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Civil Society under the Law ‘On Foreign Agents’: NGO Strategies and Network Transformation

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Abstract

This essay analyses how the ‘foreign agent’ law has been interpreted and implemented by the Russian authorities and examines diverse NGO survival strategies in response to the ‘foreign agent’ label. The foreign agent law has disrupted and transformed resource mobilisation strategies and transnational NGO networks. Based on qualitative research on environmental NGOs, we offer a typology of NGO responses to the foreign agent law, providing examples to show how the organisations attempt to ensure their survival.

The Russian Federation’s Federal Law No. 121 ‘On foreign agents’ has significantly affected the organisational strategies and transnational networks of Russian environmental non-governmental organisations (NGOs). The law is designed to regulate the activities of NGOs that receive money from foreign sources and engage in political activity. According to the law, the preservation of flora and fauna is not considered a political activity. However, the work of a number of NGOs focused on environmental protection and related topics, such as nuclear energy and safety or the rights of indigenous people and victims of radioactive contamination, have been perceived as political. Many environmental NGOs in Russia are funded in part by Western donors, placing them under legal scrutiny. In November 2016, 27 environmental NGOs out of a total of 148 NGOs, including organisations with an environmental component to their broader profile, such as indigenous and human rights groups, were listed on the Russian Ministry of Justice’s registry of foreign agents. In July 2017, 13 environmental NGOs out


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Of 93 organisations were listed on the registry. The decrease in the number of listed NGOs reflects the closure or reorganisation of some NGOs, and the return of foreign funding by others. Some of the most well known and oldest environmental organisations in Russia, such as Dront in Nizhny Novgorod, Ecodefence (Ekozashchita) in Kaliningrad, and the Siberian Ecological Centre in Novosibirsk, among others, have been designated as foreign agents. In addition, the list includes several NGOs—among them indigenous associations, a sociology research centre, and human rights organisations—that focus on environmental issues as one aspect of their work. Designation as a foreign agent results in additional inspections, reports, and fines, all of which negatively affect an organisation’s survival and make interacting with government officials and stakeholders more difficult.

This essay analyses how the foreign agent law has been interpreted and implemented by Russian authorities and examines diverse NGO survival strategies in response to the foreign agent label. Russia’s foreign agent law is part of a broader global trend of restrictions on NGOs in states ranging from Hungary and Egypt to Uganda and Cambodia (Dupuy et al. 2016; Heiss & Kelley 2017), so developments in Russia may prove informative for other cases. We find that Russia’s foreign agent law has disrupted and transformed resource mobilisation strategies and transnational NGO networks. Based on qualitative research with environmental NGOs, including interviews, participant observation, and a survey of the press, we offer a typology of NGO responses to the foreign agent law, providing examples to show how the organisations have attempted to ensure their survival. We identify several strategies among the environmental NGOs designated as foreign agents: first, a compliance strategy in which the NGO avoids any action that could be considered political activity; second, simulation, in which the group continues its work, but changes its official bylaws and removes any public information that could be seen as political activity; third, informalisation, in which an NGO does not legally register, placing it beyond the scope of the law; and fourth, diversification, in which an NGO creates additional affiliate organisations in order to ensure the group’s survival. Unexpectedly, we do not find any cases in which an NGO simply disbands and ceases operations in response to being labelled a foreign agent. Those organisations that have been closed officially continue to operate under a new name, carry on their work on a volunteer basis, or operate through a partner NGO.

This research also traces the law’s consequences for transnational networks, notably the changing relationships between funding agencies and NGOs. USAID and many other non-Russian foundations that previously funded NGOs no longer operate in Russia, having been labelled ‘undesirable organisations’. As a result, NGOs have started to apply for funding from different sources such as the European Union, which has funding opportunities similar to USAID’s former programmes, grant programmes sponsored by foreign embassies, and funding from Russian foundations. NGOs are adjusting their projects to fit the new rules of the game in Russia and the requirements of new funders. Foreign foundations offering...
grants are being shaped in turn. For example, EU programmes for NGOs have become more flexible, adjusting their eligibility criteria and rules to help applicants avoid risks related to the law on foreign agents. The EU and other Western donors now are willing to give grants to for-profit NGOs that have re-registered as commercial organisations, changing their non-profit status to avoid falling under the jurisdiction of the foreign agent law. NGOs applying for EU grants also no longer have to meet past requirements to distribute mini-grants to other, smaller NGOs, or to have co-applicants for grants, both of which could put other NGOs at risk of being labelled as foreign agents. As a result of these adaptations, the structure and rules of transnational networks are shifting.

In the sections that follow, we describe our theoretical approach, which combines an analysis of governance generating networks and the organisations’ adaptive ‘games with formality’. Next, we examine the basic features of the law on foreign agents and its application to environmental NGOs. We propose that NGOs play a role in the construction of the meaning of ‘foreign agent’ by focusing on their strategies to ensure their organisation’s survival and/or the continuation of their work. Finally, we consider how transnational NGO networks are affected by the Russian law, including their capacity to maintain connections within the network and continue partnerships.

Theoretical framework: governance generating networks and state regulation

There is a rich scholarly literature on Russia’s civil society in which many scholars characterise it as relatively weak, with a few vocal exceptions (Henderson 2003; Howard 2003; Evans et al. 2006; Javeline & Lindemann-Komarova 2010; Yanitsky 2012; Chebankova 2013). However, scholarship on the foreign agent law is still quite limited, not surprisingly, given the relatively recent passage of the law and the time needed for it to take effect. Scholars have focused on the legitimacy of the law (Cybluska 2013), its effect on academic freedom (Romanov & Iarskaia-Smirnova 2015), and how the law represents an end to Medvedev’s limited modernisation within the framework of the dual state (Flikke 2016). In general, scholars have arrived at pessimistic conclusions about the law’s effect on civil society (Daucé 2015), seeing it as a destructive force, although some studies are more ambivalent in their conclusions (Salamon et al. 2015).

