



Short status report on law on Foreign Agents and new law on Undesirable organisations.

Naturvernforbundet June 2015

Introduction

Naturvernforbundet has over many years worked closely with Russian environmental organisations on a number of environmental issues, as preservation of biodiversity in the Barents region, phase out of old nuclear plants and promotion of low carbon development. This work has all the time faced challenges from regulations on Russian side, but the situation deteriorated significantly with the new NGO laws that were approved in the Russian Parliament and by the president in 2012.

In 2014 Naturvernforbundet issued the report "*Foreign Agents" or Environmental Heroes? Legal restraints on Russian environmental NGOs*"¹. Since then, the number of organisations in the Foreign Agent register has developed rapidly, and this paper intends to provide an overview over the most recent development. In addition, a new law of "Undesirable organisations", directed at foreign entities, is currently being processed in the parliament.

Status of the Foreign Agent register

When work of this paper started, a recent report from Human Rights Resource Center in St. Petersburg² showed a total number of 49 civil society organisations listed in the Foreign Agent register by the middle of March. Of these, the biggest part was human rights organisations (36 %), while environmental organisations constitute 15 %. Others are organisations working with information and mass media, educational centres, organisations protecting human rights (including rights of LGBT etc).

During the spring 2015 the Russian Ministry of Justice has indeed been very active, and by the beginning of June the number of organisations in the register have grown to 68³. In total were 38 organisations added to the register in 2015 so far. This speed up from the Ministry of Justice started in December 2014, when 13 organisations were added.⁴ It is nothing that indicates that this trend will be reversed in the foreseeable future. The Ministry of Justice inform in press releases about the new organisations they include in the register.⁵

¹ <http://naturvernforbundet.no/getfile.php/Bilder/International%20projects/Publications/2014feb-Russland%20NGO-rapport.pdf>

² www.hrrcenter.ru/awstats/HRRC_report_onFA-NGO-2015.pdf

³ See the official site of the Ministry of Justice on the Foreign Agents register at <http://unro.minjust.ru/NKOForeignAgent.aspx>

⁴ <http://kommersant.ru/doc/2724830>

⁵ <http://minjust.ru/ru/press/news/v-reestr-nekommercheskih-organizaciy-vypolnyayushchih-funkcii-inostrannogo-agenta-10>

The environmental organisations that are so far listed as Foreign Agents are (in order of most recent appearance on the list):

1. Dront, Nizhny Novgorod, 22.5.2015
2. Planet of Hope (Planeta Nadezhd), Ozersk, 15.4.2015
3. Eco-Logica, Rostov, 3.4.2015
4. Educational center on ecology and safety, Samara, 20.3.2015
5. Bellona Murmansk, 19.3.2015
6. Za Prirodu, Public movement, Chelyabinsk, 6.3.2015
7. Za Prirodu, Foundation, Chelyabinsk, 6.3.2015
8. Siberian Ecological Center, Novosibirsk, 12.2.2015
9. Jewish regional department of the All-Russian organisation “Municipal Academy”, Birobidzhan, 26.1.2015
10. Partnership for development, Saratov, 2.10.2014
11. Ekodefense (Ekosaschita) from Kaliningrad, 21.7.2014

Za Prirodu listed as Foreign Agent

At 6th of March the partner organization of Naturvernforbundet, Za Prirodu in Chelyabinsk, was labelled Foreign Agent.⁶ Za Prirodu had made an attempt to omit the law, registering a Foundation by the same name that would receive the funding, while the organization carried out the work. That did not help, and the local department of Ministry of Justice linked together the two different entities, and both are listed in the register. So, for the executing organisation it was not a help to not have a direct bank account linked to the organization.

From the protocol elaborated by the local department of the Ministry of Justice it is clear that the campaign work against a planned mine in Tomsk that Za Prirodu is one of the driving forces behind is a central issue for the Ministry. Also the anti-nuclear work is listed as one of the issues that would define Za Prirodu as Foreign Agents. The other Russian partners of Naturvernforbundet in this work are implied as well, as the documents mention the Decommissioning network and refer to the network website.

