

“FOREIGN AGENTS” OR ENVIRONMENTAL HEROES?

Legal restraints on Russian environmental NGOs





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LEGAL RESTRAINS ON RUSSIAN ENVIRONMENTAL NGOS

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PREFACE

- The report is written by Naturvernforbundet, with inputs from Russian cooperation partners.

The report presents the main laws and regulations changing the working climate for environmental NGOs, describes how Naturvernforbundet's main partners have been affected so far, and gives an overview over different adaptations to the new and worsened situation for the environmental NGOs.



INTRODUCTION

- The climate for civil society, human rights and press freedom have worsened in today's Russia after Vladimir Putin's government adopted several new laws in 2012. Among these the laws is the controversial "Foreign agents law", demanding non-governmental organisations (NGOs) that receive funding from abroad and at the same time engage in political activity, to register as foreign agents.

For a long time human rights organisations have been more vulnerable to attack than the environmental organisations in Russia, but with the "foreign agent" law, the situation of the environmental organisations changed for the worse.

From March to September 2013 all Russian non-governmental organisations were checked by the public prosecutor in their district. Several organisations were asked to register, including Naturvernforbundet's partner Baikal Environmental Wave. Others, like our partner Kola Environmental Centre, received warnings, or notifications, that they would need to register if they were to receive foreign funding and act politically.

Several law suits have followed. Baikal Environmental Wave is now (February 2013) in court to overturn the decision, but has lost in three rounds. They have to pay heavy fines if they lose. Others have won, while many lawsuits are in progress.

Naturvernforbundet notes large differences in how our partners are met by the authorities. Our partner in St. Petersburg Friends of Baltics experienced very good treatment. They had to fill out a questionnaire where the first question was whether they lobbied. When they explained their work for the local representative of the public prosecutor, where they also said that part of the work was to work for stronger environmental laws, the prosecutor kindly told that they could answer no to the question about lobby work. From examples like this we can point on a main challenge with the law, which is that it is vaguely formulated, and obviously can be used arbitrarily if the local prosecutor and/or authorities want to create difficulties for their local organisations.

Our partner Green World who works in the closed nuclear city Sosnovy Bor outside St. Petersburg has experienced that the agent law also can be used by others than the government. After they were already checked by the prosecutor in March 2013, they immediately got the message that they should be checked again - at

the request of the company Ecomet-S. Ecomet-S is engaged in melting of radioactive waste, and Green World has repeatedly attacked the company for environmental violations. The same company also took Green World to court in 2013, complaining about information in Green World's web site that Ecomet-S said were damaging their business reputation. Green World won 3 times in court, but to achieve this they have spent a tremendous amount of time and they have also needed professional juridical support.

No environmental organisation has registered so far. Out partners have spent a lot of time on the controls, but are working more or less as before, and we transfer money and conduct joint work without problems. It appears that the authorities do not really know what to do next, and that they currently have this on hand if they want to get to an organization.





Chapter 1:

LAWS AND REGULATIONS

- In the following section, we lean mainly on Human Rights Watch's report *Laws of Attrition* (HRW 2013).

Already from 2006 a law imposed new reporting requirements on NGOs, especially relating to foreign funding. It also provided for planned, annual inspections as well as unannounced inspections. Following this, several NGOs were inspected in 2007-2008, but so far most environmental organisations remained untouched. After a mild softening of NGO regulations under Medvedev's presidency, the climate hardened again under Putin, with several new laws passed in 2012.

THE "FOREIGN AGENTS" LAW

The "Foreign Agents" law, law no. 121-FZ, was signed by president Putin on July 20, 2012, and went into force November 21. The law amends five laws regulating NGOs, 1) the law on public associations, 2) the law on non-commercial organisations, 3) the criminal code, 4) the code of criminal procedure and 5) the law on money laundering and financial terrorism (HRW 2013:13). The law is publicly known as the "foreign agents" law, as it introduces the concept of an NGO "performing the functions of a foreign agent", to refer to NGOs that receive foreign funding and partici-

pate in "political activity" in Russia (ibid.).

The law demands that such NGOs, which receive foreign funding and participate in "political activity", should register as foreign agents, by applying to be included in the special registry of "foreign agents" when they submit their registration documents.

Naturvernforbundet's Russian partners have refused to register as "foreign agents", as they consider themselves working for Russian interests; for the Russian nature and the health and environmental safety of Russian citizens. At the same time, they depend on foreign funding.

The law states that an NGO is considered to be carrying out political activity if it “participates in organising and implementing political actions aimed at influencing decision-making by state bodies intended to change state policy pursued by them, as well as shaping of public opinion for the aforementioned purposes” (ibid:14).

Broadly understood, this can be said to cover almost everything that Naturvernforbundet’s partner organisations do. Discussions on where the line goes take place in all partner organisations, and the answers differ. However, they all agree that one of the likely results is NGO self-censorship.

