societies is central in establishing robust consolidated democracies has for several decades motivated Western support to civil society in states transitioning to democracy. In the early-mid 2000s, it became clear that many of the governments that were at the receiving end of democracy-building programs were beginning to crack down on programs targeting civil society on their territory (Carothers 2006). Enthusiasm for the role of civil society in hybrid regimes has since been replaced by worries. The last fifteen years, non-governmental organizations (NGOs) in competitive authoritarian regimes all over the world have experienced a rush of laws designed to curb their opportunities – the space for civic activism is shrinking (Dupuy, Ron et al. 2016).

While civil society always has been in a vulnerable position in authoritarian settings and has experienced severe restrictions throughout history, what is new now are the tools that have been introduced to control it (Sikkink 2018: 175). Among the most common and globally used strategies for diminishing the political opportunity structures for NGOs are delegitimization, sweeping legislative measures, selective targeting, and creating alternative civic actors (Brechenmacher 2017: 90-97). However, restrictions are not the only thing NGOs in authoritarian settings find themselves adjusting to. As competitive authoritarian regimes put restrictions on NGOs, they also develop new opportunities to participate in deliberation that enable them to enjoy certain benefits (Owen 2017).

We know that space is closing, but what we know far less about is how NGOs in competitive authoritarian regimes perceive and respond to this new landscape. Therefore, this thesis will through the use of qualitative interviews with affected NGOs seek to explore the case of Russia and how Russian human rights NGOs adapt to “the new normal”.

## 1.1 The puzzle: Opportunities in closing space

On one hand, states can perceive forces within civil society as threatening to its interests, and hence have reason to place restrictions on NGOs, in particular with regard to taking part in transnational activism. This is especially the case with human rights NGOs, whose work often target the state directly. On the other hand, vibrant civil societies are beneficial for the state, as it amongst other things eases the interaction between ordinary citizens and the state – thereby facilitating good governance. Competitive authoritarian regimes therefore have reason

to develop institutional frameworks where they can enjoy these benefits. When NGOs voice their issues within the institutional framework, this may – intentionally or not - function as a feedback mechanism, thereby actually contributing to the sustainability of authoritarianism (Giersdorf and Croissant 2011: 15).

This thesis will look at how Russian human rights NGOs experience the dual, and at times conflicting, goals of the government towards civil society. How do they respond to the mix of administrative restrictions and new venues to voice issues – do they incentivize new forms of behavior? By answering this, the thesis seeks to contribute to the literature that strives to unravel the puzzle of Russia’s seemingly inconsistent policies concerning the non-profit sector. More specifically, this thesis aims to shed light on how the NGOs *themselves* perceive these puzzling policies.

While putting up legislative, economic and rhetoric barriers against human rights NGOs certainly make their work more challenging, the same constraints can also create opportunities for innovation of new strategies (Van Der Vet and Lyytikäinen 2015: 980, Rodríguez-Garavito and Gomez 2018: 34). When some doors close, NGOs are forced to start looking for opportunities that have been less explored earlier. For example, as hindering foreign meddling has been a central theme for competitive authoritarian regimes, this calls for exploring the extent to which seeking to develop stronger support at the domestic level is a useful strategy for affected NGOs.

Legitimation strategies involving civil society actors used by competitive authoritarian regimes have been portrayed as playing a role in authoritarian regime resilience (Lorch and Bunk 2017). Therefore, it is of interest to map out how the NGOs respond in order to evaluate the effects of the new restrictions and opportunities. Do restrictions actually lead to the intended outcome – pacifying the critical parts of civil society - and what are the implications of restrictions on NGOs for the role that civil society plays in democratic consolidation? Can civil society under competitive authoritarian rule contribute to prevent a state from going further down the authoritarian path, or does the existence of a civil society rather enhance the stability of the authoritarian order?

## **1.2 Russia as a trendsetter in closing civic space**

Putin’s Russia is one of the most distinct examples of the closing space-trend, and has been a trendsetter for other competitive authoritarian regimes on such a scale that the closing

space for civil society today reaches far outside the post-soviet states and should be understood as the “new normal” rather than a temporary deviation (Carothers 2016).

Restrictions targeting civil society have been implemented in two waves in modern Russia. The first round occurred around 2006, following several color revolutions in neighboring states where domestic civil society forces with foreign economic and financial support played a central role in overthrowing the authoritarian regimes (Van Der Vet and Lyytikäinen 2015: 981). The first wave happened at a time when the war on terror was in focus, and restrictions on civil society were justified by the state as protection against future attacks. In the Russian case the restrictions came about after the Beslan school hostage attack (Richter 2009b: 39). This combination of events motivated the implementation of laws that regulated NGOs in Russia, including vague anti-extremism legislation and restrictions on foreign funding (Van Der Vet and Lyytikäinen 2015: 981).

The second wave of restrictions followed when Putin was reelected in 2012, and the foreign agent-law has been central here. Any Russian NGO that receives foreign funding and takes part in political activity can in principle be labeled as a foreign agent. The foreign agent NGOs are required to submit reports to the Ministry of Justice concerning their finances and activities far more often than ordinary NGOs, thereby burdening them with time and resource consuming tasks (Flikke 2016: 103). NGOs that fail to register face penalties such as heavy fines. In addition, NGOs shun the label because it puts them in a bad light and makes finding partners to cooperate with harder.

During the same period, NGOs in Russia have been the focus of co-optation efforts from the government, which have provided them with new opportunities. This occurs on several levels. Financially, new grants systems for NGOs have been developed and the amount available to apply for has increased (USAID 2017: 203). On the organizational level, the government has taken initiative to replace foreign democracy assistance-programs’ role, thus spreading the know-how of how to run successful NGOs through training programs. Finally, a range of different consultative mechanisms and control organs that make use of civil society have been developed. The growth and use of these structures “signal a concern with deeper integration between authorities and citizens” (Stuvøy 2013: 377). In this thesis, human rights NGOs’ use of and representation in three different examples of such structures will be looked closer at. These are:



- The Civic Chambers (obshchestvennye palaty). On federal and regional level. Consists of civil society representatives. Channel issues, give advice on draft laws.
- Prison observer commissions (obshchestvennye nablyudatelnye komissii, from here on referred to as ONK). Members are granted the right to enter prison and detention facilities to control human rights conditions.
- The Presidential Council for Civil Society and Human Rights (from here referred to as PCHRCS). Advices the President of the Russian Federation.

### **1.3 The research question and why it is relevant to do research on NGOs' perceptions of closing space for civil society in competitive authoritarian regimes**

The research question is attentive to both sides of the puzzle sketched out above – it takes into consideration that NGOs need to respond to both opportunities taken away from them as well as responding to new opportunities granted to them in the form of invitations to cooperation from the state. The thesis asks the following question:

*In what ways do Russian human rights NGOs respond to new restrictions, and why and how do they participate in co-optation efforts from the state?*

Researchers in political science have addressed the closing of civic space by focusing on why the phenomenon occurs (Mendelson 2015), by investigating the strategies used by authoritarian governments to limit mobilization and by exploring the prevalence of these tactics (Christensen and Weinstein 2013, Dupuy, Ron et al. 2016). Other influential contributions have focused on how the international community and donors have responded to the pushback (Gershman and Allen 2006, Carothers 2016).

However, less has been said about how the affected NGOs in turn work out rational responses to cope and achieve their goals in a changing and increasingly challenging environment. How do they play their cards when the rules of the game have been changed? This thesis argues that understanding the resulting game not only depends on looking at the cards that have been taken out of the deck (restrictions), but also on understanding the use of the new cards that have been introduced (inclusion in deliberation). This is where the second

part of the research question comes in: Why and how do Russian human rights NGOs participate in co-optation efforts from the state?

Little is known about the emerging patterns of responses from NGOs to closing civic space and to what degree they are successful. It is to this understudied field that this thesis aims to contribute by bringing in fresh data gathered from interviews with respondents who work in NGOs that are affected by “the new normal”.

By evaluating in what ways and how successful NGOs are at navigating in waters where the rules of the game have been changed, the discussion will also contribute by saying something about to what degree the restrictive measures work as intended. Although this is not the main goal of the thesis, the answers provided by my respondents provide new data that have value as a useful indication on the success rate of the most common tools used by competitive authoritarian regimes to control civil society.

## **1.4 Outline of the thesis**

Chapter two will conceptualize key terms and serve to anchor the research question in existing literature. By connecting literature on the most common strategies for controlling civil society in competitive authoritarian regimes with emerging literature and reports on how NGOs respond, five hypotheses are developed. The hypotheses are assumptions regarding what tactics NGOs will work out when responding to different situations of closing and opening space.

Next, chapter three will justify choice of research design and defend why it is necessary to conduct interviews in order to answer the research question in a good manner. I discuss challenges related to doing fieldwork on sensitive issues in a semi-authoritarian setting.

Chapter four provides the reader with necessary background knowledge. I look back on the implications of a post-communist totalitarian legacy and describe the development of the regulatory framework governing NGOs in Russia from Yeltsin’s presidency up until today. Special emphasis is given to the foreign agent law. I describe the three consultative and control organs that are most relevant for human rights NGOs to participate in.

Chapter five will answer the research question by reviewing the five hypotheses presented in chapter two. I analyze the ways in which the NGOs have experimented with new organizational forms, how they have developed coalitions amongst them, attempts at building

local constituency, and the search for new funding models. I look at how they participate in government-initiated structures and the reasons they state for participating.

Finally, chapter six summarizes the findings. I account for limitations and give suggestions for further research on closing space for civil society and authoritarian deliberation with limited pluralism.

# 2 Theory and Concepts

## 2.1 Introduction

This chapter will define central concepts that are used in the thesis as well as outline important theoretical contributions. I will discuss Michael Walzer's "civil society argument" and show that there is a paradox in it due to civil society's role as both a complement to government and a counterweight to government, that can best be solved by dividing the civil society argument into parts. The civil society argument will serve as a frame for discussing central theory in the field. Summarized, the civil society argument claims that:

*A "dense network of civil associations" is said to promote the stability and effectiveness of the democratic polity through both the effects of association on citizens' "habits of the heart" and the ability of associations to mobilize citizens on behalf of public causes (Foley and Edwards 1996: 38).*

This is inspired by Michael Foley and Bob Edwards' "The Paradox of Civil Society" (1996), where the authors dissect Walzer's argument into two broad versions: Civil Society I "puts special emphasis on the ability of associational life in general and the habits of association in particular to foster patterns of civility in the actions of citizens in a democratic polity" (Foley and Edwards 1996: 39). Civil Society II, on the other hand, "lays special emphasis on civil society as a sphere of action that is independent of the state and that is capable - precisely for this reason - of energizing resistance to a tyrannical regime" (Foley and Edwards 1996: 39). The paradox is based on the contradictions inherent in the civil society argument: While Civil Society I frames the presence of a vibrant civil society as a source of *stability* in a state, Civil Society II frames it as a facilitator for *destabilizing* tyrannical states (Nickel 2012: 65). I will relate the arguments provided by Civil Society I and Civil Society II to relevant literature and will throughout the chapter be particularly attentive to how the two parts of the civil society argument provide different incentives for how competitive authoritarian regimes rationally seek to govern political opportunity structures for civil society.

I will begin by conceptualizing civil society and NGOs and explain how these key terms are understood in this thesis. Then I will move on to explain what is meant by political opportunity structures, before I seek to justify why it is interesting to connect competitive

authoritarianism and civil society. Following that, I use contributions from theory to discuss ways in which NGOs can be beneficial to competitive authoritarian regimes as well as ways they can be problematic. This paves the way for discussing the phenomenon that is the main focus of this thesis: Closing space for civil society. The closing space-phenomenon is seen in connection with Western democracy building support to NGOs. Next, the concept of limited pluralism is introduced as a useful mechanism for hybrid regimes to manage civil society. Lastly, the most common strategies for controlling civil society in competitive authoritarian regimes are paired up with emerging literature and reports on how NGOs respond. Based on this, five hypotheses are developed concerning how NGOs will respond in closing space.

## **2.2 Conceptualizing civil society and NGOs**

Civil society is a broad term that covers a wide variety of activities, that nonetheless are similar in that they take place outside the setting of the family, government, and business (Henderson 2003: 1). Diamond (1994: 5) defines civil society as “the realm of organized social life that is voluntary, self-generating, (largely) self-supporting, autonomous from the state, and bound by a legal order or set of shared rules. [it] involves citizens acting collectively in a public sphere”. By acknowledging that civil society operates under a set of rules, Diamond accepts that although civil society has to be autonomous from the state, it can never be completely sovereign. Henry and McIntosh Sundstrom’s definition lack this aspect, but adds special emphasis to civil society as an arena for collective action: “We contend that civil society is a space of citizen-directed collective action, located between the family and the state, and not directed solely toward private profit” (Henry and McIntosh Sundstrom quoted in Evans 2012: 233). The notion of “citizen-directed“ implies that the actors are *voluntarily* taking part in civil society. The uncoerced aspect is underlined in Walzer’s definition, which holds civil society to mean the “uncoerced human association and also the set of relational networks [...] that fill this space.” (Walzer quoted in Henderson 2011: 12).

Some authors include more normative elements in their civil society definitions. For example, Howard (2003: 41) holds that civil society consists of groups that “follow the general liberal democratic principles”. Introducing normative elements into the definition that suggest that civil society is inherently “good” and made up of groups with a particular set of values is not problematic because this diverges from real-world facts (Celichowsky 2004: 62). Although all the NGOs I investigate in this thesis can be said to “follow the general liberal democratic principles”, I argue that a civil society definition with less markedly normative

elements provides the most solid foundation for a better understanding of how civil society has developed in Russia and other post-communist states.

One way of understanding civil society is in its very distance from the state. In “Modes of Civil Society”, Charles Taylor specifies three different “senses” of the concept of civil society, depending on how the state relates to civil society:

1. “In a minimal sense, civil society exists where there are free associations, not under tutelage of state power.
2. In a stronger sense, civil society exists only where society as a whole can structure itself and co-ordinate its actions through such associations which are free of state tutelage.
3. As an alternative or supplement to the second sense, we can speak of civil society wherever the ensemble of associations can significantly determine or inflect the course of state policy.” (Taylor 1990: 98)

Taylor’s differentiation of senses civil society exist related to the state is useful to bear in mind when we embark upon examining the conditions for NGOs that are situated in a restrictive setting.

Non-governmental organizations (NGOs) have become a central part of the greater landscape of civil society. Salamon and Anheier (1998: 216) identify a group of defining features for the entities that make up the non-profit sector. Firstly, they are organizations, meaning that they have an institutional manifestation and structure. Secondly, they are private and institutionally separate from the state. Thirdly, they are non-profit and do not work to increase profit for their managers. Next, they are in charge of themselves and in control of their own affairs. Finally, they are voluntary; in the sense that members have freely chosen to be part of the entity and that the organization attracts some level of voluntary contribution of time and/or money. These six features however fail to include what makes the NGO-form particularly vulnerable to oppression attempts from the state. As this thesis is concerned with explaining how NGOs respond to targeted oppression from the state, a conceptualization that stresses this important point shall be employed.

*A subset of civic organization, defined by the fact that they are formally registered with government, receive a significant proportion of their income from voluntary contributions (usually alongside grants from government), and are governed by a*

*board of trustees rather than the elected representatives of a constituency* (Edwards quoted in Glasius and Ishkanian 2015: 2624).

Edward's definition will be used throughout this thesis, as it by emphasizing registration, income and way of governing in a clear manner allows for drawing the line between what constitutes an NGO compared to less formal movements on the one hand and business-like enterprises on the other hand. Having a clear understanding of what an NGO is will be important for the research question posed in this thesis, as I investigate how NGOs respond to changed opportunity structures. As shall be discussed, one way of responding can be to leave the NGO-form to the advantage of ways of structuring that falls outside of how NGOs function according to the three features stated in Edwards' definition.

### **2.3 Political opportunity structures**

As Diamond's conceptualization of civil society suggested, NGOs as a part of civil society navigate within a framework of formal and informal boundaries. The state is the most important engineer in drawing these boundaries, as "it both frames civil society and occupies space within it. It fixes the boundary conditions and the basic rules of all associational activity (including political activity)" (Walzer 1991: 8). As discussed in the last paragraph, civil society is often conceptualized in terms of its relation to the state. Neocleous (1995: 397) goes deeper into the significance of this relationship when he proclaims that "to talk of civil society without the state is an absurdity. It is not just that there has to be some form of state through which 'collective' decisions are reached or contractual relations regulated. It is that civil society is actively shaped and ordered by the state".

Tarrow refers to what Walzer and Neocleous touch upon in the citations above as political opportunity structures. Political opportunity structures are "consistent – but not necessarily formal, permanent, or national – signals to social or political actors which either encourage or discourage them to use their internal resources to form social movements" (Tarrow 2005: 23). Political opportunity structures are influenced by institutional factors and historical legacy, as well as the resources available (Kitschelt 1986: 58). Summed up, differences in these factors are crucial to explain differences in how costly it is to achieve change. Tarrow's definition highlights an important point when specifying that the political opportunity structures not necessarily need to be the same within a nation (Kitschelt 1986: 63). Different fields of Russian civil society will for example find themselves working under different political opportunity structures. While political opportunity structures do not alone

determine whether or not a movement will succeed, they are central in explaining how easy or hard it will be to make an impact as well as in understanding why it is rational for movements to pursue different strategies (Kitschelt 1986: 58).

## **2.4 Authoritarianism with adjectives: Connecting competitive authoritarianism and civil society**

The final quarter of the twentieth century was marked by a diverse set of transitions from authoritarian and totalitarian regimes in the direction of liberal democracy - a development known as the third wave of democracy (Carothers 2006: 5). The end of the Cold War and the subsequent growth in number of regimes en route to democracy contributed to a wave of enthusiasm for civil society and its potential for helping to consolidate the newborn democracies (Howell, Ishkanian et al. 2008). Transition literature assumed that democratization would take place in stages, with an opening, a breakthrough, and finally consolidation (Sakwa 2011: 2). Linz and Stepan assign civil society a key role in all stages, and argue that "a robust civil society, with the capacity to generate political alternatives and to monitor government and the state can help transitions get started, help resist reversals, help push transitions to their completion, help consolidate, and help deepen democracy" (Linz and Stepan quoted in Henderson 2003: 34). This assumption makes the growth of civil society a prerequisite for successful transitions to consolidated democracy.

In the aftermath of the third wave of democracy, it has become increasingly clear that it is hard to defend applying a clear-cut dichotomy of democracy versus autocracy to accurately describe the regime type of many of these states today. While there are conflicting views among scholars as to whether this development should be classified as a backslide into authoritarianism or not (Roberts 2016: 34), there is consensus on and evidence for that "the end of the transition paradigm" (Carothers 2002) has come to stay. The transitions turned out in many cases not to be from non-democracy to democracy, but rather from non-democracy to new and different forms of non-democracy. Hybrid regimes combining authoritarian and democratic features have been rapidly on the rise in this period and today the most common form of authoritarian regime is one that regularly holds elections and allows some level of opposition to exist (Robertson 2009: 546). In *Competitive Authoritarianism: Hybrid Regimes After the Cold War* (2010), Levitsky and Way explore this multitude of regime types. Russia has been an important case of such gray zone regimes and can be categorized as a competitive authoritarian regime. In competitive authoritarianism, regimes "practice



authoritarianism behind the institutional facades of representative democracy” (Schedler 2013: 1). On the surface, regular elections are held. These regimes are therefore not purely authoritarian, let alone totalitarian, in the sense that they allow some opposition to exist. However, the elections are systematically not free and fair. The playing field is uneven (Roberts 2016: 34) – the incumbents are meant to win, and potential challengers are at a disadvantaged position that is quite unfamiliar to opposition in liberal democracies.

Although elections do not function as “instruments of democracy” (Schedler 2013: 2) in competitive authoritarian regimes, they may perform important functions in addition to camouflaging the true authoritarian colors of the regime. The purposes that elections serve in competitive authoritarian regimes differ from the function they have in democracies. Krastev and Holmes (2012: 36-38) mention demonstrating national unity, convincing voters that there are no good alternatives to the status quo and controlling local elites by including them in election manipulation as important examples of how elections matter in Russia.

Competitive authoritarianism is worthy of a discussion in the context of this thesis because it is exactly the hybrid nature of the regime that has been highlighted in the literature to explain the apparent dual and at times conflicting goals of the state towards civil society in Russia (Robertson 2009: 531-532). Goode notes that the literature on competitive authoritarian regimes can appear “myopically focused on elections relative to other regime characteristics such as the treatment of civil society” (Goode 2010: 1056). I argue that looking at the treatment of civil society in competitive authoritarian regimes is necessary in order to understand how these regimes cope with lack of information. Competitive authoritarian regimes display a multitude of formal and informal governing tools. Many are characterized by being formal on the surface, but in reality designed for selective use when seen fit. By repressing civil society through legal instruments, such as accusing NGOs of corruption, crackdown on civil society can be presented as rule of law rather than an authoritarian form of targeted persecution (Levitsky and Way 2010:28, Rekosh 2017: 7).