A first hearing in court was supposed to be held at the 8th of April, but was postponed until May. At the 13th of May the Fund Za Prirodu was judged to be “Foreign Agents”, and receive a fine of 100 000 roubles for not having registered voluntarily. Za Prirodu will appeal the decision.

⁶ Entry to the register can be found at unro.minjust.ru/NKOForeignAgent.aspx.

The court case against Za Prirodu has received substantial attention in local media, where also the group of Naturvernforbundet and Russian organisations working together for Decomissioning of old nuclear reactors are mentioned by name⁷.

It is the sole responsibility of the Ministry of Justice to investigate and “nominate” candidates for the register, but according to Za Prirodu, FSB has been an active part here, as they have been lobbying Ministry of Justice in Chelyabinsk to put Za Prirodu on the list. FSB has been watching Za Prirodu and other organisations for some time in connection with the anti mining campaign, and have also earlier tried to open a court case against Za Prirodu.

Our partners strives at full openness around the processes, and Za Prirodu and Zelenyj Mir jointly organized a press conference about the Agent laws and Za Prirodu’s entry in the register in St. Petersburg at 14th of April. An article on Golos Ameriki was published afterwards.⁸

In addition, Za Prirodu leader Andrej Talevlin keeps his own blog, which can be found at antinuclear.livejournal.com. Information is also regularly disseminated at the websites of all our partners, Za-priodu.ru, Greenworld.org.ru, Kec.org.ru as well as Rusecounion.ru.

Naturvernforbundet listed in the Foreign Agent register

Naturvernforbundet is stated as Donor in the prosecution documents against Za Prirodu, and is subsequently also listed in the website of the Ministry of Justice for the Foreign Agents register.⁹

Naturvernforbundet is not an organization registered in Russia, and so far only foreign organisations registered in Russia have been listed as Agents and have been forced to close their activity, as various US and EU foundations, Nordic Council and Bellona Murmansk. How this will affect the ability of Naturvernforbundet to work in Russia we do not know so far. As it is so far obvious that it is the nuclear work that is at the center of attention, it might be taken more serious steps towards our other partners in Murmansk and Leningrad oblasts as well. They have already both been in the spotlight, but have managed to avoid being listed. As anticipated, it is clearly that the law is used arbitrarily, and depend on the attitude of the local civil servants. Still, together with our partners we are now in a process for considering various possibilities for how to carry on in this direction.

We also see that Naturvernforbundet partners that at the present have reorganized as a commercial entity, as Ecocentrum LTD in St. Petersburg, are being watched as well. Ecocentrum has recently got an informal warning about a possible global financial inspection (as a company Ecocentrum is not related to FA Law, but it may be inspected by Tax office with special task to find links between the company and political work). Ecocentrum had several ordinary tax inspections with positive results – but extraordinary global inspection usually is done on basis of order from the “top”.

⁷ For example in: http://dostup1.ru/politics/Na-100-tys-oshtrofovan-Chelyabinskij-fond-Za-priodu-priznannyi-inostrannym-agentom_75266.html.

⁸ <http://www.golos-ameriki.ru/content/plotnikova-environmental-protection-as-political-activity/2718916.html>

⁹ <http://unro.minjust.ru/PopUp.aspx?mode=sources&id=29299>

Consequences for listed organisations

Some of the organisations dissolve themselves, while members continue to work on a private basis.

Some of the organisations pay the fines. Here are some examples of the consequences:

As for the RSEU member organisation «Partnership for development» in Saratov, its leader Olga Pitsunova was personally fined 100 000 roubles. A money collection made her able to pay, but eventually she was fined another 100 000 roubles for missing the payment deadline by two days, a deadline she was not informed about. The organisation was fined 300 000 roubles, and the case goes on in court until now.