The law also imposes additional reporting requirements on NGOs that “perform the functions of foreign agents”, and additional governmental inspections and oversight. This includes both annual planned inspections, and increased grounds for unannounced inspections. According to partners, this forms an additional reason for not register.

It is important to note that also before this law Russian authorities had necessary information on how NGOs were funded through the then already existing reporting and inspection regime. Therefore, the demand to register as “foreign agent” is not based on an increased need for information, as claimed by the government. The goal is rather to control, and possibly also demoralize, NGOs and decrease popular support for their work.

The law allows authorities to suspend the activities of an NGO that meets the requirements but fails to register as a foreign agent. Such suspension can be appealed. Also, the NGO will be given a deadline to apply to register as a foreign agents and can resume its activity once added to the registry (ibid:17). In addition, both failure to submit reports, failure to register as “foreign agent”, as well as failure to mark materials with “foreign agent”, can result in fines (ibid:17-18).

The law also added new offenses to the Criminal Code relating to all NGOs. Firstly, it established criminal liability for establishing or manag-

ing NGOs that incite citizens to refuse to fulfil their civil duties or commit other unlawful acts. The law does not state what such activities are, nor whether the unlawful acts must in fact take place, but participation in such activities or “propaganda” for them can lead to fines up to 120 000 RUR or maximum two years of prison. Secondly, intentional failure to register as “foreign agent” is punishable by a fine of up to 300 000 RUR or a maximum two year prison sentence (HRW 2013:18).

According to RIA Novosti, Russia’s highest court said in January 2014 that it would review the constitutionality of the law in March 2014 (RIA Novosti February 14, 2014).

THE TREASON LAW

The law no. FZ-190 was adopted by the State Duma on October 23, 2012 and was endorsed by the Federation council on October 31. The law expands the Criminal Code’s definitions of treason and espionage.

The definition of treason is broadened by (HWR 2013:37):

- *Adding to the list of actions that can constitute state treason the provision of “... consultative or other assistance to a foreign state, an international or foreign organization, or their representatives in activities against the security of the Russian Federation”;*
- *Adding international organisations to the list of subjects to whom Russian citizens can transfer “state secret” information for their actions to be qualified as treason;*
- *Expanding the list of situations in which Russian citizens can be said to have obtained information that constitutes a state secret to include “study or other cases” (previously, only “service and work” were listed);*
- *Requiring that the actions constituting state treason be directed against “the security of the Russian Federation” (previous wording was “external safety of the Russian Federation”).*

If convicted for treason, one may face

a prison term of up to 20 years.

The definition of espionage is broadened by:

- *It includes international organisations among the list of subjects that can be recipients of state secrets; An explicit order from a foreign intelligence service is no longer required in order for the transfer of “other” information (that is, information that does not constitute a state secret) for use against Russia’s security by a foreign national or a stateless person to be considered “espionage”; such transfer made at the behest of an individual “acting in the interests” of a foreign intelligence service can now also be qualified “espionage” (ibid: 38).*

These changes open for a very broad interpretation of treason and espionage. As Naturvernforbundet sees it, using the broad provisions of the law Russian authorities could brand practically all our Russian partners as traitors or spies, only for addressing for instance the International Atomic Energy Agency, or for presenting their work and opinions to Norwegian authorities.

The Presidential Council for Civil Society and Human Rights called the law “repressive” and “unreasonably broad” found the law to contradict both domestic legislation and international obligations. Responding to these concerns, president Putin told that he would review the law himself, but signed the law on the same day. (ibid:37-38).

So far there has not been treason charges brought under new amendments yet. But Human Rights Watch points out that the case of Ivan Moseev illustrates how the treason law can be used arbitrary to justify intrusive surveillance of individuals (ibid:39). First Moseev was accused of state treason and cooperation with Norwegian secret service (Barents Observer Nov 09, 2012), but these charges were later dropped. Still, this allegation made it possible for FSB to tap Moseev’s phone, a warrant Moseev has been fighting for a long time, before the Supreme court in January 17, 2013, affirmed the legality of the phone tap (HWR 2013:40). Moseev has been found guilty of extremism for allegedly

writing “scum” about ethnic Russians on an internet forum, the previous charges of treason where not mentioned at trial. According to Moseev, FSB has continued their surveillance over him (ibid:41). Moseev has now turned to the European Court of Human Rights, claiming that the Russian court violated the paragraph 6 of the European Convention for Human Rights, which guarantees the right to a fair trial (Barents Observer November 26, 2013).

Kola Environmental Centre explains that several NGOs appealed to the constitutional court and European Court on Human Rights. The hearings in the Constitutional court are scheduled to start at March 6, 2014 (RAPSI 2014).

THE “DIMA YAKOVLEV LAW”

The law no. 272-FZ was signed by President Putin on December 28, 2012. It is informally known as the Dima Yakovlev law, after the Russian toddler who was adopted by an American family and died in the US three months later. The bill was passed in return for the so-called Magnitsky Act, a US law which called for visa bans and asset freezes on Russian officials implicated in torture and killings of whistle-blowers in Russia (HRW 2013:42).