Competitive authoritarian regimes face the delicate challenge of carefully balancing the need to control civil society against the wish of reaping the benefits of having a well-functioning civil society. Section 2.5 and 2.6 will explore this further by discussing first what theory says about why NGOs are beneficial for the state, and then why NGOs can be costly or threatening.

## 2.5 How can NGOs be beneficial to competitive authoritarian regimes?

Schedler points out that understanding the post-third wave competitive authoritarian regimes of today is a matter of recognizing that they operate in a landscape characterized by political uncertainty. He highlights civil society as one of the areas where decision makers in these kinds of regimes need to be wary of the fact that they by default suffer from institutional and informational uncertainties (Schedler 2013: 68). Competitive authoritarianism can be sustainable, but its sustainability depends on the regime's ability to cope with these uncertainties (Levitsky and Way 2002: 58-59). Limiting political uncertainty is not the only reason why competitive authoritarian regimes allow NGOs to operate. Civil society can complement the state by providing services that the state is unwilling or unable to provide efficiently. Socially oriented NGOs can thus solve challenges that otherwise would require scarce resources from government budgets.

### 2.5.1 *The effects of civic engagement*

Strong civil societies and high levels of civic participation have since Toqueville's "Democracy in America" (1835) been associated with a strengthened effect on democracy (Putnam, Leonardi et al. 1994: 182). Toqueville suggests that democracy in the US was solid due to its comparatively high level of activity in a wide variety of associations (Lipset and Lakin 2004: 93). In *The Civic Culture: Political Attitudes and Democracy in Five Nations*, Almond and Verba (1965) show how successful democracies owe their success to something more than the structures of government and politics alone. Foley and Edwards (1996) categorize the adherents of Civil Society I arguments as those who argue that this "something more" has to do with civil society. On this background, these scholars tend to conceptualize civil society as "the horizontal development of associations outside of the state through which "civic engagement" can be practiced" (Nickel 2012: 65).

Closely related to Toqueville's, Almond and Verba's arguments and to what was introduced as Civil Society I in the introduction is the concept of social capital, which attracted significant academic attention in the nineties. In *Making Democracy Work: Civic Traditions in Modern Italy* (1993), Putnam demonstrates how trust, norms and networks can facilitate coordinated action and thereby improve the efficiency of society (Putnam, Leonardi et al. 1994: 167). Francis Fukuyama criticizes definitions like Putnam's for referring to *manifestations* of social capital when the goal is to define social capital *itself*. For him, social capital is better understood as "an instantiated informal norm that promotes co-operation

between two or more individuals” (Fukuyama 2001: 7). Trust, networks and civil society, Fukuyama goes on to underline, should according to his definition then more precisely be termed as the fruits of social capital. In most conceptualizations of social capital, the causal mechanisms at work are presumed to be of a reciprocal character, where the “use” of social capital itself is expected to result in more of it (Posner and Boix 2016: 686). Social capital is in other words a resource that is created through social interaction (Wong 2007: 17). These resources do not reside in individuals, but “[...] in particular networks of people, rather than in the people themselves” (Lipset and Lakin 2004: 93).

Hence, if it is correct that a vibrant civil society increases the level of social capital, and that social capital in turn is central to explain economic and political performance, then facilitating the production of social capital is a goal for all states – including competitive authoritarian regimes – that seek to improve their economic and political performance. Supporting the existence of civil society is in other words rational if it is assumed that associations in civil society produce social capital that “reduces the costs associated with collective action” (Lipset and Lakin 2004: 94), and thus improves quality of governance.

### *2.5.2 Mediating interests: Enhancing stability*

Another argument as to how NGOs may be beneficial to competitive authoritarian regimes goes back to Schedler’s suggestion concerning these regimes’ need to handle lack of information. Because “[...] civil associations help to both represent and moderate interests , by facilitating both cooperation and competition among citizens, groups and the state” (Lipset and Lakin 2004: 95), authorities can see NGOs as useful instruments for maintaining and enhancing stability . The system-destroying potential of civil society can be reined in by allowing it to present interests in controlled forms (Sakwa 2015: 193) Where civil society is weak or absent, conflicts both between groups as well as between elites and masses will easily get out of hand due to lack of arenas where consensus could have been reached at an earlier point in time (Lipset and Lakin 2004: 120). Channeling interests into existing political venues can in other words boost efficiency as those who are affected get to influence solutions, which can make it easier to reach mutually acceptable outcomes (Dryzek and Niemeyer 2010: 145). By being key actors in forming a relationship built on consensus between citizens and authorities, NGOs can function as valuable contributors to stability in competitive authoritarian regimes and help reduce the uncertainty the regime operates under.

The (positive) effects of active citizen participation that Civil Society I underlines is not a goal exclusive to democratic regimes or to states seeking transition to democracy. As the discussion has showed, it is also a rational goal for competitive authoritarian regimes. Recalling Fukuyama's conceptualization of social capital – “an instantiated informal norm that promotes cooperation between two or more individuals” (Fukuyama 2001: 7) –, it can be argued that decision makers in competitive authoritarian regimes, with no wish to democratize, also will have an interest in developing that norm. Social capital is “conceived as a crucial national resource for promoting collective action for the common good” (Edwards, Foley et al. 2001: 1). Putnam et al summarize it in this way: “Social capital, as embodied in horizontal networks of civic engagement, bolsters the performance of the polity and the economy, rather than the reverse: Strong society, strong economy; strong society, strong state” (Putnam, Leonardi et al. 1994: 176). Since a strong economy and a strong state certainly is in the interest of competitive authoritarian regimes that seek to stay in power, they also have an interest in giving space to entities that cultivate a strong civil society.

## **2.6 How can NGOs be threats to competitive authoritarian regimes?**

Having said that, the arguments described by Civil Society I theory are far from completely unproblematic for competitive authoritarian regimes. By taking part in civil society, the population develops skills and habits that are valuable to master in public life (Howard 2002: 165). Skocpol argues that voluntary associations serve as “[...] schools for democratic citizenship, providing an unusually large number of citizens with chances for active participation and democratic leverage” (Skocpol 2002: 105). Furthermore, semi-authoritarian states are likely to be susceptible to so-called naming and shaming-tactics if domestic NGOs spread information to actors abroad that have access to ways of pressuring the authoritarian state. This makes NGOs potentially costly or threatening to competitive authoritarian regimes, as people are democratized from below and become more prone and able to hold their leaders accountable.

### *2.6.1 Exporting civil society – Western democracy assistance*

Vibrant civil societies can through the arguments sketched out above have the potential to contribute considerably to both regime transition as well as in consolidating democracy. Francis Fukuyama even declares social capital the very sine qua non of liberal democracy (Fukuyama 2001: 7). Neo-Tocquevillian motivations for supporting civil society soon prevailed after the Cold War (Henderson 2003: 71, Nickel 2012: 63). Building civil

society – often understood as increasing the number of NGOs (Nickel 2012: 64)– was seen as something of a magic bullet for speeding up the transition to democracy and as the answer to problems the state and market were unable or unwilling to respond to (Sakwa 2015: 192, Dupuy, Ron et al. 2016: 1). Pippa Norris suggests that “people who are closely tied together are more likely to join forces and build social movements, facilitating the expression of collective preferences in democratic polities”(Norris 2011: 136).

These kinds of arguments have up until today continued to exert influence on how Western actors choose to channel democracy aid. For example, the 2014 Norwegian white paper *Opportunities for All: Human Rights in Norway’s Foreign Policy and Development Cooperation* declares that “a strong and pluralistic civil society is a drive-force in efforts to promote democratic development, the rule of law and human rights”, and states this as an incentive for continued Norwegian support to civil society in other countries (St. meld. nr. 10 (2014-2015) 2014: 18). In similar fashion, the 2017 UN *Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association* upholds that “a vibrant civil society helps to strengthen a state’s democratic credentials and should therefore benefit from support and protection similar to the public and private sectors to enable it to make an effective contribution”(UN 2017: 7). Underlying the arguments that highlight the importance of civil society in democracy development, is the assumption that democracy is something more than the minimal definition where free and fair elections are the sufficient features. A civil society with at least some degree of civic engagement is here presumed to constitute a necessary feature as well (Badescu and Uslander 2003: 4, Henderson 2003: 2).

The discussion above has made clear that competitive authoritarian regimes will have reason to be cautious of what goes on in civil society and have an interest in controlling the parts of civil society that do not conform with the regime. The political parts of civil society seldom strive to maintain the status quo – they often seek to push for change. Eliminating the meeting spaces for people with goals that can be perceived as intimidating by the state is a tempting and rational solution, even though doing so will entail hampering good governance.

### *2.6.2 Civil society as an autonomous watchdog and counterweight to the state*

Many of the associations that make up civil society have a political component that makes them problematic in competitive authoritarian regimes. The second version of the civil society argument is in contrast to the first more concerned with the idea of civil society as a *counterweight* to the state (Foley and Edwards 1996: 45). Where *Civil Society I* focuses on

the way the presence of “networks of civic engagement” is expected to result in an increase in the citizens’ ability to cooperate for the common good –“for a mutual benefit” (Putnam, Leonardi et al. 1994: 173), Civil Society II on the other hand is more political and in essence about the watchdog function of civil society. In other words, while Civil Society I highlights the fruits of the *act* of association, Civil Society II perceives the value of the *autonomy* of the associations as the most important aspect. This second version of the civil society argument is more problematic to cope with for the competitive authoritarian regimes than the first version of the argument. The NGOs that are the subjects of study in this thesis all work in the field of human rights and performing the watchdog role is thus central to their existence. NGOs that focus on rights are confrontational by nature and therefore at risk of being perceived as threatening and consequentially become the targets of restrictive legislation (Ljubownikow and Crotty 2017: 942).

Theda Skocpol (2002: 104) refers to civil society organizations as a source of considerable leverage on the political process in the sense that they can be effective instruments in promoting the common interests of their members and in working to ensure that their preferences are taken into account when decisions are made. Examples ranging from the Arab spring, occupy Wall Street, to the Polish solidarity movement illustrate that civil society movements can have far-reaching consequences that can make them a serious threat to stability in the eyes of the state. Color revolutions in neighboring states have been pointed out in the literature as decisive for explaining the onset of the pushback on civil society (Howell, Ishkanian et al. 2008: 85, Carothers 2016: 359). The color revolutions in Georgia in 2003 and Ukraine in 2004 were perceived as destabilizing by Russia, as Western NGO funding was seen as significant for the outcome (Henderson 2011: 19). A study that compared color revolutions that succeeded and those that failed, found that the strength of civil society is a key factor: The stronger the civil society in a state, the more likely that a color revolution would result in power shifting hands (Wolchik 2012: 67). When hybrid regimes witnessed what civil society coupled with foreign democracy assistance could achieve, it accelerated the motivation to implement measures designed to prevent them from falling victim to the same trend (Gershman and Allen 2006: 37). By acknowledging that Civil Society II contains elements that open up for seeing NGOs as a security threat to state stability, we can explore the rational motives behind crackdown on civil society.

### 2.6.3 Naming and shaming - Pressure to respond to international demands

Literature on transnational networks have tended to take the Civil Society II approach (Taylor 2011: 215). This strand of literature is particularly engaged with investigating why and how civil society's efforts to join forces across borders can increase civil society's ability to act as a counterweight to the state. In *Activists Beyond Borders*, Keck and Sikkink align with Civil Society II when they study several cases of transnational activism and introduce the concept of boomerang patterns. The boomerang effect (illustrated in figure 1) occurs when NGOs in state A experience difficulties with influencing policy processes, so they turn to likeminded NGOs in state B. By doing so they may be able to exert influence on state A through state B (Keck and Sikkink 2014: 13). Assuming that the boomerang pattern is a powerful mechanism for voicing issues and for effectively exercising pressure on states through international "naming and shaming", it will be rational for repressive states to seek out ways to block the boomerang pattern from working.

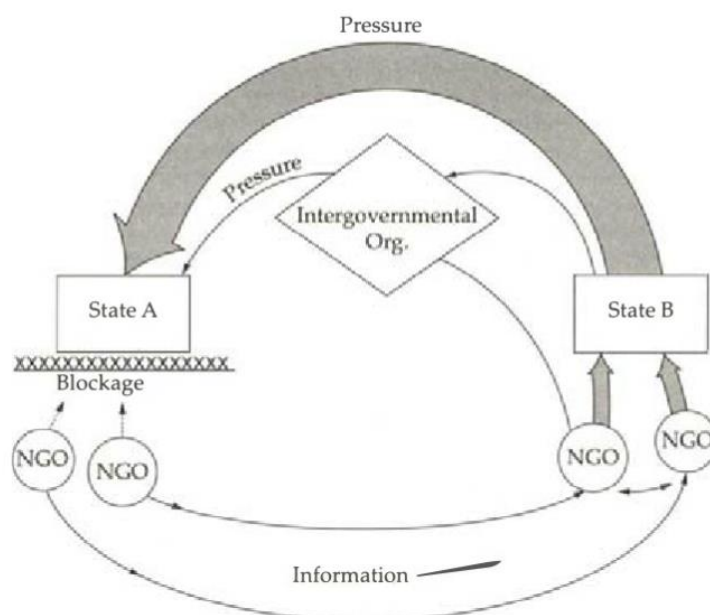


Figure 1 The Boomerang model

Keck and Sikkink (2014: 116-120) suggest that transnational human rights networks are able to succeed when they document violations of human rights and frame these in a way that attract international attention. They stress that international NGOs will struggle to achieve this on their own – domestic NGOs play a fundamental role here. However, they continue, the existence of such a transnational network with locally rooted NGOs is in itself not a sufficient

criterion for achieving change in a country's human rights situation. Opportunities for applying effective pressure on the state in question are decisive. Economic incentives and sanctions are well-known tools that states can use if they aim to encourage another state to make normative changes in its perception of human rights. Keck and Sikkink acknowledge this kind of leverage and the effect it can have but claim that moral pressure can be at least as important. The idea is that if states care about their international reputation, they would like to avoid being thought of as tyrannical.

Naming and shaming tactics were presumed to encourage states to follow international norms. However, new research raises doubt about the usefulness of this approach. Literature has concentrated on how states respond to international pressure (Tarrow 2005, Keck and Sikkink 2014), but why and under what conditions they choose to avoid conforming to pressure have been less focused upon (Terman 2017: 1). In an unpublished article, Terman develops the concept of defiance. Defiance “refers to the net increase in the commitment to or incidence of norm-offending behavior caused by a defensive reaction to norm sanctioning” and is most likely to occur when transnational advocacy is perceived to be a form of symbolic domination (Terman 2017: 1). Under such circumstances, norm defiance can be turned around as a sign of strength – “a badge of honor” (Adler-Nissen 2014: 144). Competitive authoritarian regimes will then have an interest in minimizing civil society's opportunities to act as a watchdog and a counterweight to the state. Hindering foreign “democracy assistance” efforts will be of particular interest.

### **2.7.1 Privileging certain forms of advocacy**

The discussion so far has showed that competitive authoritarian regimes have several rational objectives to avoid strangling civil society. One is implied by Keck and Sikkink's boomerang model: initial repression of civil society may lead to greater international pressure on an issue. Consequently, applying restrictions may in fact accelerate unwanted pressure. Another is inherent in the Tocquevillian argument – the fact that high levels of social capital, which vibrant civil societies are known to be linked with, are important in explaining quality of governance (Posner and Boix 2016: 690). A third lies in civil society's ability to provide some services more effectively than the state.

When competitive authoritarian regimes are careful not to make conditions for civil society too unbearable, they seem to accept the assumption that “the production and reproduction of loyalty, civility, political competence, and trust in authority are never the



work of the state alone, and the effort to go it alone – one meaning of totalitarianism – is doomed to failure” (Walzer 1991: 8). If we accept this argument, it means that complete alienation of civil society is a disaster-prone and unprofitable strategy, destined to result in destabilization in the long run. The growth in consultative organs and support for civil society in Russia – also to some degree the parts of it that protest the regime – could be seen as a result of a growing demand for better and more responsive governance in order to compete in an increasingly global world (Richter 2009b: 41). Complete repression of civil society is simply not an option for modern world’s competitive authoritarian regimes seeking stability. In accordance with their hybrid nature, they need a hybrid approach to govern civil society.

While much focus and academic attention have been directed towards regulation that in different ways *restricts* civil society’s political opportunity structures, less emphasis has been given to regulation that shapes civil society’s political opportunity structures in other ways (Salamon, Benevolenski et al. 2015: 2180, Owen and Bindman 2017: 6). In a world of shrinking space for civil society, it is of interest also to research what kind of advocacy is *encouraged* in competitive authoritarian regimes. The stick is not the only way to regulate – carrots are also frequently used. By giving privileges to the form of advocacy the regime prefers, states can aim at incentivizing behavior that is known to result in benefits while at the same time limit possibilities for destabilization of the regime.

Owen and Bindman (2017: 17) discuss the concept of limited pluralism and suggest that for competitive authoritarian regimes, encouraging a limited form of pluralism imply cherry-picking features from liberal democracy that fit with their interests, while skipping those that do not. Selective employment of consultative mechanisms thus appears as another tool for constructing an uneven playing field. Can competitive authoritarian regimes create public consultative structures that allow for reaping the benefits of civil society? If they can, then the next natural question is whether they at the same time can succeed at limiting civil society in such a manner that critical voices do not disturb the stability of the regime in power. This is where limited pluralism comes in.

### **2.7.2 Limited pluralism: Authoritarian deliberation**

The use of deliberative and consultative mechanisms through the involvement of non-state actors is on the rise in Russia (Owen and Bindman 2017: 2). Participation in such organs is attractive to NGOs as they represent opportunities to influence policymaking. The state, on the other hand, can profit from the involvement in two main ways: Firstly, it can receive

information that otherwise would have gone unnoticed and secondly, it can produce an increased sense of legitimacy because consensus is reached in cooperation (Dryzek and Niemeyer 2010: 148). This can serve to enhance stability for competitive authoritarian regimes, although it remains to be seen if deliberation can play a role in democratization and if it truly contributes to pluralizing the policy process. On the surface, creating spaces where civil society can communicate with the authorities can appear as a genuine attempt at facilitating the expression of diverse viewpoints. However, there is reason to discuss if this really is the case and question the motivation behind the creation of consultative organs in competitive authoritarian regimes. Recall Taylor (1990: 98) and his third sense of civil society: When “the ensemble of associations can significantly determine or inflict the course of state policy.” Skeptics could here argue that when the state adopts mechanisms for negotiation with civil society that borders on corporatism, new opportunities arise for state suppression of civil society. Taylor is aware of this danger when he writes that the third understanding of civil society “will not be easily accepted by one who suspects that the associations are in fact being integrated into the state apparatus, rather than bringing to bear their independent weight on it” (Taylor 1990: 98).

The starting point for this thesis is the observation that there are puzzling contradictions in the way Russia’s civil society is governed, with harsh restrictions on the one hand and new opportunities on the other hand. However, some researchers do not agree that Russia’s civil society faces a dual reality and see both the carrots and the sticks as two sides of the same coin. To Daucé, “allocating public funding to Russian human rights groups is [...] the second part of the enforcement of the foreign agent law” (Salamon, Benevolenski et al. 2015: 2182). Consultative organs and funding opportunities are here argued to be designed as tools for a silent and more subtle form of repression of civil society and NGOs (Daucé 2014: 251). Salamon et al criticize Daucé for assuming that the state is one, coherent, rational actor, when reality often is that different actors within government may have competing, rational goals (Salamon, Benevolenski et al. 2015: 2182).

## 2.8 Backlash on democracy: Closing space for civil society

*The idea of civil society has long been a magical construct, one that has somehow succeeded in simultaneously satisfying modernization theorists' belief in the historical mission of the middle class, the New Left's fascination with spontaneous activism, neoliberals' affection for antistatism, and Western donors' fondness for English-speaking NGOs. But today that construct is losing its appeal. (Krastev quoted in Sakwa 2015: 193)*

International efforts to “make democracy work” (Putnam, Leonardi et al. 1994) by supporting civil society are increasingly facing obstacles (Gershman and Allen 2006, Christensen and Weinstein 2013, Carothers 2016, Dupuy, Ron et al. 2016, Wolff 2018). Restriction of civil society's political opportunity structures as a form of defiance to international pressure should here be seen in the context of a broader trend of pushback on democracy assistance. Civil society in authoritarian regimes all across the world has since the middle of the last decade been experiencing not only that the transition has come to a halt, but furthermore a loss of possibilities and rights that earlier had been achieved (Carothers 2016: 359). In the mid-2000s, competitive authoritarian regimes began to view Western democracy assistance with skepticism and as “illegitimate political meddling” that should be met with defense mechanisms (Carothers 2006). How did hybrid regimes come to see democracy assistance as an undesirable presence and a threat to their interests? It has been argued that the form the promotion of democracy took has contributed to the backlash on democracy that many of the third wave-countries now are facing to differing degrees (Sakwa 2011: 1). Gershman and Allen contend that the backlash should be seen as a phenomenon intimately connected to the hybrid regimes of the third wave of democracy (Gershman and Allen 2006: 37).