In order to examine how national regulation may affect the structure and function of transnational NGO networks, we use the concept of governance generating networks (GGN) (Tysiachniouk 2012; Tysiachniouk & Henry 2015; Tysiachniouk & McDermott 2016), in combination with the concept of formality (De Soto 1989). A GGN represents the complex ties that link transnational and local actors in the process of developing and implementing global policies and standards. By highlighting dynamic and adaptive networks, the GGN approach combines elements of both structure and agency (Giddens 1990). In contrast with other approaches, GGN therefore provides analytical leverage over the multiple sites of agency within the network, allowing us to see which actors generate and accumulate power under changing local or global contexts, while maintaining our focus on how these shifts affect the promotion of the rules and standards that are the product of the GGN. In our case, we see that as actors in the network face a new legal-institutional environment and the flow of resources is altered, NGOs in the GGN respond in diverse ways to continue their environmental activism. NGOs’ adaptive strategies drive adaptation by other actors in the network. The strength of
the GGN concept is its ability to capture the global–local interplay of actors in the network as they enact complex forms of agency and power across a hierarchy of scales (Baldassarri & Diani 2007). For these reasons, we argue that the GGN approach offers a more nuanced analysis of the effects of the implementation of the foreign agent law in Russia than the social movements, global governance, or public policy literatures, even as we recognise that these areas of scholarship offer their own insights.

A GGN consists of three elements: transnational nodes of design where global standards are developed; sites of implementation where global standards are translated into concrete practices on the ground; and forums of negotiation that represent the process of adaptation by actors at different levels and scales. Within the GGN, a donor agency or foundation may operate as a transnational node of design, helping to strategically develop policies and standards for fostering social change and offering resources to support projects implemented on the ground in different parts of the world (Tysiachniouk 2012). Donor representatives develop ‘rules of the game’ for NGOs through grant eligibility criteria and other requirements articulated in the grant application (Tysiachniouk & Henry 2015). Actors in the node of design articulate a general strategy for social change that is transferred to sites of implementation by the grant recipients who attempt to turn norms and standards into policy and practices on the ground. Many donor organisations that fund environmental projects set requirements for NGOs, including stakeholder involvement, multi-sector partnerships, community engagement, adherence to standards of sustainability, use of indigenous knowledge, and presentation of project results to state officials and the public. As a result, a donor-driven GGN can help to empower a wide range of actors and promote democratic decision-making, citizen engagement, and stakeholder governance.

An NGO grant proposal articulates a plan for implementing a new governance arrangement, and describes the site of implementation, methodology of implementation, the necessary resources, and the target beneficiaries. Often projects are designed to develop models of ‘best practices’ that can be reproduced in other localities. The effects of grant funding on NGOs and on civil society writ large can be beneficial, although a number of studies chart the unintended consequences of foreign funding for NGOs, such as increasing distance between NGOs and the average citizen, and instability of NGO funding sources resulting from changing donor priorities (Henderson 2003; Sundstrom 2006). Nevertheless, awarding a grant to an NGO in effect makes the donor and organisation co-designers for a project consistent with the foundation’s strategy that can be transformed into specific place-based practices. When an NGO project is approved by a foundation, the GGN is enriched by new actors, creating new connections among actors and new sites of implementation and therefore contributing to expansion of governance by the GGN (Tysiachniouk 2012; Tysiachniouk & Henry 2015; Tysiachniouk & McDermott 2016). A donor’s node of design usually encompasses an information campaign directed towards NGOs that are potential grant recipients as well as conferences and roundtables where the donor can disseminate its governance model; these meetings can also serve as forums of negotiation where recipients provide feedback on the rules and standards being promoted; in this way, donors and NGOs mutually influence each other.

Private foundations and international development agencies often prefer to channel resources to sites of implementation through NGOs rather than governments. This is especially common in countries with high levels of corruption, as funders perceive NGOs to be more
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reliable, flexible and legitimate actors. Donors make an effort to fund projects that will be sustainable and will continue operating after donor financing ends. Through grants, donors introduce policies and standards related to democracy, stakeholder governance, civil rights, and environmental protection that may be new to the domestic political sphere. These policies are not necessarily supported by national governments. While actors within the GGN may operate beyond the nation-state as they develop norms and standards, NGOs are confronted with the need to comply with national legislation as they attempt to implement their projects. If the national government in the implementing country perceives these projects as undesirable or a challenge to national sovereignty, security, or economic growth, government officials may limit and even phase out the activities of donors.

In the Russian case, the law on ‘undesirable organisations’, passed in 2015, prohibited the operation of several foundations on Russian territory. As a result, the law severely constrained these GGNs. For donors that remain active in Russia, the law on foreign agents has significantly restructured their NGO networks by creating a legal barrier between Russian NGOs and actors in the rest of the network, limiting collaboration. As a result, NGOs have to develop strategies to adapt to these new conditions. In most cases, it is impossible for NGOs to comply with all government regulations designed to control their activities; therefore, NGOs begin to play different ‘games with formality’ (De Soto 1989). The state is the progenitor of formal rules in any political arena. However, excessive state control of NGOs undermines formal modes of action and contributes to the growth of informal practices that allow NGOs to avoid burdensome regulation (Hart 1973; Scott 1988; Castells & Portes 1989; De Soto 1989).

Formal rules and informal practices should not be seen dichotomously, but as a continuum. Informal strategies are constantly in interaction with formal requirements. Informality may have myriad effects, including enhancing the implementation of formal rules, replacing formal rules, distorting the purpose of the formal rules or compensating for the rigidity of formal rules (Barsukova 2015). In the case of the foreign agent law, new informal strategies are intended to allow NGOs to remain active in the Russian legal sphere while preserving the possibility of international collaboration within the GGN. NGOs also attempt to keep costs down as they try to retain connections between national and transnational spaces. NGO strategies include legal compliance, simulated compliance, diversification or evasion of state demands. Different strategies meet with differing degrees of success.

Environmental NGOs and state authorities in Russia

Environmental organisations first appeared in Russia in the 1950s. These early groups generally focused on protecting forests and bodies of water and anti-poaching efforts (Weiner 1999). Russian environmental NGOs first emerged and engaged transnational NGO networks in the late 1980s, shortly after Gorbachev initiated the perestroika reforms. With the fall of the Berlin Wall and the opening of Russian society to the world, numerous foreign donors entered Russia’s political landscape, providing money for NGO capacity-building and projects on the ground (Haliy 2001). In the early 1990s, environmental NGOs were at the forefront

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of the globalisation of Russian civil society as they joined transnational networks fostering biodiversity conservation, sustainable development, watershed protection, and nuclear safety (Henry 2010; Tysiachniouk 2010).