In addition to defining sanctions against US officials implicated in violations of human rights of Russian citizens and introducing a ban on adoption of Russian children by US citizens, it also bans Russian NGOs that either engage in “political” activities and receive funding emanating from the US or engage in activities that threaten Russia’s interests (ibid:42). The law provides for suspension of NGOs that either engage in “political activities” in Russia and are funded by US individuals or organisations, or are involved in activities that present a “threat to Russia’s interests.”

The law does not define “political activity”, neither what “Russia’s interests” are, not what constitutes “threats” to them. The law grants a designated agency the authority to determine

whether an NGO is involved in “political activity” or is involved in activities that present a “threat to Russia’s interests”, and to suspend such organisations without a court order. The law does not require a prior warning for the suspension, nor does it specify a limit on the duration of the suspension (ibid:42-43).

Although similar provisions as the “foreign agent” law, but by including a ban on NGOs that present a “threat to Russia’s interests”, the scope might seem even broader. Russian authorities generally regard the interest of the President and the ruling party as Russian interests, whereas Naturvernforbundet and our partners believes that there can and will be conflicting interests within one country, often the interests of certain industries will be different from the interests of nature and environment. Already before this law, our Russian partners were sometimes accused by officials or business to be acting against Russian interests, but they act for the interests of Russian nature and the environment and health of Russian citizens. With this law, along with the other laws described here, there is reason to believe such accusations will increase.

Exempt from the law are NGO activities in the areas of science, culture, the arts, health protection, protection of persons with disabilities, protection of plant and animal life, and charity work (HRW 2013:43). It is not clear whether the law should be interpreted to include the work of Naturvernforbundet’s partners into “protection of plant and animal life”, and thereby exempt from the law.

According to Human Rights Watch (ibid: 45), Ministry of Justice told an NGO roundtable in February 2013 that the ministry had not been authorized to assess whether NGOs “threatened” Russia’s interest.

RESTRICTIONS ON PUBLIC ASSEMBLIES

The law no. 65-FZ was put before the Duma shortly after Putin’s return as president, and was adopted and signed by the president during only 17 days, in June 2012. The law increases the

finances for violating rules for holding public events. It also imposed various restrictions on both organisers and participants of public protests.

Also several regions have adopted additional regulations on public assemblies, as a follow up of the law. In Moscow even single-person protests were prohibited if they are “united by the same organiser and the same purpose”. Also, you are not allowed to decorate your car with white ribbons or other “protest symbols” when driving on the Garden Ring (ibid:46).

Organisers of public events must apply the authorities and inform about the intended gathering, site and estimated number of participants. If the authorities deny a permit, an alternative venue or time must be offered by the authorities. Often, the authorities refuse the organisers’ chosen location and a remote location is suggested instead.

Russia is party to the European Convention on Human Rights and to the International Covenant on Civil and Political Rights, and thereby obliged to respect the right to free peaceful assembly.

NEW LAW ON INSPECTIONS OF NGOS

Now grounds of surprise inspections, which seemed quite large already, will now include “failure to rectify infringements by a deadline previously set by an authorized agency; complaints by individuals and legal entities; information provided by government agencies, local authorities and the media about alleged extremism in the operation of NGOs; and information about violations of legislation by NGOs from federal and local authorities” (ibid).

Also, the law permits heads of authorized agencies to order surprise inspections and gives powers to prosecutors and election commissions to request them (ibid).



Chapter 2: PROBLEMS FOR THE NGOS

Naturvernforbundet supports the development and work of Russian Socio- Ecological Union (RSEU), which is the biggest network organisation of democratic environmental grass root organisations throughout Russia. The new situation for NGO groups after the “foreign agents” law has been a concern for most RSEU groups in 2013. Within the network the RSEU organisations has spent a lot of time to analyse and discuss the agent law and other laws, and has organized meetings with professional juridical experts to advice the organisations on how to handle the situation. The situation and possible adaptations was a topic both at the large electoral conference in 2013, as well as in the board and online discussions.

During 2013, Naturvernforbundet’s partner organisations have suffered from the harder line of Russian authorities. All have endured investigations by the prosecutors, and all spend even more time than previously on reporting to authorities.

In March 2013 practically all NGOs were investigated by the prosecutor on different levels. Naturvernforbundet’s partner KEC, a regional organisation with its main office in

Apatity, was investigated by the local department of the prosecutor, whereas the youth organisation PiM was investigated by the prosecutor’s department of Murmansk district. Our partner Green World with its main office in Sosnovy Bor was investigated by the regional department in Leningrad region.

It is Naturvernforbundet’s perception that the outcome of the inspections largely depended on the local/regional prosecutor or judge personal attitude, and their intention to show high authorities their «loyalty». When the laws are so vague, it is difficult to understand how all prosecutors’ offices could have the possibility to handle the NGOs in a corresponding way.