Concepts such as the “closing” and “shrinking space” for civil society and “pushback on democracy promotion” are increasingly receiving attention from researchers worldwide who seek to explain the crisis in conditions for human rights activism. Some however question whether it is reasonable to talk about a crisis-trend at all, and secondly claiming that doing so may have negative consequences.

Kinzelbach and Spannagel claim that the meaning of the term “closing space” has been extended to cover far more than it covered when it was initially coined (Kinzelbach and

Spannagel 2018: 185). In an influential report by Carothers and Brechenmacher in 2014 that popularized the concept, they originally referred to closing space as the growth in laws that through regulation of NGOs aimed to hinder international democracy support (Carothers and Brechemacher 2014). According to Kinzelbach and Spannagel, the term has today expanded to rather mean a more general wide wave of repression against civil society – a notion they question the correctness of, and imply that observers and political scientists have let themselves be carried away by the hype of the over-stretched concept. The concept of “closing space” can thus be argued to be a victim of conceptual stretching, which occurs when a concept is broadened in meaning and thereby the range of applications of the concept is broadened as well (Sartori 1970: 1034). The consequences of conceptual stretching can be severe, as it leads to loss in precision. When a concept is stretched, the scope of what it covers is pushed to include instances that are beyond what would be included in the original concept. Comparison becomes complicated, as it is unclear what one actually is analyzing. This thesis therefore aligns with the original understanding of the concept of closing space for civil society and will therefore be limited to look at the responses to the new forms of repression.

Repression can be understood as “an action which raises the contender’s cost of collective action” (Tilly quoted in Van Der Vet and Lyytikäinen 2015: 983). Human rights activists in authoritarian regimes have always been at risk of being affected by actions that aim at this, and repression has often taken severe forms with consequences for the life and health of activists. Sikkink therefore accuses those who present the idea of a crisis in human rights activism of being too pessimistic and of overlooking the long lines in the history of human rights activism. She warns that framing human rights activism today as in a state of crisis in addition to being simplistic can have harmful consequences, such as loss of faith in that standing up for something can have an impact (Sikkink 2018: 172). While protesting the use of crisis framing, Sikkink acknowledges that we are witnessing the spread of restrictive measures that were rare or nonexistent in the last century (Sikkink 2018: 175). Amongst these are formal restrictions on foreign funding and increased use of time and resource consuming registration procedures. Older strategies for clamping down on civil society include smear campaigns, attacks against media and restriction of fundamental rights.

The authoritarians of today must in any case use another set of tools than their 20<sup>th</sup> century predecessors in order to succeed at staying in power (Robertson 2009: 531). That unequivocally means that the human rights defenders of the 21<sup>st</sup> century also must employ new strategies in order to succeed at their work. What, then, are the new forms of repression

that characterizes the age of closing space for civil society? The new tools employed to control civil society all across the world share many similarities. In a comparative study on pushback on civil society in Russia, Egypt and Ethiopia, Brechenmacher finds that among the most common strategies used are *delegitimization*, *sweeping legislative measures*, *selective targeting*, and *creation of alternative civic actors* (Brechenmacher 2017: 90-97).

1) ***Delegitimization*** can be done by accusing NGOs that rely on foreign funding for working against national sovereignty by supporting the motives of other states (Gershman and Allen 2006: 41). In a similar vein, they can be portrayed as elites that are incapable of understanding ordinary people's real-life struggles. Furthermore, NGOs can be delegitimized by employing anti-extremism rhetoric (Carothers and Brechenmacher 2014: 29).

2) Delegitimization creates a favorable foundation for introducing ***sweeping legislative measures***. Through rapid implementation of new laws that are characterized by their catch-all vague conceptualizations, NGOs find themselves navigating in new and unclear waters where the depth of the water can change arbitrarily (Gershman and Allen 2006: 42).

3) Broad legislation in turn sets the stage for ***selective targeting***. Selective law enforcement has proved to be a particularly useful strategy for rulers steering in the uncertain terrain of hybrid regimes with – on paper - democratic values and procedures (Bækken 2016: 342).

4) However, restricting civil society alone is however not all. ***Creating alternative civic actors*** is also an important ingredient in the recipe that when mixed together shape the political opportunity structures for civil society in competitive authoritarian regimes, also in Russia (Gershman and Allen 2006: 44-45). By creating a framework that offers different opportunities, where NGOs are divided into those who are cheered forward for being useful, and those who touch on more political issues are met with a more hostile approach, competitive authoritarian regimes can aim to preserve the benefits that come with having an active civil society while at the same time limit the parts of civil society that can be potentially harmful to the regime. Divide-and-conquer tactics provides the public with a chaotic impression of the human rights community, which again further contributes to delegitimization (Rodríguez-Garavito and Gomez 2018: 33). Summed up, human rights NGOs that work on less political issues and NGOs that are service providers will be expected to both on an informal and formal level face different and less severe restrictions than those who focus on the more political issues.

The closing space-phenomenon has been characterized by the use of “soft” restrictions, as opposed to more brutal and “uncivilized” methods, such as physically harming activists. Daucé suggests that this actually has led to a decline in direct physical violence against activists (Daucé 2014: 239). Administrative crackdown seems to be the preferred choice. Laws targeting the activities of NGOs that receive funding from abroad have been on the rise worldwide. Restrictions on foreign NGO funding have been found to often come about in the aftermath of competitive elections (Dupuy, Ron et al. 2016: 8). The protests in the aftermath of the parliamentary and presidential elections of 2011 and 2012 are therefore interesting in the Russian context (Wolchik 2012: 67).

## **2.9 NGOs responding to closing space**

What does the literature have to say on how civil society meets the new forms of challenges described in the last section? Social movement literature underlines that participation in activism is based on a rational evaluation of potential costs and benefits (Van Der Vet and Lyytikäinen 2015: 983). How professional human rights NGOs choose to respond to changed opportunity structures is then shaped by the people who participate as activists, so that the response is expected to be the result of a cost-benefit analysis. At the same time, human rights work is deeply characterized by issues of emotional character, which makes describing activism as question of rational choice somewhat problematic. Based on emotional attachment, people choose to participate despite what can sometimes be high risk (Van Der Vet and Lyytikäinen 2015: 983).

Delegitimization, sweeping legislative measures, selective targeting, and creation of alternative civic actors are all powerful tools that keep turning up when competitive authoritarian states aim to control civil society. I will now connect these strategies with literature that touch upon possible responses that NGOs can turn to when their opportunities are increasingly limited. Based on this literature review of responses, I will present five hypotheses concerning how NGOs respond to closing space with opportunities of participating in limited pluralism. These hypotheses will be applied to the Russian human rights context in chapter five and will be used to guide the empirical analysis.

### *2.9.1 Responding to broad legislation and selective targeting: Searching for regulatory alternatives*

A natural defense mechanism against laws that specifically target the NGO model of organizing as conceptualized above is to search for new ways to operate that allow for

continuing working for the issues they are engaged with. While pursuing the NGO-form has led to a professionalized civil society capable of promoting demands and working for a cause in an efficient manner, it has also left civil society vulnerable for repressive measures. Affected NGOs will look for available loopholes, and experiment with them until they close. The hunt for loopholes leads to a sort of cat and mouse game, where both state and civil society engage in a learning by doing process. Rekosh (2017: 8) mentions some possible alternative organizational structures that vulnerable NGOs have had different degrees of success with adopting:

- Establish a new entity of a similar nature
- Start a commercial firm to avoid extra regulatory burdens
- Organize their activities as an informal group of individuals without a legal entity
- Move abroad

Research shows that NGOs at risk tend to opt for becoming either more or less formal (Brechenmacher 2017: 100). Both strategies have their respective advantages and disadvantages. Becoming more formal, as for example by shapeshifting into status as a lawyer company, may work temporarily. However, as discussed in the last section, selective targeting is a central part of the package that together constitutes the assault on civil society, and any form of formal status can therefore be at risk.

### **H1: NGOs will search for alternative ways of structuring themselves.**

#### *2.9.2 Responding to attempts at divide and conquer: Building broad coalitions*

Becoming less formal can be a clever way to dodge selective bullets. By not being a target, one cannot be selectively targeted. On the downside, loosely organized activists will struggle to maintain a steady economic situation, as both getting funding from abroad and government will be hard without a formal status. Formal participation in consultative channels reserved for representatives from the professionalized human rights community will also be at risk. The downsides of going in a more loosely organized direction can however be diminished by entering mutually beneficial partnerships with established NGOs. Building broad networks consisting of different types of civil society actors can be vital in counteracting negative governmental campaigns (Wolff 2018: 133). By developing a sense of solidarity across different forms of organizations, people who share the same ideas can utilize the advantages and avoid the disadvantages of the different forms of organizing. Glasius and Ishkanian has coined this type of relationship as “surreptitious symbiosis”, which is when

“activists rely on NGOs for technical support for things like meeting space and printing to avoid direct reliance on the material logic of fundraising; and for legal aid and information about government plans to help protect against, and indirectly engage with, the coercive logic of the state” (Glasius and Ishkanian 2015: 2623).

In this sense, restrictions can contribute to rationalize more cooperation and solidarity between different types of groups in civil society – ranging from independent activists to established professionalized NGOs. One expectation that will be looked closer at in the analysis chapter is therefore the presence of a “surreptitious symbiosis” between loosely organized activists and professional human rights NGOs, where they can enjoy the benefits offered by diverse ways of structuring in different settings in order to effectively voice their issues.

**H2: Different actors in civil society will forge alliances and cooperate in ways that make the most out of their diverse organizational forms.**

### *2.9.3 Responding to delegitimization: New narratives, focus on grassroots mobilization and new funding models*

Keck and Sikkink suggest that activists have a powerful opportunity to deliberately use vulnerability to frame the issue they are seeking to shed light on (Keck and Sikkink 2014: 204). By framing the issue in a way that focuses on bodily harm, human rights activists can maximize the attraction of public and foreign attention.

Pushback measures are often quite well backed by ordinary citizens (Carothers 2016: 370). According to Mendelson (2015: 5), “space is closing in part because governments can put restrictions in place with little response or reaction by citizens”. Appealing to the need to ensure national sovereignty has turned out to be a fruitful way to gain support for restrictive measures in states that for the last three decades have been targets for Western civil society support. Wolff argues that building support at the grass root level is vital for NGOs that seek to succeed in semi-authoritarian settings. Similarly, Tiwana (2018: 163) suggests that the “struggle for hearts and minds” needs to intensify at the local level when civil society respond to delegitimization. One assumption is therefore that affected NGOs will respond to delegitimization attempts by trying to reframe the issues they are working on as legitimate interests that do not collide with the national interest and by focusing more on building a supporter base at the grass root level.



### **H3: NGOs will increase their efforts to build a domestic base of supporters and reframe their issues to become attractive to the broader layers of the population.**

Wolff goes on to underline that the most efficient way to respond to the foreign agent-rhetoric is to simply choose to say no thanks to foreign funding (Wolff 2018: 132). However, turning down a much-needed stable source of income from trusted and well-connected partners that one has cooperated with for a couple of decades is no simple solution. Dupuy, Ron et al. (2016: 9) conclude that NGOs aiming to survive stricter conditions have much to gain if they manage to mobilize resources at the domestic level, as this will serve to strengthen their legitimacy at the grassroots level. The legitimacy that comes with representing the interests of groups can be severely challenged if those who claim to represent these interests have weak linkages to the groups they represent and rely almost exclusively on funding received from other sources (Mendelson 2015: 5, Rekosh 2017: 61). This highlights one of the main criticisms surrounding Western democracy export and civil society support. Civil society is fundamentally a grass roots phenomenon, and it can therefore be questioned to what extent top-down civil society building can succeed.

Dupuy, Ron et al. (2016: 9) propose that “if citizens are willing to pay for civil society, they may also be more willing to stand by it” and go on to stress that the potential is biggest in states with moderate repression. Christensen and Weinstein also emphasize this argument, and furthermore underline other possibilities for developing sustainable funding options, such as domestic philanthropy (Christensen and Weinstein 2013: 90) A central issue here is to what extent there exists a potential donor base, and how this potential differs depending on what sphere of human rights the NGO is working on. NGOs working on issues that are generally more often met with hostility from the majority population, such as LGBTQ+ matters, are expected to have a harder time reaching out to the broad population than those who work on issues that that are more universally supported (Ron, Kaire et al. 2018: 154).

Focusing on increasing accountability can be a powerful way to disarm delegitimization efforts, as experiments show that ordinary people in low-income countries are more likely to donate to human rights groups that are fiscally transparent. Being fiscally trustworthy was valued above being highly effective and above those who were presented as being directly responsible for helping a specific individual (Ron, Kaire et al. 2018: 156). NGOs can have much to win at presenting themselves as trustworthy in the eyes of the

domestic constituency not only because it can increase funding, but also because it takes away much of the foundation for delegitimizing them as the puppets of foreign interests.

**H4: NGOs will seek to diversify their sources of funding and look for domestic funding opportunities when foreign funding is restricted.**

#### *2.9.4 Responding to co-optation attempts: Reaching for “effectiveness politics”*

This response goes back to limited pluralism, which was discussed earlier in this chapter. Sikkink argues that human rights activists that face new forms of restrictions should rely less on “[...] ‘naming and shaming’ and more on what might be called ‘effectiveness politics’—identifying techniques and campaigns that have been effective to discern how best to improve human rights” (Sikkink quoted in Rodríguez-Garavito and Gomez 2018: 34). When naming and shaming has become less effective and harder to succeed at due to new regulations that complicate transnational activism, human rights NGOs need to look new ways to achieve their goals. Taking part in government-initiated consultative organs and control mechanisms represent one such technique for “effectiveness politics”. Carothers notes that “civil society programs at both the national and local level in transitional countries now typically seek a productive dialogue with state institutions and view state and civil society as partners more than opponents” (Carothers, quoted in Taylor 2011: 215).

However, on the part of the groups that are in focus in this thesis – human rights NGOs – opportunities to take part in forums for limited pluralism constitute a dilemma according to the literature at hand. On the one hand, they want to be able to pursue what Sikkink called “effectiveness politics”, which should imply a pragmatic approach where any advantageous tool available is put to use. On the other hand, although the cherries picked from liberal democracy may be tempting to grab for civil society actors in competitive authoritarian regimes, the advantages may be overshadowed. Institutions reflect the interests of those who create them (Geddes 1995: 239). When assessing the function and impact of consultative organs in competitive authoritarian regimes, one should have in mind that it matters who created these organs and for what purpose. By improving governance through taking part in consultative structures and control mechanisms, NGOs can subsequently also contribute to legitimize the regime (Lorch and Bunk 2017: 991). Based on this dilemma, two opposing strategies for NGOs are identified. On the one hand, there is reason to assume that human rights NGOs will choose pragmatic “effectiveness politics” and therefore take part in any government-initiated structure where they can have an impact. On the other hand, they

may perceive co-optation invitations as attempts at using them to legitimize the regime and will therefore choose not to participate. Hypothesis number five takes the first approach, and states that:

**H5: Faced with restrictions, NGOs will embrace the limited opportunities they are left with and therefore choose to participate in deliberative organs.**

## **2.10 Summed up**

This chapter has conceptualized key terms, provided a review of existing literature, and left us with five hypotheses concerning how NGOs finding themselves in closing space for civil society are expected to respond. It has explored different civil society arguments provided by theory that motivated Western democracy support to post-communist countries. While some parts of what was termed the civil society argument fit well with the interests of competitive authoritarian regimes, other parts of the argument are more complicated to handle the consequences of. The literature sheds light on why NGOs both can have the potential to destabilize as well as stabilize competitive authoritarian regimes. Competitive authoritarian regimes' use of limited pluralism in the form of deliberative bodies was discussed as a way of ensuring stability. Understanding the dual potential of civil society was argued to be central in order to understand the combination of closing space for civil society and new opportunities to take part in bodies designed for limited pluralism.

## 3 Research Design: Method and data

### 3.1 The implications of the research question for the research design

This thesis takes a qualitative approach. I have used primary sources collected on a three-week long fieldwork, as well as secondary sources. I chose to conduct semistructured interviews as the research question requires information on how NGOs *themselves* experience the situation:

*In what ways do Russian human rights NGOs respond to new restrictions, and why and how do they participate in co-optation efforts from the state?*

The research question posed in this thesis invites to an explorative approach. The goal of this thesis is not to test theories, but it can contribute to explore and develop explanations that can be generalized to other events. The strength of the case study as a research design lies in its potential to shed light on new explanations (Collier and Mahoney 1996: 71). Cases can be seen as “vehicles for constructing and supporting broader theoretical generalizations” (Levy 2008: 14). As it is the goal of this thesis to construct new insights on how NGOs in closing space for civil society adapt, the case study approach is a well-suited choice of research design to answer the research question.

Fieldwork increases the likelihood that the researcher’s former assumptions based on secondary sources can be challenged and refined through direct observations of the “messy reality” (Goode 2010: 1067). It is exactly the “messy reality” that my research question is seeking to say something about. Although I arrived well prepared and had extensive knowledge of the conditions for human rights NGOs, I experienced that my expectations were confronted and in need of refinement.

Conducting face-to-face interviews can provide insights that would be hard to obtain when relying exclusively on other data sources. This is especially the case in authoritarian settings, where this kind of information is sensitive and can be hard to acquire unless anonymity is guaranteed. Semistructured interviews with open-ended questions is a suitable method here, as it provides respondents with the possibility of being the experts and hence contribute in making available valuable information to the research (Leech 2002: 668). By having some structure to the interviews and asking everyone approximately similar questions, I could compare the answers from the different NGOs.

Relying on interviews alone would be insufficient, and I have used a wide variety of other sources in both preparation to do fieldwork and also as evidence in this thesis. The additional data material includes academic articles, news pieces, reports, tweets, official statements and speeches, statistics from the Russian Ministry of Justice, Russian laws, the NGOs' webpages, official government webpages and more. Using a wide variety of sources has to some degree enabled me to cross-check the reliability of the information I collected from the interviews. This is the process of triangulation, where the researcher tests the accuracy by using two different methods to confirm or disconfirm the correctness of a claim. Three wrongs do not make on right, and triangulation cannot guarantee that several sources are not incorrect. It does however help give a more complete overview.

### **3.2 The single-case study: What can this study say something about?**

The case-oriented approach sets complexity above generality. Where the variable-oriented approach is concerned with testing hypotheses suggested by theory, the case-oriented approach seeks to “[unravel] the historical conditions that produce different historical outcomes” (Ragin 1989: 55).

Gerring understands case studies as “an in-depth study of a single unit (a relatively bounded phenomenon) where the scholar’s aim is to elucidate features of a larger class of similar phenomena” (Gerring 2004: 341). George and Bennet also recognize the prospects of being able to identify generalizable findings as part of the goal of doing case study research. They define case studies as “[...] the detailed examination of an aspect of a historical episode to develop or test historical explanations that may be generalizable to other events” (George, Bennett et al. 2005: 5).

In line with George and Bennet’s definition of case studies, this thesis is in other words an attempt at examining some aspects of some Russian human rights NGOs responses to the pushback on civil society over the last fifteen years to develop historical explanations that may be generalizable to other events. In Gerring’s words, the “relatively bounded phenomenon” that I seek to understand is the survival strategies of oppressed NGOs in authoritarian regimes. As explored in chapter two, the pushback on civil society combined with authoritarian deliberation is by many researchers seen as part of a global trend. There are numerous country (and locally) specific explanations as to how human rights NGOs respond to the pushback, and this thesis seeks to explain the specific case of Russia.

In quantitative work, researchers seek to analyze a set of cases with the goal of being able to say something about the bigger population, and on this background qualitative methods have been criticized for being particularly vulnerable to selection bias. Qualitative researchers, on the other hand, “are frequently concerned about the heterogeneity of causal relations, which is one of the reasons they are often skeptical about quantitative studies that are broadly comparative” (Collier and Mahoney 1996: 68). Qualitative methods can therefore be said to trade generalizability for the advantage of validity. Summarized, the qualitative researcher “can analyze his smaller number of cases more thoroughly, and he is less dependent on data that he cannot properly evaluate” (Lijphart 1975: 171).