In the nuclear work Naturvernforbundet has also had working relations with the organisation Planeta Nadezhda (Planet of Hope), which recently was fined 300 000 roubles for their failure to register. Bellona Murmansk was fined 50 000. The organisation close down and will register as department of Bellona Norway.

The Jewish environmental organisation Municipal Academy is the first organisation that the register informs about as officially closed down.

Ekodefence was the first environmental organisation in the register, and was fined 300 000 roubles. They do still not intend to accept the fine, and the case continues to this day in court.

Implications for RSEU?

Of the eleven (ten, as Za Prirodu is listed twice) environmental organisations so far labelled as Agents, six of them are members of Russian Socio-Ecological Union (RSEU). An example is “Dront”, Naturvernforbundet’s partner in the SPARE project, which was listed as Foreign Agent in May.¹⁰ In addition, two members of RSEU (KEC and Friends of the Baltics (FoB)) have received direct funding from Naturvernforbundet for their different projects, but FoB has also received support for general RSEU development. We do so far do not know if this general RSEU support from Naturvernforbundet will be linked with the big numbers of members that the RSEU umbrella consists of. In that case a big number of organisations will be at risk.

¹⁰ The blogpost <https://therussianreader.wordpress.com/2015/05/18/foreign-agent-dront-nizhny-novgorod/> gives a personal view on this.

Hope for improvement?

In the middle of May, the Public Chamber of the Parliament stated that they will make their own investigation around the registration of Dront, which was labelled Foreign Agent in May¹¹. The secretary of the Public Chamber have also stated that he is not opposed to foreign financing of civil society organisations¹².

Development for environmental protection work in general

General mood for environmentalists has grown harsher. In April it was made public that Evgenia Shirikova, who has become one the most prominent Russian environmentalists after leading the fight against destroying the Khimki forest in Moscow, left Russia for Estonia in order to have a safe life for herself and her children.¹³

New law on “Undesirable organisations”

On May 19th 2015, the Russian Duma approved a third and final draft of legislation that criminalizes “undesirable organizations.” If the Federation Council and President endorse the bill, any foreign or international NGO that the government declares “undesirable” will be banned from working in Russia. All an organization’s subsidiaries will be closed, its accounts frozen, and its supervisors and staff can even face civil and criminal penalties.

Much is still unclear about this new law, but it is likely that a similar register of unwanted organisations will be created, and the processes around this managed by the State attorney office. It is most likely that the bill will be endorsed both by the Federal Council and the President¹⁴. It is still too soon to say whether Naturvernforbundet can be listed according to the law, without a branch in Russia. The scope for this law is even wider than the “foreign agents” law, and both laws rely on the same kind of vagueness and unclear writing that benefits the authorities and creates fear and uncertainties within the NGOs.

¹¹ A personal comment about this can be found on this blogpost:

<https://therussianreader.wordpress.com/2015/05/18/foreign-agent-dront-nizhny-novgorod/>

¹² See also <http://www.niann.ru/?id=474048>.

¹³ <http://www.themoscowtimes.com/news/article/prominent-russian-environmental-activist-flees-to-estonia/519342.html>

¹⁴ More information can be found in this link from the independent news feed Meduza:

<https://meduza.io/en/feature/2015/05/19/the-most-draconian-law-yet>

Various articles on the Agent Law and Law on undesirable organisations

In addition to sources already mentioned, some links to more information are provided here:

<http://kolhro.ru/index.php?contentid=18623> (On agent law from Murmansk, KEC and others)

<http://glagolurfo.com/newsitems/2015/2/17/eremin-i-talevlin-zavodyat-nato-i-hodorkovskogo/> (Agent law, Chelyabinsk, Za Prirodu)

<http://kommersant.ru/doc/2724830> About the Agent law in general, see also

<http://www.kommersant.ru/doc/2738304>.

<https://meduza.io/feature/2015/05/25/eto-ne-papua-novaya-gvineya-a-rossiya-nashi-dni>. About the new law on undesirable organisations.