Several NGOs received a warning, a softer prosecutor decision with a wording in the direction of: In your general activity we see potential evidences of foreign agent actions, if you WILL do that, you MUST register your NGO as a foreign agent. The hard decision would be a prescription, YOU MUST REGISTER because you act as a foreign agent.



There is no official data about the numbers of warnings, But Human Rights Watch (2014) offer a comprehensive list of how the “foreign agent” law has hit hundreds of NGOs through civil law suits (4 NGOs), suspension of activities (2 NGOs), administrative court cases (9 NGOs), official notices of violations (18 NGOs), and warnings not to violate the law (53 NGOs). Also, ClosedSociety.org offers monitoring on “State pressure on NGO’s”.

Below follows a description of problems for Naturvernforbundet’s main partners in Russia, with focus on the inspections.

GREEN WORLD

The environmental NGO Green World (Zelenyj Mir) has its main office in Sosnovy Bor, 40 km west from St. Petersburg city boarder. Sosnovy Bor is home to the Leningrad Nuclear Power Plant, nuclear submarine research reactors and large amounts of spent nuclear fuel and radioactive wastes. Sosnovy Bor was previously a closed nuclear area in which visitors needed special permission, but in 2013 it was opened for Russian Residents. Now only foreigners need such permission, and the control post is closed down.



Green World was inspected by the regional prosecutor office in March, and received no warnings. It took some time to get the final result from the investigation, as the Leningrad Regional Department of the Prosecutor had a small office and several NGOs to control at the same time.

In the middle of August 2013 the prosecutor

demanded another inspection of Green World, and required the same documents as last inspections. This time the company Ecomet-S had requested the inspection. Ecomet-S accumulates radioactive metal from the European part of Russia, cleans and melts it to other metal products that are sold without any labelling. Ecomet-S restarted this operation illegally in 2003, without the required Environmental Impact Assessment (EIA). Green World has several times criticized the company in Russian and international mass-media for breaking environmental laws, and once managed to postpone the re-opening of the factory. Needless to say, Ecomet-S would be able to operate more freely without the environmental watchdog Green World.

When the Green World chairman asked the prosecutor how many times the organisation would need to be inspected, the answer was “as many as will be requested by authorities, business companies or Russian citizens”. Green World is now afraid that Ecomet-S has the potential to paralyze the work of their organisation. As Naturvernforbundet understands the law, companies have the right to request inspections, but it is unclear whether there are limits to how often it can be done.

In addition to problems coming from the new law, Green World has faced additional challenges in 2013 that binds up their valuable time and makes it more difficult to mobilize citizens to support the work of Green World or to join the organisation’s active environmental work.

Firstly, in the autumn of 2013, Green World was taken to court by the same company Ecomet - S, charged of posting information that was damaging their business reputation. The issue was a critical text written in Green World’s web site in 2009, proving that Ecomet-S did not follow environmental laws and standards. Ecomet - S demanded the text removed from Green World web site, and that Green World paid a fine. The parties met in court in October 2013, and subsequently the judge ruled in favour of Green World; that Ecomet - S had to accept internet text even if they felt it was offensive. The company appealed, but Green

World won another victory in January 2014.

Secondly, in August 2013 a local Sosnovy Bor newspaper called “Narodnye Vesti FM” (People’s news FM) printed allegations that Green World received money from the Norwegian state budget via Naturvernforbundet, for promotion of Norwegian state interests in Russia and against Russian nuclear power plants and against the planned repository of the radioactive waste in Sosnovy Bor.

Although these problems described above are not with the authorities directly, it is clear that the law on “foreign agents” has contributed to making a debate climate where it seems ok, even appropriate, to throw public accusations towards environmental NGOs. It is a hard job for environmental organisations to achieve public support for their engagement, and accusations like this in mass media makes it harder for people to show support to organisations like Green Word, and makes it more even more difficult to develop strong member organisations.

KOLA ENVIRONMENTAL CENTRE (KEC)

After the inspections in March, KEC received a warning that the organisation must register as a “foreign agent” before it could conduct “political activity” or receive funding from abroad. KEC appealed the warning together with another NGO that received the same message (Kola Biodiversity Conservation Centre) to the upper (regional) prosecutor. But the regional prosecutor confirmed the legality of the warnings.

Earlier, in November 2012, KEC was contacted anonymously with the message that they were in authorities’ scrutiny regarding the new law, and would face problems with the law on “foreign agents” unless they withdrew from the cooperation project with Naturvernforbundet on closure of old nuclear reactors in Northwest Russia. This project is supported by the Norwegian Ministry of Foreign Affairs over the Nuclear Action Plan.

Also in November 2012, KEC received a visitor in the office, presenting himself as “Mikhail” from the analytical department of the Border Service (pogranichaja sluzhba). According to “Mikhail” they were writing a report on trans-national cooperation, and KEC was asked to tell about their cooperation with Norwegian organisations. KEC asked for a copy of the report, but “Mikhail” denied the request, explaining it was secret.