After the 1986 Chernobyl nuclear disaster, the Soviet, and then Russian, authorities responded to concern about the environment by adopting a series of new environmental laws and regulations. The culmination of this process was the creation of the Ministry of the Environment in 1998. Russian NGOs, along with their international partners, became important actors in the effort to improve Russian environmental policy. Many representatives of Russian environmental NGOs simultaneously sought grants from foreign foundations to fund their projects and served on public councils under the auspices of various state environmental and natural resource agencies (Tysiachniouk & Bolotova 1999; Henry 2010). In addition, foreign funding supported international programmes for Russian state officials, such as NGO-organised study tours on sustainable forestry, decommissioning nuclear power plants, and the creation and management of national parks. These networks created by NGO donors allowed Russian environmentalists to introduce transnational norms and global rules and standards into Russia’s environmental discourse and policy-making arena (Henry 2009; Feldman & Blokov 2012). Transnational environmental NGO networks grew and diversified in Russia through the 1990s and early 2000s (Tysiachniouk & Bolotova 1999).

However, beginning in the late 1990s, Russian environmental policy reversed course and was steadily deinstitutionalised (Mol 2009). In 2000, the Ministry of the Environment was dissolved and its responsibilities transferred to the Ministry of Natural Resources; in 2006, Russia’s environment impact assessment regulation was also weakened. Throughout this period, Russian NGOs continued to obtain foreign funding through grants and participated in international environmental networks. Changing state policy led to changing NGO strategies. NGOs that had engaged with the state in the early 1990s shifted to working with local communities. Other environmentalists conducted environmental impact assessments and public hearings, prosecuted environmental polluters in court, negotiated agreements with regional and local authorities or organised protests (Yanitsky 1999, 2010; Haliy 2001).

In 2012, the State Duma of the Russian Federation adopted the Law on Foreign Agents, which defined new rules for interaction between the state and NGOs. In accordance with the new law, the status of ‘foreign agent’ is assigned to NGOs that receive funding from abroad and are engaged in political activity in Russia. The foreign agent label results in legal, economic and administrative sanctions for NGOs. Designated foreign agents are included in a special register and are subject to additional inspections and audits. Organisations that do not declare themselves foreign agents voluntarily but are recognised as such by the Ministry of Justice may be listed in the register despite their objections and fined up to 300,000 rubles; NGO executive directors may also be fined.
The term ‘political activity’ has no clear legal definition. This ambiguity creates opportunities for manipulation in how the law is implemented and the selective prosecution of NGOs. According to the law, political activity encompasses efforts to influence public opinion and shape public policy, activities that most NGOs do to a greater or lesser extent. The law excludes the following activities from the definition of ‘political activity’: science, culture, art, health care, social support for citizens, activities related to motherhood and childhood, support for people with disabilities, the promotion of healthy lifestyles, physical education and sports, the protection of flora and fauna, charitable activities, and the promotion of philanthropy and volunteerism. However, many NGOs that engage in these excluded activities also raise public awareness and shape public opinion, and organise conferences and workshops where public policy options are debated. Thus, the scope of the law involves a large number of NGOs that are not engaged explicitly in political activity. Thus far, the main targets of the law have been human rights and environmental organisations.

Even prior to the foreign agent law, the Russian public was already sceptical of many environmental initiatives promoted by NGOs. This negative attitude was related to conflicts between environmentalists and industry; in Russian society, economic growth generally takes precedence over environmental concerns. Foreign funding for many environmental initiatives in Russia strengthened the public’s suspicions about environmental espionage and the sense that environmental NGOs were not working in Russia’s national interest. A public comment on the Russian social media site Livejournal typifies this view: ‘the interest of foreign sponsors is clear. Their desire to weaken the real sectors of Russia’s economy is great and the best way to do this is to use environmentalists’. NGOs advocating the closure of nuclear reactors were viewed most sceptically. An environmentalist acknowledged this challenge in an interview:

The protection of nature in our country is hardly possible. First of all, because the whole country feeds on extractive industries and the budget of this great country is created by means of these activities.

The law on foreign agents has become a formal way of making accusations against environmentalists. An environmental leader noted this connection: ‘all the problems in the closed nuclear towns are hidden. When we opened an informational window, they started to treat us as a menace to national interests’. When the NGO Planet of Hope (Planeta Nadezhd) fought for the rights of citizens in closed towns who are exposed to radioactive pollution, state-owned television channels portrayed the NGO as divulging official secrets. A representative of the group stated, ‘we are accused of espionage and destroying the country’s nuclear shield’.

References:
14. Interview with leader 4, nuclear energy NGO, St Petersburg, 9 January 2015.
15. Interview with a representative of Planet of Hope, Paris, 10 December 2015.
Creating foreign agents: how NGOs are identified

The adoption of the law on foreign agents initiated a new stage in the development of environmental NGOs in Russia. The ability of NGOs to interact with the government, take part in international projects, and pursue their previous activities was disrupted. By November 2016, 148 NGOs, including 27 organisations with an environmental focus, four indigenous peoples’ organisations partly focusing on the environment, and four human rights organisations that monitor nuclear energy facilities and protect the rights of victims of radioactive pollution, had been included in the registry of foreign agents. Ecodefense was the first environmental organisation placed on the registry by the Ministry of Justice on 21 July 2014. The Association Partnership for Development (Assotsiatsiya ‘Partnerstvo Dlya Rasvitiya’) was next, included in the register on 5 August 2014. In 2015 the number of environmental NGOs on the registry grew rapidly. After being included, several NGOs were formally closed but reorganised to continue their operations, including SPOK, Bellona–Murmansk, Baikal Environmental Wave (Baikalskaya Ecologicheskaya Volna), and the indigenous associations Yasavei Manzara and Young Karelia (Molodaya Kareliya). Several environmental NGOs were removed from the registry as they no longer had funding from abroad (Green World of Nizhny Novgorod, Eco-Logika, and Sakhalin Environmental Watch (Ekologicheskaya Vakhta Sakhalina). Thus, the exact number of environmental NGOs on the foreign agent registry has fluctuated over time.