While this study recognizes the good reasons for being skeptical of the single-case study’s potential for saying something valid about a bigger set of cases, some generalizable findings may result. Chapter two categorized Russia as a competitive authoritarian regime with a totalitarian past, and although my research question is highly specific and directly aimed at understanding the Russian case with regard to human rights NGOs, this thesis may also contribute to shed light on how recently democratizing states by building legal, institutional and financial frameworks can shape the costs of organization for NGOs.

As a typical case of a competitive authoritarian regime that has put restrictive measures on civil society in recent time, this study can contribute to generate hypotheses for comparison of a larger class of similar cases. Another way in which the single-case study can be said to have a comparative nature can be explained by understanding the single-case as always involving several observations. Gerring defends such an understanding by outlining three different levels where the single-case study can be comparative; I) diachronic: Variation in a single case over time; II) synchronic: Within-case variation at a single point in time; III) a combination of diachronic and synchronic analysis research (Gerring 2004: 343). As this study asks how Russian human rights NGOs has *changed* their approach, the analysis is inherently diachronic because it examines the variation in responding to restrictions over a certain period, namely the last fifteen years. Since this study answers the research question by investigating the strategies of different NGO-like entities at a given point in time (February 2018), it is also synchronic. Hence, this single-case study is an example of a combination of diachronic and synchronic analysis research.

### 3. 3 Experience with fieldwork and conducting academic interviews

A central part of the data material used in this thesis was gathered on a three weeks long fieldwork to St. Petersburg and Moscow in February 2018. I conducted semistructured interviews with nine employees and one volunteer from seven different NGOs, former NGOs or NGO-like “places” working in the sphere of human rights, as well as one interview at the St. Petersburg ombudsman for human rights office. An overview of the respondents can be found in the appendix. Not every NGO operates in the form of an actual NGO anymore, but for the sake of clarity I refer to them as NGOs throughout the thesis because they used to be NGOs and still operate similarly. As one interviewee put it: “We're not an [...] NGO now technically, although we are in substance” (Interview 9).

The interview guide that I designed for the interviews can be found in the appendix. Consent to participation in the study was given orally. The study was reported to and approved by the Norwegian data authorities (NSD) and has the project number 57833. Everyone interviewed for this thesis was informed that their identities would be anonymized (except the head of staff at the St Petersburg Ombudsman for human rights office), and that they at any time are free to withdraw their consent from the study. The choice to anonymize the respondents was made after close consideration of the pros and cons connected with anonymizing. The main reason for keeping the identities of my respondents hidden is the sensitive nature of the theme that I am studying. I wanted to increase the likelihood that my respondents both actually *were* safe as well as *feeling* safe about sharing information with me.

Good use of semistructured interviews demands that the researcher has done a thorough job in preparing for the interview and has extensive background knowledge about the issue in question (Peabody, Hammond et al. 1990: 452). To get the most out of the interviews, I therefore designed my interview guide with the purpose of mainly collecting information that would be hard to come across in other ways. At the same time, I did not want to risk that the respondents would avoid mentioning valuable information because they assumed that I was familiar with it already. To minimize this risk I followed the strategy suggested by Leech (2002: 665-666): “I present myself as having little or no idea about what happened behind the scenes in the given policy issue I am interviewing about. I try to continue this approach even after I have conducted many interviews on the same policy issue”. To be attentive to both of these considerations at the same time can be a challenge, as achieving a balance between presenting myself as well prepared on one hand and on the other hand as not too much of an expert is in contrast with each other.

Most of the interviews lasted for about 40 minutes. All the interviews were conducted in the workplaces of the interviewees. This was useful for several reasons. First of all, their workplace is a well-known setting for the interviewee and comfortable in the sense that they did not have to go anywhere to meet with me. Creating rapport and an atmosphere where the respondents are relaxed makes it more likely that they will open up and share valuable information (Leech 2002: 665). Secondly, it turned out to be practical in the situations where the respondents said that they for some reason felt uncertain whether they could give me the answer to a question. We could knock on the next office door and speak with another employee who had more expertise on that particular question. In this sense, conducting the interviews at the workplaces allowed for spur-of-the-moment snowballing to get new respondents within the same NGO. Thirdly, when it was natural I could spontaneously use the surroundings as a source of inspiration to ask probing-questions in the course of the interview. For example, in one interview the respondent told me that their NGO really did not have any powerful friends in consultative organs. Here I could point at a diploma hanging on the wall awarded to a well-known human rights defender who has a long history in that NGO and who is a longtime member of the PCHRCS and ask: “But does it not work to your advantage to have good connections with [name]?”. Similarly, another time a respondent came with unexpected statements that I knew differed from the official standpoint of the NGO. At the desk, I recognized a report the NGO had issued and that I had read online and nodded towards it and asked a question that took up the diverging viewpoints.

I asked permission to record the interviews, and none of the respondents were opposed to this. Recording the interviews allowed me to pay full attention to the conversation as it unfolded, without having to worry about missing anything as I would have if I relied on taking notes at the same time. I could concentrate fully about being a present participant, ready to pose relevant follow-up questions. Listening to the interviews quite soon after I had conducted them also turned out to be a good strategy for becoming a better interviewer. Having never done academic interviews or seen anyone do it, I experienced that learning by doing was effective. By evaluating my performance in the first couple of interviews, I became aware of what was working well and what I should change concerning both the questions I was asking and the way I was leading the conversation. In particular I improved at identifying the moments in the conversation when the subject touches upon something that is of interest, and in a natural way encourage him or her to elaborate on that. I developed a better sense of the reflexive relationship between the interviewee and myself as a researcher in the interview



situation, as described by Alvesson and Sköldbberg: “There is no one-way street between the researcher and the object of study; rather the two affect each other mutually and continually in the course of the research process” (Alvesson and Sköldbberg 2009: 39).

A third positive consequence of recording is related to language issues. I have some Russian skills, but they are limited, and I therefore preferred to conduct the interviews in English when possible. Five of the interviews were nonetheless conducted mostly in Russian, as the respondents spoke little English. In all these five interviews there was also someone who spoke English in close proximity that could assist me when needed<sup>1</sup>. By listening attentively to the interviews and looking up words I did not understand, I discovered points that I had missed or misunderstood at the time of the actual interview. The recordings were hence valuable to help partially compensate for challenges related to language.

By to a large degree relying on interviews with employees in human rights NGOs, one criticism of this thesis could be that it has a one-sided approach that unjustifiably ignores other viewpoints. I argue that this is not a weakness, as the research question is confined to focusing on the *NGOs*’ responses, not on how anyone else observe these responses. The phenomenon that I am interested in studying is how Russian human rights NGO adapt in a new framework. I seek to provide an explanation of their strategies and map out what parts of the framework lead them to follow the kind of strategies they choose to follow. It is by studying those that *perceive* that they experience a phenomenon that we can understand more about the consequences of that particular phenomenon (Bækken 2016: 345). By conducting most of the interviews with human rights NGO-employees, I rightfully stay within the scope of the research question.

### *The respondents: Finding, choosing, and getting in touch with them*

An initial interview with Inna Sangadzhieva at the Norwegian Helsinki Committee’s (NHC) Russia department in December 2017 was very helpful and provided me with an impression of who it might be interesting to try to get an interview with for the purpose of this thesis. Making use of the NHC’s expertise and vast contact network in the Russian human rights community resulted in all of the nine NGO-interviews that I conducted. Contact was mostly established by e-mail and having the opportunity to write that the NHC recommended me to get in touch with them may have functioned as a door opener in some cases.

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<sup>1</sup> In some cases, someone I had brought with me, in other cases a younger employee at the NGO.

Interview 2 was obtained through a person who was already in my contact network in St Petersburg. I knew he was active in human rights work, so I described my project to him and asked for advice on who to interview in order to get the viewpoint of someone that works with human rights issues in a less formal way than through an NGO. I explained that I already had scheduled interviews with established and professional NGOs, and that I was interested in getting in touch with people who had been employed or engaged in human rights NGOs before, but who had opted out for the benefit of working without a clear organizational structure. This led me to spend an interesting day at a place that functions as a hub for different kinds of projects, many of them related to human rights. I conducted one interview there with an activist that after a long career in a larger human rights NGO had decided to move on to project-based work.

With the exception of the initial interview with the NHC, all of the interviews were conducted with people based in St Petersburg or Moscow. The findings from this study are thus not unproblematic to generalize to how NGOs in other parts of Russia respond, especially in smaller cities. I chose to do interviews in the two cities because this is where most of the well-known human rights NGOs the NHC recommended me to get in touch with have their headquarters. All the NGOs are Russian and were founded by Russian citizens. This was a criterion I operated with in the selection process, as I wanted to make sure that they were not “imported” NGOs. They are relatively well-known and have been in existence for quite some time – three of them came into being in the turbulent early 1990s, and the other three have a history dating back to the early 2000s. Selecting NGOs that have been active for more than a decade was done intentionally. Because I wanted to gain insight into how political opportunity structures have changed over time, I wanted to get in touch with NGOs with long experience. Preferably I wanted to speak with people who had been working in the NGO for as long as possible, and for the most part I managed to get interviews with people who had worked there for at least a couple of years and who often had a history of voluntary work before getting employed.

Two of the NGOs were on the foreign agent-list at the time the interviews were conducted, two had gone on to other forms of organizing as a result of being named foreign agent, one had initially been on the list and had succeeded in its efforts to be removed from the list, whereas one had never been on it. All of them have received foreign funding before and have had this as a substantial source of their funding, but some stated having stopped receiving it. Although all of them describe themselves as working in the sphere of human

rights protection, they vary substantially in what explicit field of human rights protection they are working in<sup>2</sup>.

Another important variable that divided the NGOs are to what degree they can be described as service-providing. As discussed in chapter two, theory suggests that competitive authoritarian states have strong incentives to applaud NGOs that take on tasks that otherwise would eat off scarce government budgets. To be able to understand if “degree of service-providing” was central to explain how NGOs respond to restrictions and approach government, I deliberately got in touch with NGOs that differed on this point so that I could compare their answers in light of this feature.

### **3.4 Interviews as a useful, necessary and challenging research method in a semi-authoritarian setting**

Doing fieldwork in a semi-authoritarian setting implies some ethical and practical challenges, and it is essential that the researcher comes up with good strategies for tackling potential risks (Gentile 2013: 432). Coping with such challenges is becoming increasingly relevant for researchers as states that began transitioning to democracy during the third wave are turning towards hybrid forms of authoritarianism. It is therefore problematic that this issue is receiving limited attention (Goode 2010: 1055). Goode observes an unfortunate trend: As Russia is becoming more authoritarian, political scientists are publishing academic articles on Russia where the research questions seem to be less tense and the use of fieldwork as a method is declining (ibid.: 1056).

As argued above, conducting interviews with affected NGOs is the most fruitful way to obtain reliable data needed to answer the research question in this thesis. The research question can be perceived as somewhat political and maybe also provocative. I was therefore particularly attentive to planning the fieldwork in a manner that would minimize the risk of harm and inconveniences, both for the respondents as well as for myself. With an office space at the Fridtjof Nansen Institute, I am lucky to be surrounded by researchers with decades of experience with conducting academic interviews in Russia. I was advised to do all the paperwork one hundred percent honestly and correctly. I was aware that there have been instances of researchers losing their visa during fieldwork. On paper, the reason of course is that there is some formal mistake in the visa application, but as Håvard Bækken was told

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<sup>2</sup> See appendix 1 for a description of each NGOs' main field of work.

when he had to cut short the fieldwork for his PhD on selective law enforcement: “You cannot just walk into our country with a sound recorder and pose difficult questions without us noticing” (Bækken 2014: 2). Doing fieldwork in semi-authoritarian settings implies more often being met with constraints that researchers doing fieldwork in liberal democracies do not have to handle.

Goode calls for researchers that do fieldwork in hybrid regimes to explicitly include any constraints they meet into their methodological discussions (Goode 2010: 1070). I will therefore discuss visa-challenges that I experienced. I got my research visa invitation to Russia from the Norwegian University Center in St. Petersburg (DNUSP), which I have had several exchange stays at prior to starting the work with this thesis. Shortly after I had received my research visa to Russia on the basis of the invitation from DNUSP, the center was unexpectedly and with unclear reasons shut down temporarily and put under investigation. The students who were there at the time were interrogated by migration officers, who told them that the visa invitations DNUSP had provided them with had not been valid. The students were then expelled from Russia. At this point I expected that I could not use my visa anymore, and that I would either have to get another education institution in Russia to provide me with a new invitation or skip going on fieldwork altogether. After getting in touch with DNUSP and the Norwegian Ministry of Foreign Affairs, I was assured that my visa would still be valid. Due to the uncertainties concerning the DNUSP situation, I chose to postpone the departure with a week. Despite the assurances I was still slightly nervous that my visa could cause problems at the border control or during the trip, but everything turned out fine. However, three days after I returned from Russia, the board of the DNUSP decided to close the center as a result of the last months investigation.

Scientific closure in regimes drifting towards authoritarianism has consequences for the research questions scholars pose, and subsequently the methods used to answer these questions (Goode 2016). It is problematic if (as Goode’s evidence points towards) harsher conditions for conducting interviews result in political scientists choosing to stay away from interesting research puzzles that benefit well from fieldwork. Although researchers doing fieldwork in semi-authoritarian settings need to take extra considerations, it is precisely in semi-authoritarian regimes that interviews are a well-suited way of obtaining information that can be hard or impossible to access via other sources.

The choice to record the interviews may have led the respondents to hold back on information they perceive as sensitive or potentially dangerous, and researchers should therefore be extra considerate about this the more sensitive the subject they are interested in is (Peabody, Hammond et al. 1990: 454). Although I guaranteed full anonymity and that access to recordings would be password-protected and limited to myself and my supervisor, they may have been concerned about the information somehow getting linked with them anyway. Seeing the recorder at the table is a constant visual reminder that everything they say in the interview ultimately can be traced back to them. There is undoubtedly a risk that this thought crossed the minds of some of the respondents, and that I can have missed valuable information due to the choice of recording the interviews. I was conscious about this and tried to minimize the risk by taking advantage of the trust-relationship that we built up in the course of the interview. Markowitz underlines the opportunities for making use of the more informal atmosphere immediately after the interview when doing interviews in an authoritarian regime (Markowitz 2016: 903). At the end of each interview I made sure that the respondent saw that I turned off my recorder and put it away, and in the more informal conversations that often followed I at a couple of occasions experienced that the interviewees opened up and spoke more freely than they had done when we were sitting down, and the recorder was on. Due to research ethics I have chosen not to use citations of what was said in these conversations in the thesis, but these short “by the way”-conversations after the interviews gave valuable insight.

I was invited to a couple of Telegram channels after some of the interviews. Telegram is a popular encrypted messaging service in Russia<sup>3</sup>, and having the opportunity to follow the internal group communication prolonged the fieldwork and gave interesting insights into how they strategically act to reach their goals.

All the NGOs are well established, and people with good knowledge of the human rights community in Russia may therefore be able to guess who I have spoken with. Re-identification is a risk, as linking the information gained from the interviews that I present in chapter five of this thesis with publicly available information about for example who takes part in which bodies possibly can lead to uncovering the identities of some of the NGOs and respondents. In hindsight I have the impression that I would have gotten the same answers from my respondents irrespective of the choice to anonymize them, and that it would have

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<sup>3</sup> Telegram was blocked for Russian users in a controversial court order in April 2018, but continues to be widely used through VPN-solutions.

been a better approach to at least include the names of the NGOs they work in. I can however not be completely sure that some of the information disclosed in the interviews was obtained due to the promise of complete anonymity. As anonymity was what we agreed upon in the interview setting, I have kept this promise throughout the thesis. Gentile underlines that the greatest risk of doing research in authoritarian settings is to be unaware of the risks (Gentile 2013: 432). Keeping the identities of the respondents anonymized is therefore a good precautionary strategy when doing fieldwork on sensitive issues in semi-authoritarian regimes, in particular as an inexperienced researcher.

## 4 Conditions for civil society in Russia

In order to better understand the opportunity structures for human rights NGOs in Russia today, this chapter will provide background information on how civil society and the framework it operates under has developed. This chapter seeks to lay the empirical foundation that coupled with theory presented in chapter two is necessary for understanding the analysis that will be in focus in chapter five. Russia's last century has been dramatic, and I do not have unrealistic ambitions of comprehending all factors that have contributed to shaping civil society's opportunity structures. Running the risk of missing variables in this brief account, I do, however, aim to shed sufficient light on the most central factors.

The chapter will start by assessing Russian civil society by relating it to the conceptualizations of the term in chapter two. Next, a discussion on how the totalitarian legacy has shaped both Russian civil society and the framework it operates in will follow. I will move chronologically on to discuss the nineties and the Western democracy assistance to NGOs that characterized this period. After that, central issues concerning the governance of civil society during the Putin era will be discussed. I will show that while Russian civil society including human rights NGOs are definitively severely oppressed in a variety of ways, they are far from completely restricted. In some ways they are even encouraged. The encouragement has particularly taken the shape of invitations to participate in different varieties of deliberative organs. At the end of this chapter, I will describe the organs that are most relevant for human rights NGOs.

Recalling the conceptualization of civil society in the beginning of this chapter, how does Russian contemporary civil society measure up? Kremlin's ideal view of civil society has been described by Richter as "a coherent, ordered space where individuals assist the state in the interest of the whole" (Richter 2009a: 8). This stands in opposition to the conceptualizations that emphasize some level of independence from state power. These two opposing views of what civil society is conceived to be about are complicated to combine. The more classic conceptualization that this thesis aligns with makes seeing civil society as a united "whole" difficult to defend. When humans are free to associate and not under strict authoritarian limitation, one would expect that civil society will be characterized by diversity. To put it simply, people care about different issues and like to spend their time and resources

in quite different ways. What, then, is the meaning of “the whole” in this context? The trend in establishing government bodies designed to consult with civil society fits well into what is known as the doctrine of sovereign democracy (Richter 2009b: 40). By adding sovereignty in front of democracy, one is implying that this way of doing democracy is Russia’s choice and not anyone else’s business. Sovereign democracy legitimates a central state while at the same time taking into account the fact that today’s world is global and in order to succeed economically under these conditions, flexibility and efficiency are mandatory virtues (Richter 2009b: 40). Consultative organs may facilitate this, while also playing a role in nation-building for the “whole” of Russian society (Stuvoy 2014: 410).

#### **4.1 Legacy from totalitarianism**

The breakdown of the Soviet Union in the early nineties opened up opportunities for engaging in forms of activity and ways of voicing interests that had been out of the question earlier. How have Russians and Russian civil society in the two and a half decades that have passed been affected by the legacy of the Soviet Union? Civil society is conceptualized as the sphere outside family and state. There is no room for such a sphere in a truly totalitarian society. A totalitarian past, and in particular a totalitarian communist past, is correlated with challenges in developing a vibrant civil society when states turn democratic (Goncharov and Shirikov 2013: 29). One study has found that while citizens of newly democratized states with a totalitarian past on average have 1.82 organizational memberships each, this number drops to 0.91 for the citizens of post-communist states (Petrova and Tarrow 2007: 76). It would, however, be a misguided oversimplification to assume that all causes of Russia’s present rather weak civil society are to be found in its communist past. There are prominent differences in strength amongst the European post-communist countries’ civil societies (Howard 2002: 158). These differences make it problematic to blame the Soviet past alone for Russia’s weak civil society. Some therefore look further back and point to decades of tsarism as central to understanding Russia’s low levels of associational activity (Henderson 2003: 17).

This being said, it is hard to get away from the fact that the legacy of the Soviet era continues to have a lasting impact on Russian civil society. The state monopoly on all things related to public life resulted in a population skeptical towards participating voluntarily in organizations (Richter 2009a: 9). Building and developing civil society is a challenging task and it does not get easier when the population has recent and good reasons for being skeptical to state action on this field. Howard finds that mistrust of communist organizations results in



long-lasting reluctance to join organizations. After decades of mandatory participation, people are not particularly eager to engage in activities that resemble what they once had to take part in involuntarily (Howard 2002: 161).

## **4.2 The wild 90s: The age of democracy assistance**

To Yeltsin, building civil society was never high on the agenda. The legal framework for governing civil society and the rights and activities of NGOs was often understood quite differently across the regions due to complexity and poor communication (Henderson 2011: 15). His number one priority was reforming the economic system, particularly in the first few years. In this way, the immediate post-soviet Russia fits Fukuyama's description, which categorizes building social capital as a "second-generation" economic reform (Fukuyama 2001: 7). One explanation for the low level of attention towards civil society is the lack of resources that Russia suffered following the breakdown of the Soviet Union – other tasks seemed to simply have to come first. Another explanation is that there was a belief in the elite that as long as the totalitarian regime was gone, civil society would flourish on its own.