In addition, a KEC member told that he received a phone call from FSB, former KGB, where he was asked to report the KEC chairman for law violations.

Following the pressure described above, Kola Environmental Centre decided in beginning of 2013 to refrain from all foreign donations until further notice. After receiving the warning from the prosecutor after their inspections, the organisation was even more sceptical and uncertain what to do. Eventually in July they decided to try accepting donations, in order to be able to continue their environmental work. So far KEC has had no trouble with receiving the donations.

Vitaly Servetnik, a project manager with KEC



explains that the investigations in spring 2013 under the “foreign agent” law took a lot of time that should have been used for environmental work: *“It is difficult to count how many hours, days and nights we spend on these issues. It takes so much emotional stress when you know that the State can do everything that they want with you and your organisation. Firstly you are waiting for the inspection and follow processes with other NGOs, then inspection takes time as you need to arrange quite big amount of documentation for the prosecutors, after that waiting for the decision, then you appeal the prosecutor’s warning... All of this filled the agenda of our board meetings during the whole year”*, says Servetnik.

In January and February 2014 both regional and local office of KEC are inspected by the Ministry of Justice about their activity and documentation.

FRIENDS OF THE BALTIC

Our partner Friends of the Baltic (FoB) in St. Petersburg was checked by Prosecutor Inspection of Leningrad oblast. The inspection was focused on the checking agreements and reports of the climate and energy projects funding by Naturvernforbundet, and other projects funded by foreign consulates and embassies. As mentioned in the introduction, they got very good treatment, and were told they did not have to register as “Foreign Agent”, even if they do lobby work to influence on national legislation.

The activity of FoB is directed towards education, promotion of green energy solutions, cli-



mate friendly actions, sustainable solutions for the Baltic Sea, raising public awareness on green lifestyle. Even if they apply to politicians, it is to improve the policy and state actions into a more environmentally responsible way, to improve environmental protection. FoB considers it is their help for sustainable development of our country.

FoB explains that even if they were not told to register or received any warnings, the suspicion itself, that they could be foreign agents, sufficiently complicates their work with schools and with state bodies.

BAIKAL ENVIRONMENTAL WAVE

Naturvernforbundet cooperates with RSEU member Baikal Environmental Wave in Irkutsk on SPARE and energy/climate issues. The NGO was told to register as agents, but have argued this decision first to the prosecutor and later in the court system. The NGO has lost three levels of the court - district, city, oblast - all three confirmed that they are foreign agent. The argument on the court’s decision is based on the argument that Baikal Environmental Wave does political activities, for example appeal to the Russian president to close the Baikal Paper Mill because of huge negative impact from the paper mill to the Baikal Lake.

After inspections in spring 2013, the prosecutor’s office issued a notice dated April 23, saying the group’s statute provides for “active advocacy on environmental issues with state and municipal authorities,” which constitutes “political activity” within the meaning of the law (HWR 2014). Baikal Environmental Wave filed an objection to the regional level prosecutor’s office, but without success (HWR 2014). After this, they lodged a juridical appeal, but as mentioned above, the appeal was dismissed.

Representatives of the organization expect to pay huge penalties. Every co-chair (member of the board) should pay 100 000 rubles and every members 500 rubles each. They didn’t pay in 2013, and in 2014 after the third court they will receive a new penalty demand. The limit is up to 300 000 rub penalty to every co-chair (they have three co-chairs).

They are registering now a new NGO with a new name, Baikal Environmental Center.

DRONT

Dront is another organization that works with Naturvernforbundet on SPARE and energy/ climate issues. It is a relatively strong environmental NGO in Nizhniy Novgorod. It has a long and good relation to local and regional authorities. The good relations are a result of personal relations and a relatively progressive leadership in the region. Dront met with the prosecutor in April 2013 and have had no problem afterwards. The amount of foreign support is also limited.

OLYMPIC REPRESSION

We note that environmental NGOs that deal with the Olympic Games have a harder time than our partners. Environmental Watch on North Caucasus EWNC has been inspected several times by different services and authorities. One of their activists, Suren Gazaryan, is now a political refugee and another, Evgeny Vitishko, was recently sentenced to 2 years in a prison colony. Amnesty International said this about Vitishko in February 2014: “Vitishko’s name has now become synonymous with harassment of civil society activists in the run-up to Sochi Games. Vitishko and his friends have been trying to expose environmental violations during the preparation of the Sochi Olympics. For this they are being punished. By trying to lock him up as a ‘petty hooligan’ the authorities are trying to gag him,” (Amnesty 2014).

Environmental Watch of the North Caucasus received a warning from the prosecutor that the group’s statute “in fact declares its participation in political activity.” As evidence of this, the prosecutor’s office cited some of the group’s statutory goals: directly influencing government policies at all levels, including countering corruption among executive authorities, courts, environmental and law enforcement bodies, facilitating the improvement of legislation, and taking measures to preserve the existing standards in the sphere of environmental protection, as well as defence of citizens’ rights and freedoms. The warning also noted that Environmental Watch

of the North Caucasus received grants from foreign foundations and is therefore required to register as a “foreign agent.” (HRW 2014).