Legally, there are two factors that lead to foreign agent status: foreign funding and participation in political activity. State actors see foreign funding as undesirable, no matter what purpose it serves. An NGO leader states, ‘the border is clear. If NGOs try to rebuild society, it is very important that there is no money from outside foreign sources. If the money is not from here, Russia, [then] stop teaching us how to live’. The NGO Baikal Ecological Wave obtained support from the Global Greengrants Fund for activities including constructing a composting toilet, organising the conference ‘Rivers of Siberia and the Far East’, and fundraising at a charitable event for the recovery of a children’s centre in Arshan damaged by flooding in 2014. These events were not ‘political activity’, but the NGO’s foreign funding became one of the justifications for adding Baikal Ecological Wave to the foreign agent

16Young Karelia (Molodaya Kareliya), Yasavei Manzara, Centre for Support of Indigenous Peoples of the North (Tsentr Sodeistvia Korennym Malochishlennym Narodam Severa) (www.csipn.ru), and Batani Fund (Batani Fond) (Pettersen 2016).
17Planet of Hope (Planeta Nadezhd), Green World (Zelenyi Mir) (www.greenworld.org.ru), Fund for Nature (Za Prirody) (www.za-prirodu.ru), and the social movement also known as the Fund for Nature (Za Prirody).
24Earlier, Sakhalin Environmental Watch had not succeeded in being taken off the foreign agent registry even though it had returned its foreign funding. However, the group later was removed from the registry because they passed the required period of three years without foreign funding. The official website of Sakhalin Environmental Watch is available at: https://www.ecosakh.ru/, accessed 19 March 2018.
25Skype interview with leader 1, forests and biodiversity NGO, 26 December 2016.
registry (Timoshkin 2015). The NGO Dront was put in an absurd situation. Dront received a grant for river restoration from a foundation organised on behalf of the Russian Orthodox Church, under the patronage of Patriarch Kirill. This grant was deemed to be foreign funding because part of foundation’s money came from a bank in Cyprus, technically a foreign source. However, the Orthodox foundation itself was not considered a foreign agent. According to the head of Dront, ‘I met a friend and he asked me, “Are you a foreign agent now?” And I replied, “No, I’m an agent of Patriarch Kirill”’.27 In a similar situation, the Batani Fund, an NGO which supports Russian indigenous communities, received some funding from the company Sakhalin Energy, a subsidiary of Russian giant Gazprom. However, the money was channelled to the Batani Fund through Cyprus; therefore, Batani was labelled a foreign agent.28

Political activity, the second element of foreign agent status, is defined even more vaguely. According to the Ministry of Justice, political activity includes influencing public opinion and holding public events.29 As a result, virtually any activity by NGOs can be considered political. Based on documents from the state prosecutor’s inspections of environmental NGOs in 2015, the following actions were considered political.30

First, participation in seminars and conferences with state officials. Green World representatives used foreign grants to sponsor Rosatom (the state nuclear agency) representatives’ travel to and participation in seminars related to nuclear waste disposal and the decommissioning of outdated nuclear power plants in European countries.31

Second, participation by certain NGO members in public meetings is also ‘political’. For example, in 2013 a Baikal Environmental Wave member individually took part in organising meetings to advocate the closure of the Baikal pulp and paper plant. Inspectors attributed this private activity to the organisation. Similarly, when individual members of the NGO SPOK took part in political meetings in Petrozavodsk in 2014, their actions were seen as political activity sponsored by the organisation. An employee of SPOK questioned, ‘so I can say nothing personally because I work for an organisation that obtains money from abroad?’ .32

Third, making appeals to state authorities at different levels or making resolutions at conferences counts as political. An employee of Baikal Environmental Wave wrote a letter to the Russian government to support a law prohibiting the burning of dried grass. Green World representatives corresponded with the regional office of Cultural Heritage Protection about historic buildings in poor condition. Sakhalin Environmental Watch appealed to the regional authorities to preserve green areas in the city of Yuzhno-Sakhalinsk and to preserve habitat for indigenous peoples’ use.33 These activities were later cited as justification for putting the NGOs on the foreign agent registry. In an even more bizarre situation, regional government officials requested that the NGO Dront comment on a draft law on ecological problems.

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27Skype interview with leader 8, environmental problems NGO, 8 January 2016.
28Interview with the representative of indigenous peoples’ association, 8 March 2017.
32Skype interview with leader 1, forests and biodiversity NGO, 26 December 2015.
Although Dront representatives responded that they did not have any critiques or comments on the draft law, their correspondence was considered political activity.34

The fourth type of ‘political activity’ is organising environmental meetings and seminars. The NGO Ecodefense of Kaliningrad was placed on the foreign agent registry after it organised public events against the construction of the Baltic Nuclear Plant in the Kaliningrad region. The NGO Bellona-Murmansk was charged with engaging in political activity because it organised public seminars and conferences on nuclear safety.35

Fifth, publishing articles and interviews in the mass media, on webpages, or in academic journals can be construed as ‘political’. NGOs frequently publicise the results of their environmental monitoring efforts or distribute other information in articles, reports, and analytical materials. Bellona-Murmansk and Baikal Ecological Wave were accused of attempting to influence public opinion through their publications. The Siberian Ecological Centre, which received UN money channelled through Russian Ministry of Natural Resources for steppe preservation, was charged with political activity because it publicised a notice about a day of solidarity with the Greenpeace activists who protested against Arctic oil extraction on its website.36

Sixth, providing small grants to other NGOs is also political. ISAR-Siberia37 and the Ecological Club Dauria38 were included in the registry of foreign agents for providing small grants to, and information sharing and networking with, other NGOs. Finally, criticising government decisions is also deemed ‘political’. The Siberian Ecological Centre was accused of criticising the government about state tax concessions for oil companies and weak oversight of environmental disasters.39 The NGO Eko-Logika from the Rostov region was put on the registry for drawing public attention to the authorities’ inability to solve environmental problems,40 and Planet of Hope of Ozersk was designated as a foreign agent in part for criticising the state’s law on closed cities and safety issues at the Mayak plant, which has caused radioactive contamination along the Techa river and beyond.41 The leader of Planet Hope, Nadezda Kutepova, was accused of industrial espionage on a television show and eventually became a political refugee in France.42

In addition, the foreign agent law has been used as a tool to pressure environmentalists more generally. When environmentalists come into conflict with other actors, the law can be leveraged to demand additional inspections of the NGO and to threaten to place the group on the registry of foreign agents. According to one environmental group representative, ‘everything is quite vague in this [law]. Unpleasant things such as denunciations have occurred. One part of society can use it against another part’. For example, the NGO Green World of Sosnovy Bor, near St Petersburg, addresses problems related to the local nuclear reactor. After Green World sued Ekomet-S PLC over its construction of a radioactive waste storage facility in Sosnovy Bor, the company requested additional inspections of Green World. A Russian television programme stoked these fears, announcing, ‘NATO countries have recruited Russian citizens to disturb the construction of radioactive waste landfills by Rosatom. If the landfills are not built, there would be a threat of radiation exposure from leaks to territories and populations, even without any war and or impact from the outside’. The NGO SPOK experienced a similar situation in Karelia. A forestry company requested additional inspections of SPOK after they came into conflict over the environmental aspects of timber harvesting. In both cases, the NGOs submitted to extra inspections and initially were not put on the registry of foreign agents; after subsequent inspections, however, they were declared foreign agents.