Still, the very phenomenon of public consultative structures with the goal of building dialogue between civil society and the authorities can be traced back to Yeltsin. It was his administration that in 1994 proposed that all regional governments should set up public chambers as a meeting place where relevant actors and NGOs could participate in discussing issues and legislation that the regional dumas were about to process (Henderson 2011: 17). The 1995 Federal Law No. 7 on Non-profit Organisations was the first coherent attempt to set up a legal framework governing Russian NGOs, and this law remains active today. The development in number of amendments to the law reflects a noteworthy increase in government attention towards civil society: While the law was amended five times the first decade it was active, the next decade saw a rush resulting in a total of 74 amendments as of 2016 (Skokova 2016: 130).

For the most part, then, civil society was left to develop on its own without neither restrictions nor help from above. The Yeltsin era's lax attitude with regard to civil society facilitated the surge of Western democracy assistance programs focusing on building Russian NGOs. In the absence of domestic initiative and steering, different democracy assistance initiatives from abroad provided funding opportunities as well as training workshops and education programs for emerging Russian civil society organizations. Henderson refers to the

resulting situation as unintended clientelism, with unequal vertical relationships between the foreign funders and the Russian NGOs (Henderson 2003: 28). She suggests that this has led to a lack of connection between NGOs and the people they claim to represent. A lack of connection between NGOs and ordinary people can make introducing restrictions easier to justify for authoritarians (Rekosh 2017: 71).

### **4.3 Putin period – new restrictions and new opportunities**

*“Putin appears to have been haunted by fear of systemic breakdown and the potential for democratic failure”* (Sakwa 2015: 193).

Throughout the Putin presidencies, the implementation of measures designed to allow stricter control of NGOs has coincided with the creation of more opportunities for civil society to voice issues through new institutions designed for this purpose (Daucé 2014: 243). Instruments of co-optation have in other words been implemented alongside instruments of coercion. Changes in governing civil society and legislation with consequences for NGOs in Russia during Putin’s presidencies can be divided into two waves: The first one in 2005-2006 and the second one following the presidential election in 2012 (Van Der Vet and Lyytikäinen 2015: 981). While Putin’s first presidential period from 2000 to 2004 followed in Yeltsin’s footsteps with regard to the relaxed approach to civil society, this took a turn in his second presidential period. Beginning in 2004, it was marked by extensive reforms concerning how the state governs civil society.

The reforms resulted in a landscape less friendly towards NGOs with interests that are perceived as threatening to the state, whereas non-political NGOs or NGOs with interests that align with the state’s interests are applauded (Robertson 2009: 531). The changes introduced restrictions on amongst other things who may create an organization in Russia, strengthened the state’s right to oversight over NGO activities as well as specifying what may lead an NGO to be denied registration (Henderson 2011: 20).

These steps led Russia closer to what some call “managed democracy”, where the political components are kept at an arm’s length in order to control contestation and avoid the dangers genuine democracy poses to political power (Sakwa 2015: 193-194). The new regulations were motivated by a desire to safeguard Russia against foreign influence through

domestic civil society (Crotty, Hall et al. 2014: 1262), and designed to reshape the costs of organization for NGOs that were possible threats (Horvath 2011). For example, one reason for being denied registration starting from 2006 was if the NGO's "goals and objectives [...] create a threat to the sovereignty, political independence, territorial integrity, national unity, unique character, cultural heritage and national interests of the Russian Federation" (Henderson 2011: 20). From this point on Russia's national interest was presented as clashing with Western democratization efforts – a development that has become increasingly clear. By creating a different set of rules for the parts of civil society that can be described as having a political component, the authorities aim at keeping the status quo (Van Der Vet and Lyytikäinen 2015: 981).

How did foreign-supported NGOs become an alleged threat to Russian authorities, and have they really ever had the goal or potential to pose a risk to the regime? What is known as the color revolutions in the neighboring countries in the early and mid-2000s were game changers concerning how threatening civil society forces were perceived to be by the Kremlin. The Rose revolution in Georgia in 2003, the Orange revolution in Ukraine in 2004 and the Tulip revolution in Kirgizstan in 2005 powerfully demonstrated that authoritarian leaders of the post-communist states could be overthrown when citizens are mobilized and take to the streets in protest (Robertson 2009: 529-532). Parts of the movements behind the protests that culminated with the revolutions had received financial and educational support from Western democracy support initiatives. Support came from amongst others American groups such as the National Democratic Institute, the International Republican Institute, Freedom House and the Open-Society Institute (Carothers 2006: 55-56). The same groups have also been central contributors to Russian NGOs. This support tended to focus on building NGOs. Finding efficient ways of controlling foreign support to NGOs thus became a key concern for preventing color revolutions. For this reason, Ron et al. classify foreign aid as a necessary, but not sufficient condition for when states choose to crack down on locally operating NGOs that rely on foreign funding (Ron, Kaire et al. 2018: 153).

Furthermore, restrictions on forming NGOs have been presented as anti-terrorism measures, a framing that domestic NGOs have protested and perceived as a strawman argument (Gershman and Allen 2006: 40). In Russia's case, the first wave of restrictions was initiated shortly after the 2004 Beslan school hostage terrorist attack, and the new restrictions

were presented as a part of a legitimate and larger strategy to avoid future attacks (Richter 2009b: 39).

When Putin returned for his third presidential term in 2012, a second wave of restrictions took form. The Ukraine conflict beginning in 2014 further accelerated the government's tightening control over anything resembling opposition in Russia (Gel'Man 2015: 187). The implementation of the law on foreign agents and subsequently the law on undesirable organizations contributed to restrict opportunities to access foreign resources.

#### **4.4 Foreign agents and undesirable organizations**

The foreign agent law bears much of the responsibility of the closing space for civil society in Russia. The federal law was passed in 2012 and states that any NGO needs to register with the Ministry of Justice as a foreign agent if it is a:

*Russian non-profit organization that receives financial resources or other goods from foreign states, their agencies, international or foreign organizations, foreign citizens, stateless persons or their representatives, or from Russian organizations receiving funds from those sources, and which takes part, particularly in the interests of foreign personalities, in political activity within the territory of the Russian Federation (Daucé 2014: 247).*

The law focuses on two aspects: Foreign funding and political activity. The law does not specify any minimum threshold for amount of funding, so in principle a very low amount is sufficient to become a foreign agent (NGO-Lawyers'-Club 2016: 3) Furthermore, the law's conceptualization of "political activity" is extremely vague, as it is specified to mean:

*[..] organizing and implementing political actions aimed at influencing the decision-making by state bodies intended for the change of state policy pursued by them, as well as in the shaping of public opinion for the above mentioned purposes (Van Der Vet and Lytikäinen 2015: 982).*

It remains unclear where the limits to what constitutes attempts at influencing decision-making are drawn. By including also attempts at shaping public opinion, practically every NGO working with human rights issues will have a hard time escaping a strict understanding of the law. This is reflected in the large proportion of human rights NGOs that

are listed in the foreign agent-registry today; About one-fourth of the NGOs in the registry are working in the sphere of human rights (Flikke 2018: 27). Despite this, not every human rights NGO in Russia receiving foreign funding has yet been placed in the foreign agent-registry.

The vagueness of the law's conceptualization of political activity creates favorable conditions for selective law enforcement. Bækken points out that "when selective law enforcement takes place, informal criteria constitute the only or primary reason for a selection – and thus also the main reason for legal procedures to be initiated" (Bækken 2014: 57-58). In the beginning, it was especially unclear what exactly the practical consequences of being on the list would be, and as chapter five will explore, this has marked how NGOs in the danger zone have responded to it.

As of March 2018, the Ministry of Justice had labeled 158 NGOs as foreign agents since 2014, and out of these 79 are still in the registry whereas a little more than 20 have succeeded in deregistering (HRW.org, accessed 27.04.2018) The rest of the NGOs have either stopped operating or found new ways to work in that allow them to escape the label.

In addition to the foreign agent law, the law on undesirable organizations was implemented in 2015. One significant difference from the foreign agent law is that it only applies to foreign organizations, and domestic organizations are thus not directly affected by it. The law empowers the Prosecutor's Office to declare foreign and international organizations undesirable and hence expel them from operating in Russia, if they are considered to "[...] threaten the foundation of the constitutional order of the Russian Federation, the country's defense capability, or the security of the state" (ICNL 2016: 16). As all NGOs interviewed for this thesis are Russian and have been Russian since they started operating, they cannot be declared "undesirable" by the law as it is today. However, the law on undesirable organizations also opens for punishing Russian citizens with up to six years in prison for having close ties with such organizations (HRW 2017: 16)

The foreign agent law serves to restrict NGOs on two levels. Firstly, those NGOs who already have been labeled foreign agents face a number of difficulties, such as a heavier workload due to increased demands about reporting as well as the more difficult working conditions that comes with the stigmatizing label. Secondly, fear of ending up as a foreign agent may cause NGOs to take precautions and act differently from what they otherwise would do. In 2014, the Ministry of Justice was granted the right to enlist NGOs as foreign agents, and NGOs that fail to enlist themselves before the Ministry of Justice evaluates them

to fit in the foreign agent category are required to pay high fines. In some cases, dissolution of the NGO and even imprisonment can be the consequences (Flikke 2016: 103). The fines can be high enough to be synonymous with dissolution.

Upon being appointed as National Ombudsman for human rights in Russia, former police officer Tatiana Moskalkova announced that she sees her goal as:

*[...] Strengthening the authority of the National Ombudsman in the international arena. It is essential because recently the human rights issue has been **used** quite actively by some Western and American structures as a tool for blackmail, speculation, threats and attempts of putting pressure on Russia. And the National Ombudsman can and should stand up against false, unsubstantiated accusations aimed at Russia.* (NGO-Lawyers'-Club 2016: 40, my emphasis on used)

Moskalkova's statement invites to a semantic discussion of what connotations the words *inostrannyi agent* - foreign agent - bring up in Russian. Both in the academic literature as well as in Western news coverage, the term is often framed as having a particularly bad smell to it in Russian language. For example, Sakwa claims that: "[...] the term in Russian unequivocally suggests working in the interests of foreign powers (in other words, a 'spy')" (Sakwa 2015: 202). In a similar fashion, Flikke refers to the label as having "[...] exclusively negative connotations in Russian" (Flikke 2016: 112), while Human Rights Watch writes that the term in Russian "[...] can be interpreted by the public only as "spy" or "traitor"" (HRW.org, accessed 27.04.2018).

I want to shed light on an alternative interpretation here. Berkov's Russian-Norwegian dictionary lists *middle man*<sup>4</sup> as one meaning of the word "agent" in Russian. In Russian the more common word for spy is *razvedchik*. "Agent" in Russian can be understood in this sense as well, but by overlooking the middle man-meaning we risk losing sight of some interesting aspects. I propose that this seemingly small but important semantic discrepancy often gets lost in translation. This is problematic for several reasons. The middle man-meaning allows for an interpretation of the term that implies that the agent is being *used*, which is similar to what Moskalkova described that she would like to work to prevent in the citation above. In a meeting with FSB in 2015, Putin used the term in a similar vein, when he informed the security service that he would not engage in dialogue with those who receive funding from

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<sup>4</sup> Thanks to Arild Moe for making me aware of this meaning of the word.

abroad, as “it is pointless to enter into discussions with those who have orders from outside and interests of not their own, but of a foreign country” (lenta.ru 2015). To sum up, understanding agent as in part meaning middle man can somewhat soften the stigmatizing impression of the term foreign agent that Sakwa and Flikke present.

USAID every year presents a report on civil society in Central and Eastern Europe and Eurasia, where they evaluate and measure the development of the legal environment for civil society organizations. The figure below on legal environment for Russian civil society organizations comes from the last available report from 2017 (USAID 2017: 199). It provides a visual representation of the development discussed so far in this chapter, where the two waves of restrictions starting in 2005 and 2012 are recognizable.

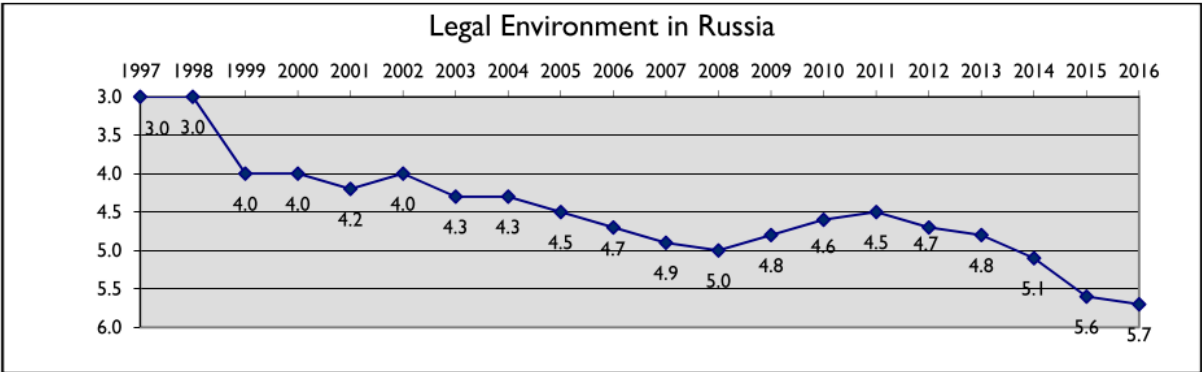


Figure 2 Legal Environment for NGOs in Russia. (USAID 2017: 179)

Sakwa describes Russia today as in a constant process of negotiation with society (Sakwa 2015: 194), fueled by the motivation to ensure stability. If this balance strategy is to be successful, implementing too harsh strategies when dealing with NGOs is an inexpedient tactic. Daucé suggests that fruitful negotiation calls for a “softer” approach, as depolitization of sensitive issues becomes key to stability (Daucé 2014). Bækken notes that low-intensity coercion is a strategy that increasingly is embraced by competitive authoritarian regimes, including Russia (Bækken 2014: 48). The idea here is that by increasing the NGOs’ level of inconvenience associated with their daily work, they can be coerced to stay away from issues that are potentially harming to the regime. Russian NGOs that are concerned with issues related to democracy and human rights operate under dramatically harsher conditions than those who work on less political and social service-oriented issues (USAID 2017: 4) – not only because they by law are under stricter limitations, but also as Bækken’s research

suggests because they are more likely to become the objects of a selective interpretation of these laws.

#### **4.5 Deliberative organs and oversight organs with relevance for human rights NGOs**

According to theory presented in chapter two, competitive authoritarian regimes have good reasons to limit NGOs opportunities to engage in “naming and shaming”, and the foreign agent law and the law on undesirable organizations are Russian examples of how the authorities aim at that. Deliberative organs, on the other hand, allow authorities to become “users of civil society” instead.

In the West, media tend to interpret the introduction of restrictions on NGOs to mean that the Putin regime is opposed to civil society in general, and would like to see civic engagement at a minimum (Owen 2017: 381). While the conditions for civil society without a doubt on a range of areas have gotten tighter, I argue that an uncritical conceptualization of the development in Russia as “crackdown on civil society” allows for a too narrow understanding of the ways in which the Putin regime governs civil society. Looking closer, the authorities have actually increased its encouragement of certain forms of civic engagement. As Putin declared at a meeting with the pro-Kremlin youth group Nashi:

*We need a civil society, but it must be permeated by patriotism, concern for one’s country, and should do things not for money but from the heart, eager to put right those problems that we indeed have and do this, I repeat, not for money but as the heart dictates. (Putin quoted in Henderson 2011: 19)*

In line with this, several measures have been taken to support the development of a domestic civil society. Some of these measures can be seen as part of the closing space phenomenon. In chapter two, it was established that creating alternative civic actors is a recurring strategy that competitive authoritarian regimes use to curb existing civic actors. Supporting groups like Nashi is an example of how Russia builds up loyal parts of civil society.

Measures that aim to co-opt civil society are a related strategy, but it is problematic to view them as part of the closing space-phenomenon as also more critical NGOs are invited to participate. The last fifteen years, Russia has seen a significant increase in the number and use



of consultative organs and control organs where civil society actors are prescribed a central role:

*Public oversight is being increasingly approached as a platform for dialogue between civil society and public authorities. By encouraging search for solutions to social problems public oversight provides rise of both civil activism and social responsibility (opr.f.ru).*

Consultative organs can function as useful tools for both human rights activists and the authorities, although their motivation for taking part in consultative structures differ. As explored in the theory chapter, competitive authoritarian regimes have much to gain from developing well-functioning negotiation arenas with civil society because issues can be handled in a controlled manner before they become too big. Sakwa presents this as a form of information triangulation:

*Through endless opinion monitoring and policy ‘triangulation’ of the Clintonesque sort, the regime tries to avert political crises. In the Russian context, triangulation operates within a type of corporative consultative regime in which key stakeholders are kept within the ruling consensus (Sakwa 2015: 194).*

This thesis aims to investigate how Russian human rights NGOs who are otherwise under different degrees of restrictions handle the opportunity to take part in this triangulation process. Owen (2017) identifies two discourses that are present in Russia today: On one hand, to critical parts of civil society the consultative structures can open up new and valuable opportunities for effectively exercising the role as watchdog. Having the opportunity to participate in a multitude of channels for direct communication with decision makers that you want to influence can however put even the most critical watchdog in a dilemma: Is participation in these forums a form of resistance or in the end a form of compliance? For on the other hand, the authorities can use consultative structures to enhance quality of governance by getting access to information that otherwise would be hard to gain. Richter (2009a: 8) touches upon this dilemma when he argues that starting from Putin’s second presidential term, Russia “has appropriated the rhetoric of civil society to elicit the civic participation necessary to improve state governance and to construct boundaries around the public sphere to preserve state sovereignty”. In this second scenario, the parts of civil society that choose to take part in consultative meeting places function as willing assistants to ensure stability for the current regime: By taking part, they to some degree help legitimize it.

There is a wide variety of arenas where different levels of government and civil society actors can meet and consult in Russia today. For example, every ministry is required to have a public council to advise them (USAID 2017: 204-205). I have singled out three permanent organs for specific investigation in this thesis because they are well-known and relevant for a broad range of human rights NGOs. These are the Civic Chamber on regional and federal level, prison observer commissions (ONK), and the Presidential Council for Civil Society and Human Rights. While they share similarities concerning working sphere (human rights) and established-ness, they differ substantially from one another in that they perform different functions. These three represent the broad diversity in ways of mediating with civil society, with purposes ranging from discussing upcoming law proposals to the Duma and monitor the implementation of these, inspecting human rights conditions for people in prison, to giving advice directly to the president himself. These will be given short introductions below since background information about these structures is crucial to a good understanding of next chapter's analysis of NGO strategies.

### *The Civic Chambers on regional and federal level*

In 1994 during Yeltsin's presidency, regional governors in Russia were required to establish civic chambers where representatives from civil society and the authorities can meet and discuss issues of interest (Owen 2017: 382). After Beslan in 2004, Putin followed up on this, and created a federal Civic Chamber (Richter 2009b: 39) According to its website, the federal Civic Chamber's purpose today is to act as "a bridge between the Russian Federation's decision-making institutions and the Russian Federation's citizens" by:

*[helping] citizens interact with government officials and local authorities in order to take into account the needs and interests of citizens, to protect their rights and freedoms in the process of shaping and implementing state policies, and to exercise public control over the activities of executive authorities* (opr.f.ru: accessed 26.03.2018).

This powerful self-description made me expect that human rights NGOs would view the Civic Chamber as a place to seek representation, but as the next chapter will show, they did interestingly not perceive the Civic Chambers as relevant places to be represented. The Civic Chamber is also responsible for distributing governmental grants to NGOs, and this administration process has received criticism for lacking transparency and for favoring Moscow-based NGOs (Crotty, Hall et al. 2014: 1257) .

The 168 members of the federal Civic Chamber are elected every third year through an intricate three-step process that aims at ensuring both a certain amount of pluralism as well as minimizing the risk of ending up with a chamber that is too eager to challenge the status quo. This is achieved by first electing 40 representatives through an executive order from the president. Then the regional Civic Chambers contribute by appointing 83 members. Finally, the last 43 representatives are recommended by national public associations, who has to be approved by the two other groups (opr.f.ru, accessed 10.05.2018).

### *The ONK - State-initiated public watchdog committees*

In 2008 the Federal Law “On Public Oversight of Human Rights in Places of Detention and Assistance to Persons in Places of Detention” laid the legal framework for a new form of oversight that closely involves civil society. Concretely, this resulted in the formation of prison monitoring committees, in Russian called the Obshchestvennye Nablyudatelnye Kommissii (ONK) in each of Russia’s regions. These public watchdog committees depending on the size of the region consist of between 5 to 40 members that are given extensive rights to access places of detention and speak directly with detainees in order to uncover unlawful cases where human rights have been put aside. The law gave the Civic Chamber the responsibility of coordinating the work on setting up the ONKs throughout Russia. It is telling that this responsibility was delegated to a consultative organ that to a large degree itself is made up of representatives from civil society. Although, as discussed in the last section, the election process of the Civic Chamber members is designed to leave out voices that are too critical, leaving this responsibility to the Civic Chamber is to go one step further in including civil society in monitoring. The Civic Chamber itself frames being given this task as a sign of trust and proof of its performance efficiency (opr.f.ru, accessed 27.04.2018). The regional Civic Chambers that are charged with assessing the nominations to the ONKs and appoint members.