Just a few hours before the closing ceremony for the Sochi Olympic Games police grabbed EWNC activist Olga Noskovets and another Sochi activist David Khakim on the street and put them in jail. Both were detained at a bus stop in Matsesta, a neighborhood in Sochi far from the Olympic venues. Their phones were taken away, and the only reason their arrest was known is by accident - a Sochi journalist was nearby. At the police station they were accused of the standard violation of “disobeying police”.





Chapter 3:

ADAPTATIONS TO THE NEW SITUATION

- Russian environmental non-governmental organisations are used to operate under uncertain and difficult circumstances. However, our partners regard the new laws of 2012 to represent a far tougher situation than before. Still, the situation is quite unclear. Almost a year after Kola Environmental Centre received the warning from the prosecutor it seems to have had no practical implications for their work, but still the environmentalists cannot really relax, and they feel they have to be prepared for any situation.
- Adaptations have been discussed throughout 2013 and some of our partners have already taken steps to adapt, whereas others continue to wait and see.
- In this chapter, we present an overview over different approaches that have been used and those that have been discussed.

ADAPTATION 1: REGISTER

One obvious adaptation is registering as a “foreign agent”. This has not been an option for any of our partners or contact organisations. Even after careful discussions in their boards and at other relevant fora, have they still come to the conclusion that they will not register. They don’t consider themselves to be a “foreign agent”, and also consider that accepting such a label would make it even harder (than now) to mobilize citizens and promote improvement of the environmental situation. Additional reporting requirements demanded in the law, is another practical reason not to register.

According to RIA Novosti (February 14, 2014), only one NGO has registered as a “foreign agent” so far. RIA Novosti reports that the NGO “Supporting Competition in the CIS Countries” voluntarily registered as a foreign agent in June, according to the Ministry of Justice. The organisation is said to promote business interests in economic policymaking in former Soviet countries.

A regional human rights agency, Shield and Sword (Щит и меч), was the first organization to voluntarily attempt to register, allegedly to find out how the new law would affect NGOs, but its application has twice been

denied. The likely reason for the denials is Shield and Sword's close links with the Agora foundation, a large human rights watchdog.

WHY WE WILL NOT REGISTER

By Vitaly Servetnik, Kola Environmental Centre

We will not register because we are not foreign agents.

Russia is our home, with beautiful untouched nature. The nature is stunning in its variety and irreplaceable as home for animals and humans. We are environmentalists because we want to take care of our nature and the healthy environment for our co-citizens.

For best environmental results, and for a best functioning society, Non-Governmental Organisations (NGOs) and civil society are vital. We are proud to work for our nature and for our society. We are agents for our planet and for the Russian nature in particular, not "foreign agents".

Using words as "foreign agents" effectively drives people away from civil society organisations. But our nature needs active citizens engaging in debate about what should be done.

Our environmental challenges are best solved by us living in Russia, because we know the nature, we are most deeply affected and we care the most. We will listen to science and experts from Russia and international, but decisions should be done democratically by people living here.

On cross-border issues we cooperate with environmentalists in other countries, just as officials on different countries meet. We believe that it is possible for all parties to gain from cooperation, and that the zero-sum game of the Cold War does not apply to the environmental field. Simply because the best solutions are found together.

In order for us to work effectively for the environment, we need financing. For local projects on natural values, we have some small-grant regional financing. For our larger projects, we find donors abroad. We are open about the donations, and we are careful to avoid changing any views because of donations.

Russian authorities seem to think that there is a Russian way and a foreign way; either you work for Russian interests or you work against them. And they seem to think that Kremlin dictates what Russian interests are. We know better. We know that there are

several legitimate interests within our country. We work to promote the interests of Russian nature and environment, we promote what we believe is Russia's best interests. We are agents for our planet and for the Russian nature in particular, not "foreign agents".

ADAPTATION 2: AVOID FOREIGN FUNDING

Several NGOs in Russia work with small budgets requiring only little funding. Offices are small, for instance at the premises of a University, and the NGO members work voluntarily or in the work time of understandable employers. Without funding from abroad, you can freely engage in political activity, of course keeping in mind that the authorities still have several ways to silence you if they consider it necessary.

However, the election watchdog Golos shows that avoiding foreign funding is not necessarily enough. Golos received the 2012 Norwegian Helsinki Committee (NHC) Sakharov Freedom award. Golos accepted the award, but declined to receive the money. In court, the NHC testified that Golos in fact did not receive the money (HRW 2013). Still, the prize money is the basis for the case against Golos. "Golos has foreign financial support and is involved in a political activity, which means in functions as a foreign agent", Ministry of Justice said according to Barents Observer, April 10, 2013. The Golos Association was fined 300,000 rubles for violating the foreign agent law. The leader Shibanova was fined 100,000 rubles as well (RAPSI 2013). Golos appealed, but the ruling stands. Some branches of Golos are suspended, while others still operate.