Thus, the interpretation of the foreign agent law conceivably could apply to any NGO that has received foreign funding and engaged in public work. While objective evidence is generally brought to bear to satisfy the criterion of foreign funding, almost any public action by an NGO potentially falls under the umbrella of ‘political activity’. This contributes to a sentiment articulated by an NGO leader who stated, ‘nobody will save you if you are active’. Indeed, almost all NGOs are vulnerable to prosecution under the law.

Repressive state regulation and NGO strategies: games with formality

Many NGO representatives admit that it has become all but impossible to continue their work under the foreign agent label because of the serious administrative, financial, and moral sanctions that it invokes. However, it is difficult to challenge the law. Civil society organisations see the law as contradicting citizens’ fundamental rights and liberties as enumerated both in the Constitution of the Russian Federation and by international standards. Many NGOs have adopted a common position under which they refuse to voluntarily acknowledge themselves as foreign agents because they do not consider their activity to be in contradiction to Russia’s national interest. Yet they cannot avoid the designation easily.

NGOs have had to adapt to the new rules of the game generated by the foreign agent law. Strategies of adaptation may be more or less formal. We identify four strategies that NGOs have used to respond to the new requirements, and also note that an NGO may adopt several strategies simultaneously. The first strategy is to pursue compliance. The compliance approach is directed at fulfilling state requirements precisely. In this strategy, NGO representatives interact with the government using formal instruments and restructure their organisation to meet new rules. NGO leaders attempt to constrain their activities to conform to the law.

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43Skype interview with leader 2, environmental problems NGO, 10 January 2016.
45Interview with leader 9, environmental problems NGO, 27 December 2015.
As an NGO leader pursuing the compliance strategy states, ‘when there is a green light, we will go’. The second strategy is simulation. In this approach, the NGO fulfils state requirements, but in a way that meets the letter rather than the spirit of the law. In some cases, a simulation strategy implies the use of informal practices to offer the appearance of conformity to legal requirements. The third, and related, strategy is informalisation. In this approach, activists reject formal relations with the government and opt for informality instead, even operating the former NGO without legal registration. In practice, the boundaries between informalisation and simulation can overlap. The fourth strategy is diversification, when an NGO creates several formally independent organisations, each with a different role and purpose. For example, NGO leaders can set up for-profit organisation to solicit foreign funding or establish an organisation abroad in order to continue their work.

Compliance

The compliance strategy is oriented toward maximum conformity with Russia’s legal requirements and can be pursued in several different ways, including firstly, by voluntarily entering the foreign agent registry. If NGO representatives perceive that the organisation is likely to be seen as a foreign agent, then they can designate the NGO voluntarily. However, out of 148 NGOs in the registry of foreign agents in November 2016, only 11 entered the registry voluntarily. There are no known cases of environmental NGOs pursuing this option.

The second path is to reject foreign funding. Some organisations may choose to withdraw grant applications and cease working on international projects. However, NGOs are not always able to end projects receiving foreign funding on short notice. Several NGOs have chosen this strategy but have not avoided inclusion on the foreign agent registry. For example, SPOK, the Karelian forest NGO, tried to shift entirely to Russian funding, but failed to do so in a timely fashion.

A third option is returning foreign funding. If, after being deemed a foreign agent, the organisation abandons its foreign funding within three months and refunds the money to its foreign sponsors, it has the right to be taken off the register. This strategy was adopted by Sakhalin Environmental Watch, but the Ministry of Justice decided to keep the NGO on the registry because it was not able to return foreign funding that had been spent prior to the organisation’s designation as a foreign agent. In this case, an NGO became a foreign agent although it no longer had any foreign funding.

A fourth option for NGOs designated as foreign agents is to attempt to defend themselves in court. The majority of such NGOs have pursued this option but, thus far, not a single environmental NGO has been able to prove the illegality of its foreign agent status in court. In general, NGOs have only been able to use the courts to mitigate penalties for failing to enrol voluntarily on the foreign agent registry. For example, the Siberian Ecological Centre had its penalty reduced from R300,000 to R50,000, and the R300,000 penalty for Sakhalin Environmental Watch was overturned. NGOs may also appeal against Russian

46Skype interview with leader 1, forests and biodiversity NGO, 26 December 2015.
court decisions in the European Court of Human Rights (ECHR), which can reduce the fines imposed by the Russian government. The NGOs Planet of Hope and Dront have appealed to the ECHR, and other NGOs are planning to appeal as well.\textsuperscript{50}

Yet another compliance option is liquidating the organisation. If an NGO cannot pay the penalties, is unable to continue its work given its foreign agent status, or cannot reorganise its structure in accordance with new legal requirements, it may choose to close down, as did the NGO Partnership for Development in the Saratov Region. When the group was unable to pay its fines in 2014, it began the liquidation process.\textsuperscript{51}

\textit{Simulation}

NGOs that follow a simulation strategy may appear to abide by the law, but NGO representatives seek other opportunities to continue their work. Simulated compliance with the law may provide cover for informal strategies to escape the rigid constraints of formal rules. These categories contain a wide range of practices. One is rebranding, when an NGO labelled a foreign agent is liquidated and a new, ‘clean’ organisation is created. The new NGO may have almost the same name, the same members, and similar functions. This approach allows a group to retain its organisational capital while remaining active in Russian and international NGO networks. An NGO also may decide to adapt its goals, projects, and structure within the new organisation. In either case, the strategy is designed to avoid the foreign agent label and corresponding sanctions. This path was chosen by the NGO Bellona-Murmansk, which was liquidated by its leaders in 2015. Another branch of the Bellona organisation in St Petersburg took over management and accounting for its former affiliate, until it was in turn declared a foreign agent.\textsuperscript{52}

Another simulation strategy is concealing foreign funding. In this situation, an NGO receives foreign funding for projects or to pay the organisation’s operating costs, including rent. However, the funding is channelled through a sponsoring organisation and is not included in the NGO’s financial reports. An NGO may also develop informal partnerships with sympathetic organisations. If an NGO is considered a foreign agent, it is not allowed to participate in Russian presidential grant competitions. Through informal partnerships, individual members of the NGO may participate in projects undertaken by other organisations. In addition, some NGOs operate under unregistered associations, such as the Socio-Ecological Union (\textit{Sotsialno-Ekologicheskii Soyuz}—SEU), one of the oldest and best known Russian environmental associations. Participation in a broader association allows NGOs designated as foreign agents to continue to partner on projects informally. The SEU is an unregistered environmental network that serves as an umbrella association for environmental organisations and experts, providing them an affiliation in Russia and connections to the international environmental community.