### *The Presidential Council for Civil Society and Human Rights (PCHRCS)*

The PCHRCS meets directly with Putin on an annual basis. Its history dates back to when it was operating as a commission on human rights for Yeltsin from 1993, before getting reorganized into the Council in 2004 when Putin seriously started to rethink the state’s approach to domestic civil society (president-sovet.ru, accessed 27.03.2018). The council is in a special position as a significant portion of its former and current members are quite outspoken critics of President Putin, the man the council is giving advice to. As a matter of

fact, several of its members hold leading positions in NGOs that have been registered as foreign agents by the Ministry of Justice and hence on a daily basis experience the difficulties that follow with carrying this label.

The PCHRCS is tasked with being:

*A consultative body established to assist the President in the exercise of his constitutional responsibilities to guarantee and protect human rights and freedoms, keep the President informed on the situation in this area, facilitate development of civil society institutions in Russia, and draft proposals for the President on matters within its mandate (Kremlin.ru: accessed 12.04.2018).*

In dealing with the council, Putin has repeatedly used rhetoric that fits well with compensating for what Schedler (2013: 68) refers to as the institutional uncertainties that competitive authoritarian regimes are extra vulnerable to. A recent example comes from a session with the PCHRCS in 2017, when Putin regarded deliberation with civil society in this way:

*The state authorities and civil society are natural allies in achieving these common goals, the most important of which is our people's prosperity. A constructive, substantive and respectful dialogue between the authorities at the various levels and civil society representatives is always needed and is without question very useful (Kremlin.ru: accessed 12.12.2017).*

## **4.6 Summed up**

This chapter has discussed the legal framework for civil society from the nineties and up until today. The lasting influence of a totalitarian communist past combined with Western civil society support focusing on NGOs was underlined as important factors explaining the opportunities NGOs are left with in Russia today.

How, then, do the NGOs perceive their shrinking working conditions? Figure 3 below shows the distribution of responses to the question “How do you evaluate the context conditions for your civil society organization (CSO) with regard to legal framework, financing, private donations, public opinion, state support, volunteering and media coverage?” (Skokova 2016: 135).

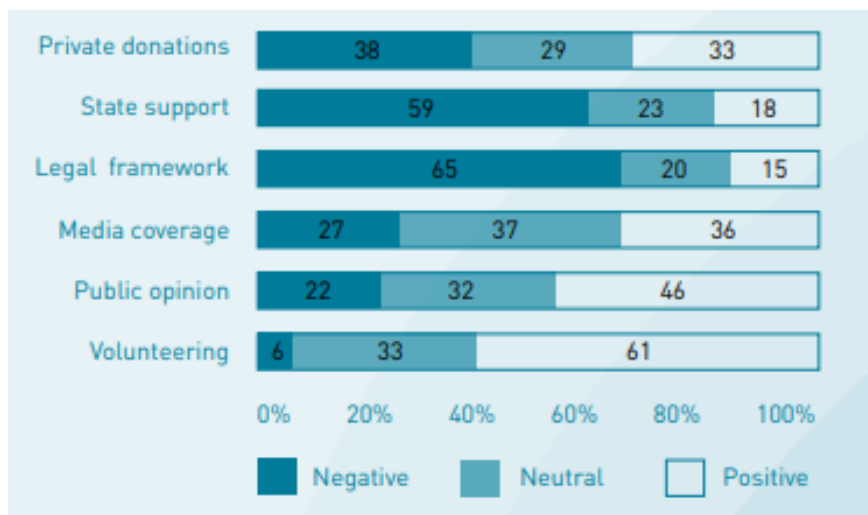


Figure 3 Context conditions as perceived by civil society organizations. (N=192)

Figure 3 shows that there are substantial differences concerning the different types of contexts. The relatively positive evaluations regarding the conditions of volunteering, public opinion and private donations calls for exploring what types of strategies NGOs develop in these fields.

As Russia is a competitive authoritarian regime, it will be rational for the rulers to limit the political potential of civil society. While the regime may want to improve governance by building civil society, securing power by limiting civil society's potential to create destabilizing situations will always be priority number one. Deliberative organs can play an important role in discovering destabilizing issues before they become dangerous. The lack of formal power that characterizes all these organs at the same time ensures that they will not turn into threatening executive bodies. As the Civic Chamber stresses in a 2017 report:

*Resolutions of public councils, chambers, and commissions are perceived as a recommendation only, there is no adequate mechanism for authorities to effectively respond to the requests from public organizations and initiative groups coming in the form of resolutions passed during their meetings (OPRF 2017: 16).*

Where chapter two outlined how theory suggests that civil society forces may both pose a challenge but also be beneficial for the authorities in competitive authoritarian regimes, this chapter has shed light on how a wish to uphold the balance between these two contrasting considerations has resulted in a legal and economic framework for Russian human rights NGOs that is both repressive but paradoxically at the same time embraces state-civil society

cooperation. Flikke in a similar vein argues that the framework governing Russian civil society today is “a system of stigmatization and co-optation” (Flikke 2016: 104). After having traced the development of the opportunity structures for Russian human rights NGOs starting from the early nineties up until today and looked closer at the most central institutions for co-optation, I conclude this chapter by agreeing with Flikke’s assessment in broad terms and add that it is important to take into account the ways NGOs can benefit from co-optative measures when assessing their opportunity structures. The stage is now set to ask in what ways NGOs respond to the new restrictions and why and how they participate in the co-optative organs described above.

# 5 The analysis: Human rights NGOs’ strategies in new waters

Based in a review of the theoretical literature, chapter two presented some strategies that NGOs are expected to respond with when finding themselves in closing space. I now return to these to help me answer the research question: *In what ways do Russian human rights NGOs respond to new restrictions, and why and how do they participate in co-optation efforts from the state?* The strategies are summarized as hypotheses in the table below, where they are accompanied by the factors related to closing and opening of civic space that are assumed to shape the responses.

Closing/ Opening space	Expected response
Closing space: <ul style="list-style-type: none"> <li>• Sweeping laws targeting NGOs</li> <li>• Selective law enforcement</li> </ul>	H1: NGOs will search for <b><u>alternative ways of structuring</u></b> themselves.
Closing space: <ul style="list-style-type: none"> <li>• Divide-and-conquer strategies</li> </ul>	H2: Different actors in civil society will <b><u>forge alliances</u></b> and cooperate in ways that make the most out of their diverse organizational forms.
Closing space: <ul style="list-style-type: none"> <li>• Delegitimization of civil society</li> </ul>	H3: NGOs will increase their efforts to <b><u>build a domestic base of supporters</u></b> and <b><u>reframe their issues</u></b> to become attractive to the broader layers of the population.
Closing space: <ul style="list-style-type: none"> <li>• Restrictions on foreign funding.</li> </ul> Opening space: <ul style="list-style-type: none"> <li>• New sources of domestic funding.</li> </ul>	H4: NGOs will seek to <b><u>diversify their sources of funding</u></b> and look for domestic funding opportunities when foreign funding is restricted.
Closing space: <ul style="list-style-type: none"> <li>• Alternative civic actors take over.</li> </ul> Opening space: <ul style="list-style-type: none"> <li>• New opportunities to take part in deliberative organs.</li> </ul>	H5: NGOs will embrace the opportunities they are left with and therefore choose to <b><u>participate in limited pluralism</u></b> .

## 5.1 New organizational forms

### H1: NGOs will search for alternative ways of structuring themselves.

This section will discuss which organizational changes the respondents' NGOs have done or consider doing to avoid being affected by restrictions targeting NGOs specifically, such as the foreign agent law. Chapter two argued that NGOs finding themselves vulnerable to restrictions will respond by searching for alternative ways of structuring themselves, and that both becoming more formal and becoming less formal are viable options. The respondents seemed to prefer going the more informal way, and several underlined that this was because "organizations are easier to oppress" (Interview 2). One respondent put it this way:

*In Russia it is really hard to know what will happen, [...] it is always the possibility [of] a new law - the informal structure is more useful and it's harder to restrict (Interview 6).*

In a 2017 report, the federal Civic Chamber claims that the foreign agent-law as it is today "encourages the establishment of holding companies, where one organization deals with politics and is funded with Russian money, and the other deals with foreign money and is out of politics." (OPRF 2017: 28). NGO 4 had tried this strategy, but with limited success. When they first were added to the foreign agent-registry, they closed down the NGO and started operating again as a new one with the same mission and the same leadership. However, this time the employees' salaries were payed through another organization (which dealt with the financial part of the organization) in order to avoid accusations of receiving foreign funding. This was soon discovered, and they were once again named foreign agent. The search for an organizational form that works well have since been a big issue for them:

*We have changed our legal body, our name, a couple of times. Now, I guess it's the 4th or 5th legal entity that we have, and we have not been recognized as a foreign agent by the Ministry of Justice. [...] We are now obshchestvennoe dvizhenie - social movement - and we're not an interregional NGO now technically, although we are in substance. [Social movements are] not registered by the Ministry of Justice, so they do not have the technical ability to recognize us [as] foreign agents (Interview 9).*



This goes to show that how restriction of human rights NGOs takes place is a constant learning by doing-game, both for the state and affected NGOs. NGOs are finding and testing legal loopholes and setting precedents for what is possible and what is not possible. When they find something that works, they settle for it as long as it works.

NGO 2 has also chosen to go the more informal way. They first objected to being named foreign agent and took the decision to court without succeeding. Now they work as what the respondent referred to as “an informal association” without any legal entity (Interview 6). They reported that they recently had been informally approached by the authorities and had been given advice on how to get excluded from the foreign agent-registry. However, NGO 2 had responded by saying no thanks to returning to their old organizational form: “We decided that we did not need it, because we have [new name] now and it is really okay to work this way” (Interview 6).

While some NGOs, like NGO 2 and NGO 4 referred to above, have become adept at finding temporary organizational forms that for a while allow them to continue their work with a minimum of restrictions, others are reluctant for various reasons. One example is from an NGO that has not been named foreign agent yet, but is in the process of making back-up plans in case it becomes an issue:

*I think for us maybe it is ok to close [NGO's name] and start a new NGO, but well, when you think about it, we have done almost 30 years work here, so there's that* (Interview 7).

For them, the brand value of their established name and good reputation is an important factor. They want to respond to restrictions in a way that will not jeopardize their good reputation. Although my sample of six NGOs - including three that were founded in the early nineties and three from the early-mid 2000s - is small, an interesting tendency that divides the sample can be detected. The overall trend is that the NGOs that date back to the early nineties are more anxious about keeping their current name and the organizational form they are used to than the NGOs established from the early-to-mid 2000s seem to be. NGO 1 is an example of an older NGOs' thinking. They stated preserving their legitimacy as a reason for why they were eager to get rid of the foreign agent-label. They made a big sacrifice by giving up foreign funding and eventually succeeded in deregistering from the foreign agent-registry:

*After a year, we applied to get excluded from the registry, although there were no set procedures to do this, meaning the law does not specify how to do that.*

*So the Ministry of Justice did a new inspection (proverka), and they recommended not to remove us from the registry as [they] found traces of foreign funding, as some of our co-workers work in other NGOs, and these receive foreign funding. We did not agree with this decision and complained to a higher level in the Ministry of Justice. Our complaint was heard, surprisingly. And without any reason given, we received the news about us being removed from the registry of foreign agents from mass media (Interview 4).*

Coincidentally, the nineties-NGOs were also the ones that had the most interaction with the public, due to their work involving different categories of service providing. NGO 3 is not a foreign agent, despite receiving foreign funding and working to influence policy in the field of rights and living conditions for homeless people. They also provide a range of services for homeless people, such as shelters. This is something that eases the burden of the state, and they are thus allowed to continue as a “normal” NGO even though they could be argued to fulfill the functions of a foreign agent as stated in the law.

Summing up, some NGOs are as H1 suggests responding to restrictions by adapting new organizational forms, in particular informal arrangements. Some succeed and thrive in the cat-and-mouse game of finding legal loopholes. However, H1 needs modifying, as NGOs with much interaction with the public are keen to keep their way of doing things because it is important to them to preserve legitimacy in the eyes of the public.

## **5.2 Developing alliances**

**H2: Different actors in civil society will forge alliances and cooperate in ways that make the most out of their diverse organizational forms.**

The human rights communities in St Petersburg and Moscow are not that big, and consequently, professionals who work in the sphere are not strangers to one another. As one respondent from a St Petersburg-based NGO emphasized:

*It is [a] really close community and everyone knows each other, and we have a lot of projects together. [...] We have contact in a human way because everyone knows each other” (Interview 6)*

This is in line with what the respondent who was most critical to cooperating with government reported. The respondent in question opted out of working as an employee in NGOs because “organizations are easier to oppress” (Interview 2). Now she has a central role in an activist building that houses different projects and initiatives. Despite criticizing the PCHRCS for being a place where nothing happens, this activist also underlines that she has built an extensive personal network as a result of long experience in the Russian human rights community, starting from the nineties:

*If I personally approach members of the council [that she knows], then we can agree on something. If I explain why it is important, they will do it. But if it is not me, but someone else who doesn't know the member, that makes the proposal, then it could of course work... But in reality not. So I can use it like an instrument. (Interview 2)*

This is similar to the development towards surreptitious symbiosis, as described by Glasius and Ishkanian (2015). Like the authors' wildly different activists from Yerevan, London, Cairo and Athens, my respondent argued that their loose form of organizing is beneficial because it allows them to stay “truer” to their cause than what professional NGOs can. Although “their activities are taking a more institutional shape, [...] they [argue that they] are creating alternative spaces as well as new practices and forms of organizing which preserve the ideational logic” (Glasius and Ishkanian 2015: 2624). Understanding the logic of the behind-the-scenes relationship between loosely organized activists and professionalized NGOs as a form of response to shrinking space in civil society opens up to looking for patterns of contact between them.

H2 finds support, as personal relationships can be central in enhancing solidarity and understanding between different actors in Russian civil society. The ways in which networks can be used with regard to voicing issues through deliberative bodies will be discussed further in the analysis.

### **5.3 Building a domestic base of supporters**

**H3: NGOs will increase their efforts to build a domestic base of supporters and reframe their issues to become attractive to the broader layers of the population.**

Something that clearly distinguishes the conditions of current-day competitive authoritarian regimes from that of their totalitarian predecessors, is the modern world's instant

and easy access to information. With internet on smartphones in everyone's pockets, limiting what kind of information is spread and how it is spread has become quite a different challenge than it was during Soviet times. Like activists elsewhere, Russian human rights activists use social media actively to spread their message. Even if they lack a cohesive communications strategy, most NGOs in Russia are active on popular social media platforms (USAID 2017: 209).

Russia has been cautious to limit freedom of speech online. Other authoritarian regimes like China have gone to great lengths to control what people can access online, and hence also how NGOs can communicate with the public. Russia has chosen a different approach and has mostly avoided blocking web pages. The web pages of all the NGOs that I interviewed can be accessed with a Russian IP-address. Those who are in the foreign agent-registry are by law required to state this on every tab of their web page, and if they fail to do so they will be heavily fined (Interview 11). Although limited less so than other authoritarian regimes, Russia has by no means stayed away from attempts at controlling the internet altogether. As part of the second wave of restrictions against civil society beginning with Putin's return to the presidency, the crackdown on NGOs is increasingly spreading to restricting actions online (HRW 2017: 1), with consequences for ordinary people as well as NGOs. In 2012, Roskomnadzor, the Russian Service for Supervision of Communications, Information Technology and Mass Media, was charged with maintaining a central registry of blocked material online (HRW 2017: 18). Recent developments give reason to believe that Russia is moving towards a more controlling approach concerning internet access. From 2011 and up until 2014, Freedom House rated Russia as "partly free" with regard to freedom on the internet. This evaluation was changed to "not free" in 2015, and the same conclusion was reached again in 2016 and 2017 (Freedom House 2017). Legislation now demands that any social media platform needs to store information about its Russian users on Russian territory. On other occasions, anti-extremist laws have been used to demand access to messaging services. If the development towards more restrictions online continues, it may become a major issue that human rights NGOs need to tackle.

For the time being however, opportunities for reaching out to local constituency online are still open, and these opportunities are used by the NGOs to tell their side of the story. For example, three of the NGOs I interviewed are participating in a joint project that seeks to counter public stigmatization by aiming to tell the public what human rights NGOs are actually doing and who they are. Employees and activists are followed with a video camera in

their daily duties. They do this as a response to delegitimization, which they seek to prove wrong by communicating better and more directly with ordinary people.

Mendelson (2015: 5) poses the question: “Are organizations less vulnerable if they work on issues that either have traction or are framed in ways that resonate with public support?” My findings indicate that the answer to this question is yes, and that NGOs are aware of this. They therefore seek to reframe their issues in ways that resonate well with the Russian population. For example, NGO 6 which works with migrants’ rights focus on how they help Ukrainian refugees. NGO 3, working on the rights of homeless people, pays close attention to public opinion and have succeeded at building a base of supporters and volunteers. “There are lots of organizations who don’t try to be as open as we are.” (Interview 7), the respondent answered when I asked why they succeed and others fail to engage the public. H3 thus finds some support, but as shall be discussed in the next section on opportunities for funding, NGOs differ with regard to how easy and realistic it is for them to present themselves as appealing to the Russian population.

#### **5.4 Diversifying or sticking with foreign funding**

**H4: NGOs will seek to diversify their sources of funding and look for domestic funding opportunities when foreign funding is restricted.**

Sufficient funding is of critical importance in order to maintain a professional NGO. Paying employees, having an office space and organizing activities cost money. In a country that lacks tradition for donating privately, and where NGOs are a relatively new phenomenon that throughout their short history have been heavily dependent on Western funding, NGOs are particularly vulnerable to laws that restrict access to their usual source of income. This vulnerability is exactly what the foreign agent law aims at. In the chapter two, it was assumed that NGOs faced with restrictions on foreign funding will strategically seek out domestic alternatives to replace the loss of foreign sources. This was confirmed with modifications by the respondents.

By becoming less dependent on one type of income, the NGOs are putting up defense mechanisms that make them more robust against measures that aim to restrict them economically. The development towards increasingly diversifying where they get their income from is recognizable in other states where NGOs face similar challenges related to shrinking space. USAID highlighted this tendency in their 2016 index on civil society organization sustainability in Central and Eastern Europe and Eurasia, and underlines

crowdfunding as “an alternative source of funding in countries in which civic space is being restrained or access to foreign funding is restricted” (USAID 2017: 6).

Crowdfunding occurs when individuals support a project by donating small sums that combined allows for the realization of a bigger project. This type of funding is gaining popularity all across the world, and despite limited experiences with private donation as well as troubled economic times, Russia is no exception (OPRF 2017: 49). The internet and rise of social media have opened up new opportunities for spreading ideas as well as easy mechanisms for donating online. A plea for funding and instructions on how to do so is easily found on the front page of the webpages of most of the NGOs that I interviewed. One of my respondents was in charge of fundraising in her NGO, and she was enthusiastic about the prospects of crowdfunding where ordinary Russian people contribute and get involved with their projects:

*We are three persons working on fundraising, and we make really a lot of effort, like interesting actions and concerts. [...] It is possible. Our example shows that it is possible, that people want to give, but maybe don't always know how and why.*

(Interview 8)

The other employee I interviewed at the same time in the same organization was in charge of foreign funding, and followed up:

*It is really a question of reputation, because we are famous in the city, we have lots of documents on our web page and also people can come here and see what we do.*

(Interview 7)

Currently about 30% of this NGO's income comes from private donations from Russians, which is an unusually high percentage for Russian human rights NGOs. The two respondents underlined that they see a tendency in that people individually on average donate less than before, but more people are giving, so despite generally lower sums, they still end up with receiving more in total. As discussed in the theory chapter, focusing on transparency has been emphasized in the literature as a particularly useful approach for human rights NGOs in low income countries where corruption is a significant issue (Ron, Kaire et al. 2018). This NGO seemed to have success with the transparency approach.

The strengthened focus on smaller donations from ordinary Russian citizen does not only pay off in financial terms: the literature also led us to expect that NGOs have much to

win on countering delegitimization efforts by responding with more openness. By involving ordinary citizens as supporters both financially and in volunteer work, they disprove accusations of being “elitist and out of touch with on-the-ground realities” (Tiwana 2018: 165), thus making themselves less vulnerable to restrictive measures that are justified by a portrayal of human rights NGOs as little else than Western-minded elite organizations. Local grass roots activity in the form of small individual donations reflects that the NGO that receives money is perceived as relevant in Russian people’s daily life, and that its activities are important to those who contribute with donations. Local relevance is something that many of the Western-funded NGOs have struggled with achieving.