ADAPTATION 3: AVOID POLITICS

A third option is to be cautious and avoid working with politics. But where do you draw the line? What is politics? Several of our partners and contacts use this option, at least partly. Green World does not directly lobby the legislative assemblies anymore, but instead write position papers that in turn are used by political parties of the opposition. Using this strategy, Green World does not approach any politi-

cians, but wait until someone calls and asks for advice, or simply put their positions on their web site for others to find. Such strategy is of course easier if you are already known and acknowledged in your area, as Green World is.

Several projects can be slightly adjusted without damaging the goal. For instance, working with energy efficiency, RSEU points out that authorities have good plans, the problem is implementing them. Working to realize governmental plans, one could argue that the organisations should not be considered “foreign agents”.

Siberian forest is a RSEU member that has been working on forest protection and illegal logging. They did not get any visit from the prosecutor’s office, but the leader (Andrey Laletin) has stepped down from all his participation in a number of public committees. This is to make it clear that they do not work with policy anymore, only monitoring.

ADAPTATION 4: TWIN ORGANISATIONS

A more advanced adaptation is the creation of “twin organisations”, of which one is a foundation receiving foreign money and one is a member organisation working with politics. Legally the organisations can be separated, even with the same board. Green World has discussed this option as a possibility for the organisation, and intends to make a decision in their annual meeting in March 2014.

The Chelyabinsk NGO Za Prirodu already made such a division during 2013, and now has registered a foundation for receiving foreign funds and a movement for policy work such as statements and opinions.

ADAPTATION 5: GOING INTO BUSINESS

A similar option is using a business company that receives money and provides services such as organizing conferences or printing reports. Naturvernforbundet’s partner Friends of the Baltic uses this option. Friends of the Baltic cre-

ated a business organisation, EcoCentrum Ltd, in order to implement a number of services such as making exhibitions, publications and conferences. By sending invoices direct to the foreign sponsor, Friends of the Baltic reduce the amount of support in their own books. The idea of creating EcoCentrum is also connected with the exploration of providing services for payment from public and private organisation (that cannot give grants to NGOs), but was not realized until the push from the new NGO legislation.

Also WWF, SPb Center for NGO development, SPb Center for Independent Social researches and several others have registered a company.

According to information from our partners, some NGOs with active lobby work closed their NGO, and work now as a non-registered groups, or registered a new NGO or company, dividing activities between NGO, company and informal groups.



Chapter 4: SUMMARY AND CONCLUSIONS

Seen from the perspective of the Russian government, the work to control and intimidate Russian NGOs is already quite successful. Authorities have more than enough tools to close down any NGO that creates too much problems, and at the same time the new vague laws makes NGO members and employees uncertain, careful and likely to impose self-censorship.

The new laws add additional work burden for our partners, creates uncertainties to where the line of politics go, and what will be tolerated from the authorities. They also open for business and media to create an image of the NGOs as enemies of the good Russian state and people.

On a longer term, we fear the new laws will contribute to silence and discredit our partners in their local communities, and make their important environmental work even harder. The

possibility to recruit supporters and members will most likely decrease. We also fear that environmental NGOs will silence themselves and be afraid of the most controversial issues such as restrictions on business in nature protected areas or operating lifetime of nuclear reactors; issues that truly needs attention from environmentalists.

However, so far it seems possible for our partners to live with these laws and the added work and uncertainties it creates.

As long as we accept that our project funding is not as effective as before, because the partners need to spend more time reporting and being controlled, as well as defending themselves in the media and in court, our cooperation seems to be able to continue.



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ОБЩЕСТВО

«Зеленый мир» с норвежским уклоном



На днях сразу несколько федеральных интернет-изданий сообщили о том, что управление Минюста по Ленинградской области рассматривает вопрос о признании сосновоборской экологической организации «Зеленый мир» иностранным агентом. После этой новости захотелось воскликнуть: «Ну, наконец-то! Прозрели!», - только слепой не мог видеть, чьи именно интересы в последнее время защищал в нашем городе господин Бодров и компания...

Я не знаю, что могло послужить катализатором к этому «прозрению». Но, могу предположить, что атомщикам и областным властям просто надоело терпеть откровенные издевательства над здравым смыслом этих чудо-специалистов. Причиной же, по которой «Зеленый мир» может быть признан иностранным агентом, стали его источники финансирования. Впрочем, господин Бодров их, кажется, никогда и не скрывал. На сайте общественной организации можно найти финансовые отчеты, где расписаны не только источники поступления денег, но и цели, на которые они тратились.

Так вот, только за прошлый год господа «независимые экологи» получили почти 4 миллиона рублей из Норвежского общества охраны природы. Денежных поступлений из других источников у организации в прошлом году не было. Потому именно из средств иностранных благотворителей они и получали свою зарплату, и оплачивали труд экспертов, на мнения которых, видимо, и ссылались.