A system of ‘unwritten agreements’ with regional offices of the Ministry of Justice is an option for NGOs with significant experience interacting with regional government officials. In these cases, NGO representatives informally agree that, although the organisation may be

\textsuperscript{50}Skype interview with leader 8, environmental problems NGO, 8 January 2016.

\textsuperscript{51}Skype interview with leader 8, environmental problems NGO, 8 January 2016.

placed on the foreign agent registry, it will not have to pay penalties. Many environmental NGOs have been active in their regions for a long time so their leaders know regional government representatives well and can negotiate with them informally. For example, this approach helped one NGO avoid the financial consequences of being included on the foreign agent registry. The NGO’s representative commented,

we did not have to pay penalties. We are well known in the Ministry of Justice. So we asked, ‘can we go without a penalty’? They said yes. They started to collaborate with us at the last stage. We agreed that they would not request a penalty and we would not pursue the case in the courts.53

Informalisation

The third strategy is oriented towards escaping the formal arena of government entirely and continuing the NGO’s work informally. Usually, this strategy is used by NGOs that are well-established; to some degree, their reputation substitutes for official legal registration. One approach is to operate without registration. In certain cases, NGOs choose to end their formal legal status entirely. The Nizhny Novgorod NGO Dront suspended its operations and formed a social movement with the same name, but without official registration.54 This strategy was chosen by the NGO the Committee to Save the Pechora, an organisation established in the Republic of Komi during the perestroika period to address pollution in the Pechora River and to monitor the activities of oil and gas companies in the region. After the adoption of the law on foreign agents, the members of this NGO decided to work as an unregistered organisation. They collaborate with other registered NGOs, such as the NGO Silver Taiga and the indigenous association Izv’iatas, and make use of their resources (Pierk & Tysiachniouk 2016).

Another kind of informalisation is to operate within an association. The SEU uses this strategy. At the same time, not being officially registered in Russia allows SEU to avoid repressive government control, as well as to provide a home for members of NGOs that have liquidated themselves because of the foreign agent label and formed new informal groups or social movements.

Some NGOs operate from abroad. The leader of the NGO Planet of Hope, Nadezhda Kutepova, is living now in exile in Paris. She continues to advocate the closure of the Mayak nuclear plant, with the exception of the nuclear waste storage facility. She also collects online complaints by residents of Ozersk and the surrounding area. In collaboration with Amnesty International and the Federation for Human Rights, she continues to work to protect the rights of victims of radioactive contamination, in part by forwarding blood samples from victims to experts in Paris to show its effects. Working with a prosecutor from the International Court of Justice in the Hague, Nadezhda Kutepova is trying to bring a criminal case against the former director of the Mayak company, accusing him of ecocide.55

53Skype interview with NGO representative 7, forestry NGO, 9 January 2016.
55Interview with Nadezhda Kutepova, leader of Planet of Hope, Paris, 30 June 2017.
Diversification

The fourth strategy, diversification, generally involves the creation of a second organisation that shares functions with the original NGO. One option is to create a for-profit organisation or other not-for-profit organisations. NGOs engaged in diversification may create a commercial organisation to which financial assets can be transferred. For this approach to be successful, foreign donors and other sponsors need to agree to channel funding to the new commercial organisation. For example, the Forest Stewardship Council of Russia, which is engaged in promoting an international system of forest certification in Russia, reorganised its structure proactively. In addition to the NGO Forest Stewardship Council, the NGO leaders created a commercial organisation, the Forest Stewardship Council LLC, that has begun to receive funding from international partners to support the implementation of sustainable forest management standards and the promotion of forest certification in Russia. At the same time, the new commercial organisation helped the Forest Stewardship Council avoid the foreign agent label.56

SPOK chose the same strategy. Its members liquidated their previous organisation, which had been designated a foreign agent, a move that helped them to avoid penalties. Then they created two new organisations, a new NGO, also named SPOK, and a commercial organisation, Lesnaya Territoriya LLC, dividing the functions that had been concentrated in the former NGO between these two new entities. The new NGO concentrates on nature protection and the for-profit organisation on projects related to environmentally sustainable forest management. NGO members assert that this reorganisation has made the NGO more effective, allowing it to operate without foreign funding.

A St Petersburg-based NGO that has been labelled a foreign agent has formed a new environmental NGO in one of the northern regions in order to solicit funding from the local authorities, while participating in a global eco-village network of like-minded activists focused on sustainable development in order to carry out other projects; in addition, the NGO retains its original office and has opened another NGO abroad. In this case, the NGO has created a structure that mimics a ‘holding company’ with multiple units, and with diversified funding sources for greater stability.

The four strategies described above allow NGOs to adapt to the new regulatory context created by the law on foreign agents. As we can see, NGOs define their formal status differently. Some NGOs do their best to meet government requirements, but frequently state that regulatory restrictions prompt NGOs to experiment with their organisational form and activities by playing ‘games with formality’. In many cases, NGOs do not prioritise compliance with formal rules, but attempt to continue their activities, maintain partnerships, and minimise costs. In some cases, NGOs choose to let go of their formal status completely and try to remain active without official registration. Many organisations use several strategies simultaneously.

However, formality and informality have benefits and drawbacks. Informal groups do not face the costs of meeting new state regulations; they do not have to produce the proper reports, pay penalties, and contest their cases in the courts. Yet, at the same time, organisations choosing informality as a strategy cannot interact with state agencies effectively. If an NGO

56Participant observation at FSC meeting, Moscow, May 2015.
retains its official legal registration, its members can participate in public hearings, offer environmental expertise, and work on public councils.

The most common strategy of environmental NGO leaders has been to modify the structure of the organisation in some way. Many NGO leaders also choose to lower their public profile and draw less attention to their activities. An NGO’s selection, and the ultimate effectiveness, of any strategy is determined by several important factors. First, the strategy is chosen in part based on the level and quality of resources an organisation possesses. If an NGO is strong enough—if it has financial, administrative, and symbolic resources, such as a positive reputation and familiar brand, and is embedded in a variety of domestic and international networks—it can adjust to a new form or diversify more easily. If an organisation is weaker, it usually has to liquidate itself to avoid penalties, and then may reorganise and re-emerge in a new form. The adaptation strategies of an NGO also are influenced by its issue area. If an NGO works on an issue related to the national economy or security, such as oil production or nuclear power, its activities are more likely to be seen as contradicting Russia’s interests. In these cases, it is difficult to avoid or contest foreign agent status. Finally, the orientation of regional authorities may shape an organisation’s strategy. When past relations have been positive, an NGO may receive formal or informal support from regional officials. However, the NGO representatives interviewed frequently pointed out that this assistance is useless in the face of meaningful efforts by the federal authorities to close the NGO.