My findings support what USAID concluded with in their 2017 report: That crowdfunding can play an important role in both replacing costly-to-access foreign funding and building a base of supporters at the grassroots level. While acknowledging the effects crowdfunding initiatives can have on specific one-time issues, the report questions crowdfunding’s potential for being a long-term stable source of income for Russian NGOs (USAID 2017: 204).

Governmental funding through grants could be a welcome substitute to ensure the stability that foreign funding up until recently could offer, but there are several issues here. Firstly, if the main point of the foreign agent-law is to “starve out” critical voices, then why should the government want to pay to keep them alive? The evidence at hand however shows that there are some grants options available for human rights NGOs, also for those in the foreign agent-registry, and that the NGOs with various degree of success apply for these grants. One example is NGO 1, which today is off the foreign agent-registry after *entrepreneuring* its way out of it:

*We got foreign funding and did not hide this. When the hunt for NGOs began in 2011, everything worsened, and then the Ukraine conflict. We had an inspection, checking our activities, and we understood that we may get the label. Before the inspection finished, we stopped to receive foreign funding because we wanted to escape the label. But the Ministry of Justice included us on the list anyways. So for one year we had no foreign support, but we got a presidential grant. Much less funding than we were used to (Interview 4).*

Out of the NGOs interviewed for this thesis, this one stands out by responding most actively by looking at ways to get off the foreign agent-registry. It is interesting to note that although the NGO was labeled foreign agent, they still succeeded in getting governmental funding that allowed them to carry on with their activities. Without this source of funding, they would either have had to continue to receive funding from abroad or seriously cut down on their level of activity. This is in line with a comment made by Putin when the law on foreign agents was approved in 2012:

*As for not-for-profit organizations, I agree with those colleagues who consider that if we are tightening up the funding rules for them, we should obviously increase our own financial support for their activities* (Putin quoted in Daucé 2014: 246).

Establishing opportunities to apply for funding in the form of presidential grants and through other governmental programs shows the Russian government's will to substitute funding from abroad with real domestic alternatives. Despite the ongoing crisis in the Russian economy, the funds available in the form of presidential grants for non-commercial civil society organizations increased from 4.2 billion rubles in 2015 to 4.6 billion rubles in 2016 (NGO-Lawyers'-Club 2016: 38, USAID 2017: 203). This comes in addition to grants awarded through the Ministries of Economic Development, Culture, Labor, Education and Science, and Emergency, which also increased from 2015 to 2016 (OPRF 2017: 29). These initiatives demonstrate that Russian policies towards the non-profit sector is not all about strangling civil society, and that investing in building NGOs and their competence is seen as a wanted development.

However, a 2016 law further clarified the division between unwanted foreign agent-NGOs and socially oriented “useful-for-the-whole” NGOs by opening up new grant possibilities for:

*[...] non-profit NGOs which for one or more years have been providing socially beneficial services of adequate quality, do not perform the functions of a foreign agent and have no arrears on any taxes, duties or other payments required by the Russian federal law* (Skokova 2016: 130).

Only one of the NGOs that I interviewed has passed through the needle's eye into this category, namely NGO 3 which works on the least controversial issue: the rights of homeless people. This NGO was even awarded a grant from the Ministry of Economic Development



specifically earmarked for legislation monitoring. After the law became implemented, NGOs that work with issues that lead them to criticize government have had a harder time reaching up in the competition for scarce government funding, although my respondents reported that it is still possible to succeed:

*We did not get presidential grants, but I heard that supposedly those who are foreign agents have never been officially banned from getting that. Some of them got it this year. [...] Don't get me wrong, it is not like it is very rosy and nice, but there are some structures that the government is trying to make to create support and show that they support NGOs. But of course, most who get them are more "safe" than human rights organizations, for example organizations that help kids or work with animals (Interview 11).*

The respondent is correct in believing that foreign agent NGOs never have been completely blacklisted from applying for financial support in the form of presidential grants. In a detailed list on the presidential grant webpages that covers what type of entities that cannot take part in the competition for grants<sup>5</sup>, foreign agent NGOs are not specifically mentioned. However, as the government continues to institutionalize the division between "loyal" and "disloyal" NGOs, it has gotten harder to obtain governmental funding. As NGO 5 has experienced

*We [...] received some presidential grants from Pamfilova<sup>6</sup> among others. Now we do not have any [governmental funding], for more than a year now. [...] We cannot win every time, but from some moment we stopped to win at all. So now... well we have one Russian source [...]. Other than that, it is all foreign funding (Interview 10).*

The increasing focus on dividing civil society into "loyal" and "disloyal" leaves a dual picture. For the disloyal, space is closing also in financial terms. However, while space is closing for some, it is opening for others – namely the loyal and service-providing NGOs. As

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<sup>5</sup>«Who can NOT take part in the competition?» [Кто НЕ может быть участниками конкурса?], accessed 06.05.2018  
<https://xn--80afcdbalict6afooklqi5o.xn--p1ai/public/home/faq-info?id=kto-ne-mozhet-byt-uchastnikami-konkursa>

<sup>6</sup> National Ombudsman for human rights until 2016

discussed above, the amount available to apply governmental support from is steadily increasing, but there is a tendency for these funds to be earmarked to service providing NGOs.

The authorities also encourage and help foreign agent NGOs to become less dependent on foreign funding by giving advice on how to get funding from Russian sources. NGO 6 applied for assistance and succeeded:

*We just told them about our organization, about what competence we lack in order to succeed and develop. In our case that is fundraising, which is our weak spot. We do pretty good with funds, meaning especially foreign funds. We know how to deal with them, we know how to write a grant proposal, we know how to do our reports. Like, we know what they expect and how to deliver. It is easy for us because we have done it for a long time. But as for private donations, you know, like when people give on the internet, we do not have a lot of experience with that. And any NGO should diversify their resources, it is very important to do that. So that is what we applied for, we said we lack competence with fundraising. I don't really know how that collaboration is going to work out, because we have never taken part in anything like that before, so I don't know what we can expect. But as far as I know, we are going to get someone who will advise us on that (Interview 11).*

This NGO then, which still is in the foreign agent registry, will now be receiving state-sponsored expertise on how to become less dependent on foreign funding, while still being able to continue receiving funding from abroad and working with political issues related to migration and the rights of stateless people. When I asked if they had encountered any issues related to their status as foreign agents during the application procedure, the impression from the last quote is somewhat modified:

*Officially it was stated nowhere that foreign agents are exempt from that. I don't know, well we clearly stated it at the second [round] ... I don't know if we wrote anything about it in the first round of applications maybe we just... We didn't do it on purpose, but it is just that we ourselves don't really regard that status as something that defines us. So I think that we forgot to mention that we are foreign agent, and also I think we are sometimes a little bit arrogant in that we think that everyone knows who we are, because we are quite famous abroad and also in certain circles in Russia. [...]* But in the second round we did state it out loud during the presentation, but it seemed

*to be no real problem. Although there were no other foreign agents there in that round. The others were all, like, “safer” (Interview 11).*

To sum up then, literature predicted that NGOs faced with restrictions on foreign funding strategically will seek out domestic alternatives to replace the loss of old funding sources. While almost everyone interviewed for this thesis belong to entities that for the longest part of their existence have had foreign funding as their main source, I found that how successful they have been in finding domestic sources of income varies greatly. It depends on the specific context and in any case, completely replacing foreign funding is a very challenging task for any Russian human rights NGO.

My interviews show that seeking out domestic alternatives to foreign funding is a more viable option for NGOs that are working on less sensitive issues. These are also the NGOs that are most likely to succeed at getting governmental funding in the first place and are therefore less likely to struggle financially. Human rights issues are often characterized by being what Sikkink calls “counter-majoritarian” by nature: it is in fact many times exactly the indifference and even the values and actions of the majority population that calls for defending a particular human rights issue (Sikkink 2018: 173). While reaching out to the grass roots for support may be a fruitful approach for NGOs that are easier to swallow for the majority population, this is not an option that is equally available to all kinds of human rights NGOs.

Summarized, my empirical findings suggest that Russian human rights NGOs have responded to restrictions on foreign funding in three different ways:

- 1) Some have continued to have foreign funding as their main and perhaps only source of stable income.
- 2) Some have cut foreign funding off completely.
- 3) The most common response was however to search for new ways to obtain funding, such as crowdfunding and different government programs, and hereby diversify where they get their means from.

H4 have been partly verified, as the NGOs are searching for alternative sources of funding. However, important differences in how they do this and to what degree they are succeeding have been shed light on.

### 5.5.1 Participating in limited pluralism

**H5: Faced with restrictions, NGOs will embrace the opportunities they are left with and therefore choose to participate in limited pluralism.**

I will start this section by providing an overview of how the NGOs view the usefulness and potential of the three organs described in chapter four. Next, I discuss in what type of situations cooperation with the authorities is perceived as useful by the NGOs. This will uncover a dilemma, as human rights NGOs by participating can arguably assist authoritarianism. The issue of legitimacy will be discussed against this backdrop.

#### *The Civic Chambers: Creating alternative civic actors*

The Civic Chambers were perceived as the least relevant for their daily work by the respondents, but this could be a coincidence and I might have gotten different answers if I had succeeded in obtaining interviews with someone who is represented there. However, all of the NGOs that I met with are well-known Russian human rights NGOs, and that none of these reported having close ties to anyone represented in the Civic Chambers points in the direction that the Civic Chambers are part of Russia's strategy of creating alternative civic actors. This impression coincides with one respondent's view that the working areas of the federal Civic Chamber slowly, but steadily has steered in the direction of limiting itself to social issues:

*What does human rights mean, what rights? If we are talking about civil rights, [the Civic Chamber] is completely pointless. If we talk about social rights, something may be done there, that is completely different. Social rights - I do not deal with that, but I see that it can be effective. Because it is not political. Or it is not seen as political. Anything related to civil rights was possible to discuss in the Civic Chamber previously, but this institution seriously changed and not to the better, gradually. If you compare different terms, you see. And at the same time, the issues (sic) that are possible to discuss in the Civic Chamber are more influential than what is possible in the presidential council (Interview 10).*

By increasingly using the Civic Chambers as arenas to develop civil society's ability to deal with *social* issues and service providing, the division between useful "socially oriented" NGOs and potentially dangerous and more critical human rights NGOs is underlined. Despite this, my respondents did however not experience the Civic Chambers as a "split-and-conquer"-form of tactic. There was rather a consensus among the respondents that

the Civic Chambers were just not perceived as a relevant place for them to be included, and hence not something they were applying to be represented in. One exception was the Civic Chambers' role concerning the prison observer commissions; the ONKs. It is the Civic Chambers that based on nominations from NGOs are responsible for putting together the regional ONKs.

*ONKs: forcing them to stop doing bad things and start doing good things*

The prison observer commissions, the ONKs, were on the other hand stressed as being a particular useful place to be by the respondents because of their “practical value” (Interview 9). The Civic Chambers choose 5-40 representatives depending on the size of the region every third year and these are granted the right to enter detention and prison facilities and speak with prisoners in order to oversee that their rights are being upheld (Flikke 2018). When I asked the respondents open questions concerning which government organs they perceived as most relevant to be represented in, the ONKs often came up first. A current member of the ONK describes their role in this way:

*We do not have any powers as such, prescribed by the law, but our presence there, us talking directly with violators of human rights, we pinpoint where they are violating the rights of people. We basically just force them to stop doing bad things and start doing good things. [...] [the ONK] is a very effective instrument that helps a lot in order for us to do our job (Interview 9).*

The last round of elections to the ONKs in 2016 was met with criticism from the human rights community in both St Petersburg and Moscow. Several long-time human rights defenders were denied a place due to so-called “formal” reasons. One of the respondents had been denied a place in the ONK and he was under the impression that the rejection was made on the basis of him coming from a foreign agent NGO, even though the NGO he works in actually had succeeded in de-registering from the foreign agent registry at the time of the election (Interview 4). Who, then, are the second half of the ONK members that both the Ombudsman office and the human rights community in St Petersburg and Moscow criticized for doing a poor job? An ONK-member underlined that although “a lot of people who have no connection to human rights become members of the ONK”, these sometimes surprise him by “actually start doing things» (Interview 9). Others mentioned that the places are occupied by “GONGO people” who stick with doing the bare minimum of what their mandate prescribes them to do, thus slowing down the overall efficacy of the ONKs (Interview 2 and Interview

4). The term GONGO refers to government organized NGOs, and Russia has since it started to restrict NGOs' opportunity structures in the early-mid 2000s applied this strategy. Twelve years after Gershman and Allen commented that "Russia has been more aggressive than most in employing quasi-autonomous groups" as a strategy of undermining the NGO-sector (Gershman and Allen 2006: 44-45), we continue to see that alternative government-initiated civic actors are central in pushing out the more autonomous and critical NGOs from state initiated civil society meeting places.

Even though space seems to be closing also on this arena after the last ONK elections, there are nuances to this. There are examples of ONK-members coming from the human rights NGO community being recruited to permanent jobs as advisors in the penitentiary systems after having done a good job in the ONK (Interview 9). The respondents were quite unanimous on that once you are in the ONK, you and your NGO are in a good position to have a real impact and real opportunities to prevent human rights violations in prisons.

### *The Presidential Council: They talk*

Most of the respondents either had personal ties or connections through their NGO to someone in the PCHRCS. Although the respondents in general did not have much faith in the council's potential for having a real impact on the human rights issues their NGOs are working on, they still reported other benefits. One example is from NGO 1, where the respondent underlined that the participation of a central member of their NGO in the PCHRCS gives them leverage:

*In fact, for many government officials and representatives of the Ministry of Defense, that one of the colleagues of our organization is in the council, that is legalized by the president, that is under the president - well, then you take our opinion into account. Because without this presidential council, very many state bodies consider us enemies of the motherland, foreign agents, enemy spies [...] who work to break up [...] the country (Interview 4).*

This leverage can then be used to diminish some of the stigma that comes with the foreign agent-label, and ease communication with other state bodies, which this specific NGO engages actively in.

Still, the success rate of the council with regard to having a visible effect on influencing policy development was repeatedly reported as low. As one respondent put it:

“Well, it's a council - they talk” (Interview 9). A current member of the Council shared this impression, and stated this when asked why he continues to be a member despite having very limited influence:

*Partly it's because there is still some hope that something can be done. Of course the level of achievement is very low, but it is not difficult being a member. So why not?* (Interview 10).

For others, these two reasons are not sufficient to continue to stay in the council. One respondent had chosen to withdraw from the council, despite her presence being desired there:

*The leader of the council very much would like me to come back, and probably still wants me to. [...] But what is the meaning of being an advisor to a person [Putin] that does not listen to advice? Therefore, I left, and I did not come back.* (Interview 12)

As is the case with the Civic Chambers and the ONKs discussed above, we can also here observe that the heavy presence of alternative civic actors is central:

*Informally, those who support human rights as values and those, let's say, who oppose, it is half and half. Maybe no... am I fair? I think more human rights, [we] are in majority. But it is not a clear division. There are not two fractions* (Interview 10).

This is similar to the statements of the ONK-member in the section above (Interview 9), who also argued that members who come off with a first impression of being apparently not very preoccupied with human rights can change, and that positions vary from case to case.

### **5.5.2 Understanding how and why NGOs cooperate or stay away: When is cooperation perceived as useful?**

The discussion of the three different type of organs highlight why and how these are used by human rights NGOs. It is equally important to understand why some NGOs choose to abstain from deliberative forms of participation. The respondents were in different positions to get included in decision processes not only because they had access to different opportunities, but also as a result of more or less intentional strategic choices. I was therefore met with a broad diversity of responses to the open question: How do you propose solutions to the government? Sometimes the respondents responded that they were uncertain about exactly what kind of information I was looking for when asking this question. Several

respondents automatically took the question to mean their court activities and work on law proposals, like NGO 5:

*The most effective instrument [to propose solutions] is preparing legal reviews on draft laws, finding some discrepancies, some ways to stop it - in a technical sense (Interview 10).*

NGO 2 even claimed that proposing solutions to government is not really something they do, and that they mostly stay away other than when meeting in court:

*We are used to not communicate with them, and we don't really need it because our way of working now is really comfortable for us. [...] We are not really trying to propose solutions to government, we are just trying to fight [...] some problems with human rights information that government or some officials do and we try to protect rights in court - this is almost always the most effective way (Interview 6).*

These statements signal that some NGOs are choosing to step away from recommending solutions to government through consultative bodies altogether, and rather prefer to set precedents in court. This approach diverges from the majority of the respondents interviewed for this thesis. Where the general trend was that the NGOs either were actively involved in proposing solutions or stated that they were trying to do so, NGO 2 seemingly opted for staying out of it altogether.

The theory chapter assumed that human rights NGOs that work on less sensitive issues and are service providers will both on an informal and formal level face different and less severe restrictions than those who focus on the more contentious issues. This is reflected in deliberation opportunities in several ways. The discussion on the three different types of organs showed that the presence of alternative civic actors is heavy in all kinds of deliberation. Particularly the Civic Chambers have developed into becoming a forum for civil society actors that provide services and are more concerned with solving social issues than with rights-related issues.

Lorch and Bunk (2017: 990) maintain that opportunities for NGOs to engage in deliberation and limited participation in authoritarian settings can depoliticize social discontent and channel it “into forms of collective action that do not threaten the authoritarian political order”. The respondents in this thesis experienced that participation is more fruitful if the issue they are working on is depoliticized. For example, one member of the PCHRCS



suggests that taking part in consultative mechanisms is more rewarding for NGOs that work with issues that are less politically sensitive:

*Those members who are involved in issues like [...] prison systems or medical issues - the council is more effective for them, because these issues are less politicized. [NGO 5's main field of interest] is highly politicized. And that is why the efficiency is low (Interview 10).*

Even though the respondent is working on issues that he perceives as “highly politicized” and the NGO he leads is in the foreign agents-registry, he is still invited to give advice to the president. Although being declared a foreign agent sends a strong message that the NGO is understood as problematic, they are paradoxically still invited to take part in giving advice. Despite statements from Putin on how taking advice from individuals that are associated with foreign agents is useless, in spring 2018 the situation is still not completely hostile for activists representing human rights NGOs that have been labeled foreign agents:

*Interviewer: Your NGO being on the foreign agent list has no consequences for you as a member in the council?*

*Respondent: Yeah, no consequences. There are several agents there, I'm not alone. 6 or 7, I don't remember. Maybe we will be excluded, because it is funny that foreign agents are members of the Presidential Council, it's strange really. But from the formal point of view it is possible, why not. Especially because it is not our personal feature, it is the feature of our organizations. (Interview 10)*

This statement brings up the issue of the upcoming draft on a law that opens up for classifying also individuals as foreign agents. Originally rejected in the Duma in the first hearing, the second hearing was postponed until after the March 2018 elections (Digges 2018). If the label “foreign agent” becomes a personal feature, as the respondent calls it, it might get more problematic for the persons that receive it to participate in consultative mechanisms and control organs. As was the case with the foreign agent-law, it is natural to assume that also this law will go through a period of adjusting to real-life practice. It is difficult to say something for certain about how the law will function, but as it seems now, opportunities for selective law enforcement will be ample also here.

### **5.5.3 Institutionalizing pluralism in an authoritarian setting: Do human rights NGOs assist authoritarianism?**

Theory presented in chapter two suggests that competitive authoritarian regimes have much to gain from institutionalizing pluralism in civil society in a controlled and limited manner because it can improve governance and increase stability. This however presupposes that one succeeds at weeding out the potentially destabilizing parts of civil society, which is where the need to shrink space for civic activism comes in. Chapter four demonstrated how Russia's NGO-legislation and consultative and monitoring organs in the human rights sphere have developed over the course of the last twenty-five years and concluded that the resulting picture fits well with how the literature has framed competitive authoritarian regimes' rational motivations for reshaping the opportunity structures for civil society. The analysis so far has showed that the human rights community actively uses the ONKs and the PCHRCS in their work. There is therefore reason to ask: Do human rights NGOs help keep authoritarianism sustainable by not opposing co-optation? Dryzek and Niemeyer (2010: 148) argue that structures where the state uses the expertise of civil society forces is beneficial to authoritarian regimes because they publicize information that otherwise would go under the radar. It can be argued that there are three different ways in which NGOs contribute to increased stability in Russia today through participation in consultative mechanisms and control organs:

- By acting as barometers that provide information that otherwise would have been lost in suppression.
- By acting as experts that provide up-to-date information on their specialized field.
- By acting as watchdogs that uncover poor governance and corruption.