В то, что норвежцы дают местным экологам деньги, не получая что-то взамен, поверить сложно. Норвежское общество охраны природы финансируется из бюджета своей страны. Тратить же государственные средства на «мир во всем мире» - не может себе позволить ни одна держава. Потому направления норвежских государственных экологических программ давно известны. Они финансируют все, что связано

с энергетикой. Если же говорить прямо, дают деньги на ослабление государственных программ других стран в этой области. И корни такой политики - тоже не секрет. Страна - один из крупнейших экспортёров нефти. Причем, собственные потребности в энергии Норвегия на 99 процентов покрывает, используя гидроэлектростанции. Львиную же долю добываемой нефти и газа - продает за рубеж, тем самым формируя собственный бюджет, который позволяет стране жить припеваючи.

С Россией у Норвегии особые энергетические отношения. Мы у них - словно кость в горле. Нет, не только потому, что строим газопроводы, чтобы доставлять голубое топливо европейским потребителям. Нефтяной и газовые рынки Европы уже давно поделены, и споры иногда возникают лишь из-за способов транспортировки этих ресурсов. Скорее Норвегию пугает наша атомная энергетическая программа, которая и ставит под угрозу ее экономическую стабильность. Она не может позволить, чтобы регион перестал быть зависимым исключительно от углеводородов. Ничего, кроме них и лосося, Норвегия предложить на экспорт просто не может.

Потому следы «заботливого участия» Норвежского общества охраны природы можно найти везде, где задумываются о развитии атомной энергетики.

Возьмем Белоруссию. Сегодня там строится первая в стране атомная станция, которую постоянно атакуют экологи. Станция

позволит стране закрыть четверть своих потребностей в электроэнергии и уменьшить импорт углеводородов (в том числе из Норвегии), от которого она в настоящее время чрезвычайно зависима.

Норвежцы активно подталкивают и Германию к ликвидации своей атомной промышленности, но все-таки наши края их беспокоят больше. Например, строительство Балтийской АЭС превратит Калининградскую область из энергозависимого региона в ее экспортёра. А вторая Ленинградская атомная станция, которая заменит первую, позволит поставлять больше электричества нашим балтийским соседям. Норвежцам же такие перспективы очень и очень не выгодны.

В мировой политике принципы экономической безопасности уже давно определены. Если ты не можешь заставить своих конкурентов отказаться от планов развития силой, зайди с другой стороны. Сделай все, чтоб соседи сами отказались от укрепления своих позиций. И в решении этой задачи все способы хороши. Будь то подкуп чиновников, ответственных за принятие нужных тебе решений, или финансирование экологических организаций, которые будут неустанно накручивать местное население байками об опасности новых объектов. И - заставлять переделывать проекты, вкладывать новые и новые средства в очередные экспертизы, создавать Советы и Рабочие группы, которые никогда не будут довольны результатами исследований... И так до тех пор, пока сама идея строительства не будет окончательно нивелирована.

Подобный сценарий некогда уже был реализован в нашей стране. Напоминание о нем - недостроенная Горьковская атомная станция теплоснабжения. Ее пытались построить еще в конце 80-х рядом с нынешним Нижним Новгородом. Но времена тогда были уже «демократические», а потому экологическая общественность настояла на свертывании проекта, когда станция была готова на 85%! Теперь в

здании так и не запущенной атомной станции ...разливают водку, там расположен ликероводочный завод «РООМ». А между тем станция должна была обеспечить дешевым теплом половину большого города. Вместо этого Нижний Новгород получил дешевую водку и один из самых дорогих тарифов на тепло. А «Росатом» сегодня ведет подготовку к строительству новой Нижегородской атомной станции на границе с Владимирской областью (естественно, проект также отчаянно атакуется экологами всех мастей).

Что же касается Ленинградской области, то здесь интересы «Зеленого мира» ограничиваются несколькими проектами.

Строительство ЛАЭС-2 вызывает у них лишь единственную реакцию - станция опасна, о чем экологи трубят на каждом шагу. То же самое они говорят и о проекте строительства подземного хранилища радиоактивных отходов (ПЗРО). Не упоминая, правда, что проект этот имеет единственную цель - безопасный вывод из эксплуатации самой ЛАЭС. Именно радиоактивные отходы после демонтажа энергоблоков и будут складироваться в этом хранилище. Причем, отнюдь не высокоактивные, как настаивают экологи, а 3 и 4 классов опасности. После нескольких десятков лет хранения они перестанут «фонить» и могут быть переработаны. Но вот как раз безопасность, видимо, местных экологов и не волнует. Их задача, как мы можем предположить, закрыть имеющиеся и не допустить строительства новых атомных объектов.

Что при этом будет с экономикой Соснового Бора, «зеленых», кажется, особенно не волнует. Главное, чтоб с их «экономикой» все было хорошо, и пока норвежцы платят...

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