The transformation of environmental NGOs under the law on foreign agents

The adoption of the foreign agent law to regulate the activities of NGOs has transformed the activism of Russia’s environmental organisations. First, NGOs have incurred significant administrative and financial costs through the numerous inspections. Reporting requirements demand additional time and human resources; many NGOs have increased their personnel to prepare reports. Moreover, the foreign agent label can lead to severe financial penalties when the NGO does not voluntarily designate itself a foreign agent or when an NGO with the status of foreign agent conducts an event but fails to mention its status. New rules and penalties create opportunities for state actors to dismantle NGOs that try to continue their work after being placed on the registry.

Second, the new law has forced many NGOs to become less active or less public, or to stop working entirely. For example, if a foreign-funded organisation works on questions related to nuclear power or the effect of mining companies on communities, the NGO is likely to be seen as engaging in ecological espionage. For that reason, some organisations choose to work on ‘safe’ issues such as rubbish collection or water quality. An environmental leader told us, ‘many organisations have switched to energy conservation and waste treatment. We have to work on a conflict-free activity or continue much more moderately. Every request is responded to more precisely, just to be sure the statement is correct. There is always some caution’.57

Many NGOs have had to reduce the number of public events in order not to exacerbate their precarious position. Another NGO leader noted, ‘since we were labelled foreign agents, we have started to keep quiet because there could be some big penalty every time you speak’.58 However, it does appear that this strategy could be changing. Recently NGOs facing grave

57Skype interview with leader 2, environmental problems NGO, 10 January 2016.
58Skype interview with leader 1, forests and biodiversity NGO, 26 December 2015.
accusations have tried to attract more publicity to their cause as a defence mechanism.\footnote{Skype interview with leader 1, forests and biodiversity NGO, 26 December 2015.} When the charges are milder, NGO representatives still may see a chance to save the organisation through silence.

Third, negative public attitudes towards NGOs are increasing.\footnote{‘Analitika KOB Inostrannye agenty v borbe s kontsepsiei’, \textit{Zakon Vremeni}, 30 October 2015, available at: \url{http://zakonvremeni.ru/analitika-kob/34-3-prioritet-faktologicheskij/23933-inostranny-agenty-v-borbe-konzepzij.html}, accessed 11 November 2016.} The foreign agent label implies a betrayal of the national interest and creates the impression that NGOs are executing the orders of hostile Western governments, thus provoking adverse public reactions. A Bellona representative stated, ‘in terms of morality, we don’t like how the organisation is being branded by the country we are working for so diligently’.\footnote{The official website of the NGO ‘Bellona’, available at: \url{http://bellona.ru/}, accessed 20 November 2016.} During the government’s campaign to identify foreign agents, some NGOs have experienced harassment by government officials and members of the public. For example, graffiti proclaiming ‘Foreign agents!’ appeared on the building of the Baikal Ecological Wave in Irkutsk. Thus, the new law has made it difficult for NGOs to relate to government agencies and the general public. Representatives from some NGOs designated as foreign agents have not been allowed to participate, as individuals, in other organisations working with the government. Alternatively, some individuals with connections to state agencies are no longer able to work with NGOs. One NGO leader commented,

\begin{quote}
Some members had to leave the organisation because they worked in the state authorities or security facilities. Involvement with the organisation-agent could harm them. That’s why we experienced losses …. Some people stopped talking to us. They stopped picking up the phone. It is understandable …. Because of this ‘black mark’ people can be excluded from conversations and participation in urban life.\footnote{Interview with leader 4, nuclear energy NGO, St Petersburg, 9 January 2016.}
\end{quote}

Despite this, there are some cases where the foreign agent label has neither lessened an NGO’s social capital nor aroused a negative reaction from society. For example, the NGO Dront had already been placed on the registry of foreign agents when it also was listed on another governmental registry of socially useful organisations singled out for their helpful programmes. In addition, the leader of Dront retained positions on public and expert councils and received an award for contributing to the region’s social development. As he noted, ‘the Ministry of Justice thinks that we are agents, but the [regional] government thinks that we are useful’.\footnote{Skype interview with leader 8, environmental problems NGO, 8 January 2016.}

Fourth, the foreign agent law has led to restructuring at international and domestic levels. In Russia, collaborating with NGOs designated as foreign agents has become a potential threat to other NGOs. As a result, NGOs have started to avoid working with foreign agents, at least formally, although in practice these partnerships may persist. Generally, domestic NGO networks demonstrate a certain level of resilience despite the state’s influence. An NGO representative stated, ‘networks are more stable than individual organisations. Some activities can be carried out through partner organisations. The network has no accounts or
registration and it is difficult to control it’. Networks allow informal means of interaction, often because they are based on personal contacts and social capital.

At the same time, foreign agent NGOs have struggled to maintain their connections to international partners. Networks are also changing as a result of pressure on donors. For example, the US Agency for International Development (USAID), which funded both environmental and democracy-oriented projects, withdrew from Russia under government pressure in 2012. The law on ‘undesirable organisations’, enacted in May 2015, further disrupted donor-led GGNs that included Russian NGOs. In July 2015, the Federation Council listed potentially undesirable organisations to which the law might apply, including the Open Society Institute (Soros Foundation), the National Endowment for Democracy, the MacArthur Foundation, and the Charles Stewart Mott Foundation, amongst others. As a result of this warning, the MacArthur and Mott foundations closed their offices in Russia. Eleven funding agencies, including the National Endowment for Democracy, the Open Society Foundation, and Open Society Assistant Foundations, have been listed in the registry as ‘undesirable’.

Fifth, and more optimistically, NGO participants in this study noted the emergence of NGOs’ collective solidarity against state pressure. An NGO representative described this new solidarity with dark humour, stating, ‘we had a feeling of inferiority that we were not [designated as] a foreign agent’. The new law has forced NGO representatives to innovate survival strategies and to raise money to pay fines. New ‘sites of solidarity’ have appeared, such as when environmentalists organise seminars and conferences where they discuss issues related to the law and other challenges. At these events, NGO representatives share how they manage the new state requirements and their foreign agent status, including information on how to ‘cleanse’ organisations of foreign funding, how to fulfil the reporting requirements of government agencies, how to continue working in a new form, and how to rebuild networks.