#### *Barometer*

“The absence of dialogue is a straight path towards social unrest” (OPRF 2017: 8), the federal Civic Chamber stated in their 2017 report, before going straight on to name countering “destructive activism” as one of the main challenges for Russian civil society institutions, because “[...] extreme and radical advocacy [...] undermine public order and overall stability in the country, constitutional rights of the country's citizens and the values of the Russian society.” (ibid.)

Schedler (2013: 68) argues that uncertainty and lack of information on what actually goes on in society is a major risk factor in semi-authoritarian regimes. By not knowing the temperature under the lid, it is hard to know how hot the water in the kettle is before it suddenly boils over. NGOs represent the aggregate of interests of groups, thus are they gatekeepers of valuable sources of information. This makes staying in touch with diverse types of NGOs a key security concern in order to prevent uprisings and stay ahead of color revolutions. A recent example of such security-thinking comes from the PCHRCS's last meeting in October 2017, when President Putin stated that:

*We need this Council to continue to act as a barometer of the public mood and to give priority attention to matters of concern for the majority of people (kremlin.ru 2017).*

By referring to the PCHRCS as a measuring instrument, he talks about it as a tool designed to help make up for the institutional weaknesses inherent in competitive authoritarian regimes. The barometer function is therefore best understood as benefiting mostly the regime but can also benefit NGOs if the information they provide actually serves to influence policy in the way they prefer.

### *Experts*

NGOs roles as experts can be divided in two. Firstly, they know their field superbly. Through decades of work in different spheres of human rights work, NGOs have accumulated valuable insights and expertise knowledge. They have knowledge-based opinions about where the problems are found and suggestions on how to fix them. This applies to foreign agent NGOs as well. As NHC underlined: "To be named foreign agent – that is a sign of quality" (Interview 1). That the Ministry of Justice has done a thorough job on evaluating the NGO and found it to fulfil the necessary requirements of a foreign agent means that the NGO's capabilities are taken seriously. Several of the NGOs had experience with providing expert knowledge requested by the authorities also outside the ONKs and the PCHRCS. This can be done for example through commercial contracts (Interview 10), by co-organizing yearly conferences (Interview 4), and temporary working groups dedicated to specific issues (Interview 6).

Secondly, they are experts in how to run an NGO successfully. The authorities have over the last years increasingly taken steps to develop competence in NGOs (OPRF 2017: 31). This kind of support was also the focus of Western democracy support initiatives that rose to prominence in the nineties, where partnerships between foreign NGOs and Russian NGOs

aimed at training the Russian partners in how to run an organization successfully where established (Henderson 2003: 76-77). Many human rights NGOs that enjoyed the benefits of various democracy building-programs focus on competence development in NGOs and can contribute by sharing their knowledge with newer NGOs. Like the Western civil society-exporters, the Russian authorities understand that funding is not everything when it comes to building civil society. A diverse skillset is needed in order to maintain an NGO over time. The federal Civic Chamber has begun to organize courses for activists, and another example is the Moscow House which now offers a wide variety of resources to NGOs of all categories (USAID 2017: 208). In a report on civil society development in Russia in 2016, USAID (2017: 208) notes that NGOs working with issues related to democracy and human rights to a large degree choose not to take part in these government-initiated workshops.

This seems to be the impression based on the interviews that I have conducted as well. While mentioning being more in touch with and actively using civil society-initiated NGO resource centers such as the St. Petersburg Human Rights Resource Centre, some of my respondents also reported that they have taken part in government-initiated NGO-courses or are planning to do so in the near future. One example is NGO 3, which works on the rights of homeless people. This NGO stated that they had been approached by the authorities and asked to help organize a workshop for other NGOs, so they could teach best-practices.

### *Watchdogs*

NGOs as barometers of the public mood and NGOs as experts in their specific field reflect the stability-promoting features of the Civil Society I argument as discussed in chapter two. However, the fact that NGOs are welcomed and invited in to participate as watchdogs highlights that competitive authoritarian regimes can, paradoxically, have an interest in the virtues of the Civil Society II argument, which holds that civil society is important and valuable because it functions as a counterweight to state power.

Contributing to keeping corruption under control has been a long-time goal for Kremlin's support for civil society (Richter 2009b: 45). Using NGOs' expertise to perform watchdog-functions can contribute to increasing the regime's legitimacy.

*[A constructive dialogue] is easier when we have the same interests. Some are not ready for dialogue. Corruption is a barrier for us. When we try to do something, we disturb corruption. And we show that people can do something for themselves, with the law in hand (Interview 4).*

This NGO's experiences show that deliberation also can present a challenge to the status quo, as more openness can uncover corruption. NGOs' experiences with consultative mechanisms and participating in control organs demonstrate that the state apparatus is not one coherent actor and there are conflicting motivations inside it. While NGO 4 reported success with offering advice to some government agencies, they experienced the opposite elsewhere:

*They still consider us as a burden to them, not as a potential highlighter of problems that they need to tackle. [...] They need to understand that we are there to help, we are not there to fight with them (Interview 9).*

Dryzek and Niemeyer (2010: 147) argue that “together, the ability to promote legitimacy, heal division, secure tractable collective choice, solve social problems effectively, and promote reflexivity mean that the deliberative capacity contributes to state building as well as democratic consolidation”. By participating in state organized bodies, NGOs contribute with information that is valuable to the state in terms of on-the-ground knowledge of what is perceived as important in society, expertise knowledge, and combating corruption. In this sense, their participation in institutionalized and limited pluralism can be said to help state building more than democratic consolidation. This leads us to the next discussion: How is the relationship between likeminded human rights NGOs – Is there a discussion on whether to participate or not?

#### **5.5.4 Discussing legitimacy and the relationship between those who participate and those who stay out**

The theory chapter identified a dilemma facing human rights NGOs that are invited to participate in deliberation in authoritarian settings: On one hand, participation gives opportunities to influence issues that are central to them. Even though formal opportunities to influence decision making through deliberative arenas are lacking, these organs present useful opportunities to voice issues and set the agenda. According to Sikkink's notion of “effectiveness politics”, NGOs should want to make use of such opportunities (Rodríguez-Garavito and Gomez 2018: 34). On the other hand, participation is as argued above to the advantage of the regime and can thus contribute in making authoritarianism more sustainable. Following this line of thought, NGOs that participate put their approval stamp on the framework they are operating under. By taking part in consultative structures and control

mechanisms, they subsequently also contribute to legitimize the regime (Lorch and Bunk 2017: 991). Due to this, NGOs that have the opportunity to take part may still choose to stay out. This section will therefore explore the issue of legitimacy and the relationship between those who participate and those who stay out.

A current member of the PCHRCS reflects on human rights activists' role in contributing to legitimacy:

*There are arguments that - and I always hear them - that being a member of such bodies, people like me and other activists - we legitimize the political regime. I do not feel it like that. I think that's an overestimation of our role. We cannot legitimize or delegitimize the regime whatever we do. There are different strategies that to different degrees involve cooperation with the authorities. The only way to not cooperate is uprising. We do not go this way, we have to cooperate, the question is what kind of cooperation is to be chosen. (Interview 10)*

The concern the respondent refers to here, that cooperation can be seen as a form of legitimizing the regime, was an accusation that was indeed brought up by several other interviewees who stood on the outside of consultative structures either as a result of an active choice or because they are not invited. When Putin was reelected and returned to his third term of presidency, a group of members in the PCHRCS chose to resign, with not wanting to contribute to legitimize the constitution-breach as a central motivation. One interviewee was amongst those who decided to step down, and the respondent was at a loss as to why respected human rights defenders still choose to take part in the PCHRCS:

*This is incomprehensible to me - I cannot understand it. They think they can still do something. When I left, Medvedev looked at me and said: What you are doing, is not right, and also something like that the presence of the president is very important. Well, yes, I agree that it is important. [...] But there are two sides to this: Firstly, that you legitimize - you give legitimacy to this president. And secondly, what can you do? [...] Maybe you can do something, but now I do not see it (Interview 12).*

Alongside the claim that those who participate necessarily also contribute to legitimizing the current regime, some respondents also voiced suspicion that the motives of those who participate are not purely confined to improving the human rights situation in Russia. Taking part, and particularly in the prestigious PCHRCS, puts you as an individual in

the limelight, which may in itself be a goal for some human rights defenders. The well-connected activist that I interviewed who had long experience with working in one of the oldest human rights NGOs was in particular adamant about this (Interview 2). Respondents that were participating in different types of cooperation structures did of course not state this as a motivation for participating, but an ONK-member acknowledged that it was an honor for him personally to take part:

*As a member of [my NGO], it is a huge privilege for me to be a member of the ONK*  
(Interview 9).

At the same time, the respondents that were critical towards participation paradoxically reported that they frequently get in touch with friends and acquaintances that are members in consultative structures, and that they in this way intentionally utilize their social and professional networks to promote issues and reach their goals.

In sum, my findings show that Russian human rights NGOs are divided in their view on how they should approach opportunities to participate in consultative structures and control organs. Taken together, the respondents interviewed for this thesis were mostly positive to participating in deliberation. Even the most critical voices, such as respondent 2 the activist and respondent 12 the long-time NGO leader who had withdrawn from the PCHRCS reported that they frequently use people in their networks who are represented in consultative organs. H5 can therefore neither be completely confirmed nor completely dismissed. Although the number of respondents is too low to say something generalizable about how Russian human rights NGOs adapt in order to get included in decision processes my findings indicate that the respondents perceive deliberation as useful, and hence as giving room for “effectiveness politics”. The Civic Chambers, the ONKs, and the PCHRCS are thus all something else than purely “facades of democracy”.

## **5.6 Summarizing discussion: How are NGOs learning to adapt to closing space?**

A recurring theme throughout the analysis has been that NGOs are learning to adapt to closing space by learning to cope with uncertainty. From the cat-and-mouse-game of finding

new legal organizational forms to the search for finding sustainable funding models, NGOs are experiencing that tomorrow the rules may look different.

The foreign agent law and other restrictive laws governing civil society tend to both have loosely conceptualized key terms as well as to be selectively applied. As a result, it is often complicated to predict the possible costs of being affected for NGOs that are in the danger zone. They need to be on the alert for responding to possible future scenarios due to the unpredictability and vagueness that characterizes the closing of civic space. One employee in an NGO that has not been named foreign agent summarizes this point:

*For us, it is just not clear what the consequences will be. In the beginning, they said that foreign agent-NGOs will not get money from the state. But last year, there was an organization that got funds from the president's grants, and this organization is a foreign agent [..]. For example, this building of ours belongs to the city, so it is not clear what could happen. We really need to know how big the problem will be.*

(Interview 8)

One of the other NGOs I interviewed experienced that the rent agreement for their long-time headquarters was cancelled by the city Property Department without explanation when they received the foreign agent status, so the respondent's fear is not without reason. In this sense, not knowing for sure the concrete implications of being added to the foreign agent-list adds to the restrictive consequences of the legislation. NGOs thus need to safeguard against possible hypothetical scenarios that they cannot even be certain will become reality if they are affected by the law. The respondent underlined the uncertainty that comes with the constant shapeshifting that characterizes how the foreign agent-law is enforced:

*If we become foreign agent today, then that is one problem, if we become it in 5 years it will be another problem entirely.* (Interview 8)

This statement reflects how constant learning by doing has marked Russia's take on restricting civil society. Both authorities as well as NGOs are changing strategies on the go.

The overall findings lead us back to the discussion in the theory-chapter that presented the virtues of civil society as a two-edged sword for competitive authoritarian regimes. Combined with the empirical insight on how civil society actors view deliberation as both



beneficial as it provides opportunities for “effectiveness politics” and at the same time as problematic because it gives legitimacy to the regime, this adds up to the question: What does the use of co-optative measures mean for Russia - is it a path towards deliberation without transition or a path towards deliberation-led democratization? The analysis suggests that the answer to this question will depend in part on how civil society will adapt to the mix of new opportunities and restrictions and in part on what future steps the Kremlin will take to govern civil society.

## 6 Conclusion

The starting point of this thesis was the observation that although Russian human rights NGOs have been the targets of increasingly restrictive measures over the last fifteen years, they have nevertheless also been invited to take part in an increasing number of bodies tasked with consulting and monitoring. I asked how NGOs have responded to this at first sight puzzling combination:

*In what ways do Russian human rights NGOs respond to new restrictions, and why and how do they participate in co-optation efforts from the state?*

The research question was anchored in a theoretical discussion of arguments that postulate the development of a vibrant civil society as a necessity for successful democratization and in an empirical discussion that demonstrated how Russia has gone down a semi-authoritarian path where the regime has cherry-picked only the elements of the civil society arguments that are beneficial to its stability. Finally, the analysis explored in what ways human rights NGOs have responded to the resulting framework.

### 6.1 Main empirical findings

Russia's new restrictions as well as a climate of delegitimization targeting human rights activism have resulted in NGOs both being forced to and having more or less voluntarily chosen to develop new tactics. The findings show variations in how the NGOs adapt to closing space, and two patterns were found.

The NGOs I interviewed work with issues that vary with regard to how relevant or easy it is for them to build a Russian base of supporters and volunteers, and the thesis finds that this variation can help explain differences concerning how NGOs respond to restrictions. Concerning the financial situation, it is easier to replace foreign funding with Russian funding if the NGO works with issues that ordinary Russians can be persuaded to contribute to by crowdfunding. However, many human rights NGOs concentrate on issues that are counter-majoritarian by their very nature, and these have less potential to replace foreign funding with Russian funding. Furthermore, the counter-majoritarian NGOs reported less frequently than the more service-providing NGOs that they work with involving ordinary people in their work.

However, NGOs that front issues that for various reasons do not resonate well with the general Russian public may paradoxically enough benefit when responding to restrictions that target the organizational structure of NGOs. As they have less of a good reputation to maintain to begin with, they can afford to care less about being delegitimized – it is less costly for them as they already have a low level of trust in the public. My empirical findings suggest that they therefore allow themselves to experiment more with alternative ways of structuring, such as working without a legal entity and finding creative ways to keep accessing foreign funding. For NGOs that front issues and work in ways that are characterized by more contact with ordinary Russians, delegitimization can be said to come at a higher cost. They are therefore both more willing to and more able to decline foreign funding, as well as finding new ways to engage and mobilize supporters.

The analysis found that NGOs participate in co-optative organs by fulfilling three different kinds of functions: They act as barometers on what is important to people, as experts on the issues they work with, and finally as watchdogs. The two last functions are important drivers for why NGOs want to participate in limited pluralism. The prison observer commissions (ONK) were perceived by interviewees as a relatively well functioning control mechanism, where members who put down much effort can achieve noticeable results. The Civic Chambers were perceived as being more relevant for NGOs that work on social issues than for human rights NGOs. Respondents viewed participation in the PCHRCS as having little, but some effect on policy development. Participation does not demand much time and resources, and NGOs with members represented there experienced being perceived as more “legitimate” when they work with different partners.

Not all human rights NGOs want to participate directly in structures that they perceive as co-optation efforts. When they choose to stay away, it is mainly due to two reasons: Firstly, they see limited effects of participation and are therefore reluctant to spend time and resources when it does not help their cause. Secondly, there is the issue of legitimacy. To some of the respondents, participation is problematic because they see it as putting an approval stamp on a regime they cannot agree with. Nevertheless, the study also found that NGOs who share this more critical view on co-optation are in close touch with likeminded actors in the human rights community that do participate, and that they forge alliances and use their personal networks to channel issues into deliberation forums.

## **6.2 Contributions to theory**

The thesis has contributed to theory by shedding light on in what sense hybridity is a key feature with regard to how competitive authoritarian regimes deal with civil society. It has agrees with Foley and Edwards (1996) in that the civil society argument should be understood as containing a paradox. Some aspects of the civil society argument can severely challenge authoritarians, as a vibrant civil society is assumed to imply that the population will become more capable of “energizing resistance to a tyrannical regime” (Foley and Edwards 1996: 39). However, other aspects of the civil society argument focus more on civil society’s contribution to good and effective governance, which this thesis has assumed is a goal for authoritarians as well. In Putnam’s words: “Strong society, strong economy; strong society, strong state” (Putnam, Leonardi et al. 1994: 176). The paradox has consequences for how competitive authoritarian regimes choose to govern civil society, which in turn has implications for the object of interest in this thesis, namely the opportunity structures NGOs are provided with.

Against this backdrop, I have explored the concept of closing civic space when coupled with the concept of limited pluralism. While some level of pluralism in civil society is necessary in order to cope with the institutional uncertainties that competitive authoritarian regimes by default suffer from, closing the space for civil society is equally called for in order to ensure the survival of a regime that is neither entirely democratic nor completely authoritarian. It is exactly at this cross point that new opportunity structures arise and old ones come to an end for NGOs. This thesis therefore argues that these two concepts must be seen in relation to one another when assessing the true opportunity structures for NGOs in semi-authoritarian settings.

## **6.3 Notes on limitations and suggestions for further research**

Like any study, this thesis has limitations that should be accounted for when discussing what the study may say something about. First of all, the sample of NGOs that I have interviewed counts six. The sample is too narrow to be able to generalize the findings with a fair degree of certainty. The eleven respondents are all based in St Petersburg and Moscow and are in different ways working in the sphere of human rights. This implies that the findings may not coincide with how NGOs in smaller cities or NGOs working in different fields respond to restrictions. More research both on the Russian case and comparative

research on other competitive authoritarian regimes is therefore needed in order to investigate if the findings of this thesis can be verified elsewhere.

The respondents interviewed in this thesis were for the most part employees working in predominately established NGOs. The findings indicate that some NGOs choose to adapt less formal ways of organizing themselves as a response to restrictions. Future research should therefore look at how these informal entities work. How do their goals and working methods differ from the NGOs that choose to remain organized more traditionally? Also of interest is how new civic initiatives are forming in a closing space environment – do they move directly into an informal way of organizing, and what tools can hybrid regimes use to intercept these before they reach potentially threatening levels?

More research is also needed on the second phenomenon of interest to this thesis, limited pluralism. The growth of deliberative organs was in this thesis assumed to compensate for the lack of information that semi-authoritarian regimes experience, and empirical evidence suggested that alternative civic actors are heavily included. It is therefore reasonable to ask what function these alternative civic actors serve. How can the mix of alternative civic actors and more critical civic actors serve to depoliticize issues when brought together?

To point back to the concerns raised in the methodological discussion, many of these questions will benefit from direct contact with sources in order to gain the best data material available in a semi-authoritarian setting. This thesis therefore encourages the use of fieldwork and qualitative interviews for further research.

Particularly research on closing space for civil society is growing, and exciting times await both NGOs experiencing it as well as for those who follow the development on the research areas suggested above.

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# Appendix

## List of respondents

<b>Interview nr</b>	<b>NGO nr/</b>	<b>Main issues/ Who</b>	<b>Foreign agent?</b>
1	n/a	The Norwegian Helsinki Committee – Senior Advisor Inna Sangnadhieva	-
2	n/a	Loosely organized meeting place for activists.	Have never been registered as a legal entity
3	n/a	Regional Office for the Ombudsman for human rights – Head of staff Olga Shtannikova	-
4	1	Rights of conscripts	Formerly in the registry, succeeded in deregistering
5	1	Rights of conscripts	Formerly in the registry, succeeded in deregistering
6	2	Freedom of speech/ information	Yes, but reorganized as response.
7	3	Rights of homeless people	No
8	3	Rights of homeless people	No
9	4	Against use of torture	Yes, but reorganized as response.
10	5	Against discrimination and misuse of anti-extremism laws	Yes
11	6	Rights of migrants	Yes
12	6	Rights of migrants	Yes

## **Interview guide (NGOs)**

(Short introduction about the project. The respondent is reminded that participation is voluntary, and that they can withdraw their consent at any time)

### **Introductory questions**

- Please describe the NGOs main goals.
- How would you describe the support you have from ordinary Russians?
- How do you work to spread your message to the public?

### **Consultative mechanisms and control organs**

- How do you work to influence decisions?
- Probe: Are you or anyone in your NGO involved with (or have been involved with):
  - o The PCHRCS
  - o The Civic Chambers
  - o The ONK
  - o Human Rights ombudsman
  - o Public Councils for ministries
  - o Or anything that resembles these bodies
- Follow up if member: Describe your role there, why is it beneficial for you/ your NGO to participate?
- Follow up if not member and if relevant: What is your impression of these bodies?
- Do you/ your NGO have any friends or acquaintances in these bodies?
- Do the authorities in other ways invite you to provide your opinions?

### **Registration**

- How are you registered?
- Have you changed/ are you considering changing your legal entity?

### **Funding**

- How has the foreign agent law affected your financial situation?
- What kind of Russian grants do you apply for?
- Do ordinary people donate to you?

### **International cooperation**

- What kind of international network do you have?
- Has the foreign agent law affected the way you communicate with international partners?

### **At the end**

- Do you feel that it is easy for you to predict what kind of reactions your activities will be met with?
- Do you have any recommendations on people I should try to get an interview with?