Concluding thoughts: the transformation of networks

The global–local interplay of actors in and across networks led by charitable foundations in Russia is changing rapidly. New national laws, including the law on ‘foreign agents’ and law on ‘undesirable organisations’, have significantly affected the structure and agency of GGN networks, including donors and Russian NGOs, as well as broader transnational environmental networks. This disruption has caused restructuring throughout the network. These laws have eliminated strategic nodes within several GGNs and changed the rules of the game in others. Donors in the ‘nodes of design’ are becoming dissociated from the sites of implementation in Russia that had been part of the network before the law on foreign agents. NGOs had been agents engaged in transferring, adopting, and adjusting of global standards to local practices, but they now struggle to play that role. The experience of NGOs designated foreign agents

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64 Interview with representative 10, ecological rights NGO, 8 January 2016.
67 Interview with representative 9, environmental problems NGO, 27 December 2015.
68 Interview with representative 6, social research (including environmental problems) NGO, 15 December 2015.
also serves as a warning to other NGOs that may have been considering foreign funding or partnerships as a strategy to achieve their goals. Other NGOs may be tempted to work on less controversial issues and rely exclusively on domestic funding, even if scarce, in order to avoid government scrutiny.

Donors are changing as well. Foreign embassies in Russia have developed grant programmes to substitute for foreign foundations that have left the country. Embassies and consulates cannot be labelled ‘undesirable’ and have some degree of freedom in supporting social causes, thereby forming new nodes of design. Russian NGOs previously funded by USAID and other departed donors have started to apply to alternative sources of financial support. These NGOs are adapting their projects to fit the rules of the game and requirements of these new donors, such as donors from the EU. In turn, EU grant programmes have become more flexible, adjusting their eligibility criteria and rules to minimise the risks to their grantees of being designated foreign agents. For example, the EU has allowed NGOs to transfer grants to their partners abroad and to apply for Russia-based projects with new Western partners.69 Several Western donors, including the EU, that once distributed grants for projects in Russia now give grants to for-profit NGOs that have re-registered themselves, changing their non-profit status to avoid falling under the jurisdiction of the foreign agent law. The EU has also eliminated the requirement that NGO grant recipients distribute mini-grants to smaller NGOs.70 Prior to the law on foreign agents, grants often required recipient NGOs to inform government officials of the outcomes of their projects in order to influence policy-making. Environmental NGOs were more influential because many activists from these NGOs simultaneously served on public councils, but these activists are now excluded from this work, with few exceptions. Therefore, a key mechanism for transferring global rules and standards to the national environmental policy-making arena has been disrupted and these global rules are less likely to affect practice on the ground. As a result of these adaptations, the rules of GGNs are shifting.

The most significant changes are occurring at the sites of implementation in Russia, where NGOs must choose from the survival strategies outlined above to maintain their ongoing donor-supported projects. A few NGOs have been unable to pay penalties or are unwilling to operate under the ignominious label of ‘foreign agent’ and have closed down their organisations—in some cases, to operate informally instead. For some NGOs, closure and reorganisation is a survival strategy. An NGO may decide to operate exclusively using Russian funding sources, liquidating the original group and founding a new NGO for this purpose. Some NGOs have formed-for-profit organisations, while others have formed non-profit organisations that receive grants only from Russian sources, including the Presidential Grant Foundation for Civil Society Development (Fond Presidentskikh grantov diya razvitiya grazdanskogo obshchestva), which is oriented towards NGOs that fulfil social needs. Some NGOs have formed several organisations: non-profit, for-profit, and a subsidiary abroad, as well as another NGO for Russian funders, all while retaining the original NGO with the foreign agent label.

Pressures from new state regulation have also led NGOs to embrace informality over formal structures and rules. Informal strategies include receiving only in-kind support from abroad, not registering the organisation, and using non-registered associations of NGOs to

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69Interview with a representative of an international foundation, 20 January 2015.
70Interview with an EU representative, 20 January 2015.
make public statements. If an NGO is in jeopardy of being declared a foreign agent, it may also share resources with an unregistered NGO. Because of these strategies, the number and diversity of actors within an NGO network may increase, and new and different sources of funding may arise, even among those NGOs that have not been subject to the foreign agent law. Since all these organisational innovations have happened quite recently, after the passing of the foreign agent law, and NGOs will continue to experiment with the most effective survival strategies, it is hard to predict how these networks will develop in the future.

At the sites of implementation, in the regions, cities and districts of Russia, relationships between NGOs and society also have changed. In some cases, businesses have been able to call for the Ministry of Justice to review NGOs that are critical of their activities as possible foreign agents. As NGOs have been designated ‘foreign agents’, their work has been significantly delegitimised in Russia. Instead of agents of social and environmental improvement, the public may see them as agents acting in the interest of other countries. Propaganda in the media about foreign agents decreases citizen trust in NGOs. Many environmental NGOs have lessened their public outreach efforts and decreased the number of seminars, conferences and workshops that they offer. This response has contributed to the reconfiguration of existing NGO networks within Russia, including ties among NGOs, businesses and state agencies, and among NGOs labelled as foreign agents and those that are not. However, many ‘foreign agents’ continue to be respected at the local level thanks to the social capital generated through their earlier work with the community.

By and large, NGOs have not altered their original mission, but they have changed how they operate. Cooperation with state authorities has become difficult, and for some NGOs, impossible. Only NGOs that do not receive foreign funding are viewed as socially useful by state officials. However, new solidarities have developed. Human rights and environmental NGOs have become closer, with human rights activists providing advice, raising awareness about the law, and campaigning against arbitrary state power. Human rights defenders have received new foreign funding to protect NGOs that were labelled as foreign agents in court and these relationships may serve as the basis for new, specialised GGNs. For example, in 2016 Amnesty International launched a campaign against Russia’s foreign agent law in collaboration with the ‘No Agent’ project, which produced a detailed report entitled ‘Agents of the people: Four years of the law “on foreign agents” in Russia—implications for society’. Environmental NGOs, including representatives of Bellona St Petersburg and the head of Dront, participated in the campaign. In addition, the number of forums of negotiation has increased, including judicial venues where debates are underway on various cases in Russian courts and in the European Court of Justice. In Russia, new NGO networks are being created. These networks construct new forums of negotiation as they build communication platforms to develop common strategies in their response to the foreign agent law. In this sense, Russian civil society continues to demonstrate resilience once again finding informal ways to navigate formal restrictions.


CIVIL SOCIETY UNDER THE LAW ‘ON FOREIGN AGENTS’

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## Appendix. Table of interviews

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