



Asociace pro podporu demokracie a lidských práv /  
Association for Democracy Assistance and Human Rights

## POTENTIAL OF CIVIL SOCIETY ACTORS' ENGAGEMENT IN DIFFERENT ASPECTS OF EU-RUSSIA RELATIONS

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### Preface: "Shaping" minds to rebuild trust

Civil society actors in Russia are now confronted with multiple challenges to free association and effective implementation of their respective missions and goals. From proscription of foreign funding to curbs on public gatherings, these circumstances are compounded by anti-western propaganda broadcast through government-controlled mass media.

Experts on EU-Russia relations were brought together in Prague on 27 May 2014 to examine ways forward for EU-Russia co-operation at a debate organised by DEMAS – Association for Democracy and Human Rights, which contributed to the formulation of the following studies examining the scope for co-operation between civil society in Russia and the EU.

The geo-political context is sketched by Andrey Ryabov. After Russia's annexation of Crimea, he argues, it is important to identify "corridors of opportunity" for constructive relations. The confrontation that followed from Russia's policy of "rigid pressure on Ukraine", he writes, "strengthened pessimistic assessments of prospects of EU-Russia relations that were widespread in international political circles and expert communities".

The notion that the struggle for influence is carried out on the principle of a zero-sum game needs to be overcome, he argues, and a win-win outcome could be generated from the ambiguity that even an EU-focused Ukraine will remain closely connected with Russia economically. He identifies continued potential in economic co-operation and joint efforts on the common challenge of Islam.

Václav Lídl also sees the challenge of Islam as an area for joint action. He examines EU and Russian perspectives on a counter-terrorism strategy, an area where Russia is in fact more vulnerable than the EU. Here, he argues, NGO co-operation "could build trust between the EU and Russia" on human rights.

Nikola Karasová explores the human rights record of Vladimir Putin's Russia, highlighting laws on "criminalisation of blasphemy" and on "protection of Russian history" among the most recent legislative steps aimed at the restriction of freedom of expression.

At the same time, she argues that the traditionally weak role of civil society means that "the potential significance of the Russian non-profit sector in publicising human-rights concerns and demanding justice for those affected is immense".

Elena Belokurova also addresses the change in climate since the return of Putin as Russian President, stressing that the introduction of the "foreign agent" rule was already having an impact before the Russia-Ukraine crisis: "The Russian offices of some foreign foundations and NGOs were closed or scaled back their activities." An area of common ground, however, is cross-border co-operation on social protection issues - which, she writes, is regarded as problem-solving rather than foreign interference, and is supported by Russia and the EU alike. It will be important, she argues, that the Ukraine-Russia crisis does not jeopardise cross-border co-operation.

Piotr Kaźmierkiewicz concurs with Ryabov that the economic sphere provides scope for co-operation between think-tanks in Russia and the EU. While such co-operation could be a "win-win" axis, he says it is necessary to recognise that Russian think-tanks will face increasing difficulties in articulating a position on foreign policy different from that promoted by the government and mainstream media. Common ground on which to discuss regionally relevant issues will be lost, he writes.

"Reading the mind" of Russian policy-makers, argues Kaźmierkiewicz, "is becoming a top priority in a new phase of relations characterised by lower trust and fewer direct contacts". Thus, he writes, opportunities to exchange views at conferences, seminars and through study visits "could help build trust, establish a shared vision of strategic problems, and eventually lead to joint initiatives".

The competition to "shape" minds is part of the problem and the solution. With the propaganda onslaught from Russian television, the challenge to offer a plurality of perspectives has become more acute. It will take time to move from the zero-sum game to the shaping of common objectives by the EU and Russia, but joint initiatives at the civil society level can contribute to laying the ground for the gradual emergence of a win-win situation.

JEFF LOVITT

PASOS – Policy Association for an Open Society

## The Role of NGOs in Cross-Border Cooperation between the European Union and Russia

ELENA BELOKUROVA

Centre for German and European Studies,  
St. Petersburg State University

This paper presents some reflections on the role played by non-governmental, non-profit organizations (NGOs) in relations between the European Union and Russia, with special emphasis on cross-border cooperation. In comparison to the other, more politicized 'high' policy areas, the cross-border cooperation shows an example of the 'low' policy with more pragmatic approach on the local level. Usually such policy fields are developing differently and more successfully than political ones.

These mechanisms of cooperation, as well as the role of NGOs, were elaborated during the 1990s and 2000s, and the first part of the paper will analyze these processes before, in the second part, evaluating the current and potential role of NGOs. As a result, some conclusions about the main factors influencing the NGOs role in the cross-border cooperation are made as well as the recommendations for its strengthening are given.

### The 1990s: Building Mechanisms of EU-Russia Relations, Cross-Border Cooperation and the Role of NGOs

The EU and the newly constituted Russian Federation established relations at the beginning of the 1990s, a special time both for Russia and the EU. Russia had declared and implemented a radical policy shift toward democracy and the market economy. After the Maastricht Treaty the EU has got opportunities to be involved into the external relations as the EU. These circumstances influenced every aspect of cooperation including the role played by NGOs.

In legal terms, the first step in the establishing of formal cooperation between the EU and Russia was the EU-Russia Partnership and Cooperation Agreement (PCA), which was signed in 1994, came into force in 1997 and was planned for ten years, but prolonged in 2007 until a new agreement is negotiated and signed. The PCA defined the basic fields and institutions of EU-Russia cooperation, and reflected both the situation of the transitional economy and political system in Russia and efforts to harmonize Russian legislation with the EU *acquis communautaire*<sup>1</sup>.

During this period the EU actively supported the Russian transition with financial and technical assistance, chiefly through the TACIS program (Technical Assistance for Newly Independent States), thus giving a boost to cross-border cooperation and the activities of NGOs. TACIS was established in 1990 and started its activities in 1991. Russia has been the biggest beneficiary of support to the countries in the post-Soviet region, receiving about half of all funding. Between 1991

and the end of the program in 2006, Russia received 2.7 billion euros in TACIS funding for 1,500 projects in 58 regions<sup>2</sup>. The program supported projects for the development of human resources, institutional reforms and infrastructure, restructuring and privatizing industry and agriculture and combating soft security problems. In the case of Russia the EU technical assistance was not made conditional on legislative approximation to the EU *acquis communautaire* as in the other CEE countries preparing for EU membership, but rather on cooperation on increasing stability and security on their common borders. To that end, TACIS placed significant emphasis on cross-border cooperation in its programs for border regions of the EU and northwestern regions of Russia. In the NGO sphere, the 1990s were also characterized by very active establishment and development of independent organizations, which started to emerge from the political protest movements in the late 1980s built around ecological, social, ethnic, cultural and human rights issues<sup>3</sup>. Some of these NGOs have become highly professionalized and now occupy leading positions in their fields of activity<sup>4</sup>. Another impetus for NGO development grew out of the urgent need for self-help in the difficult times of the economic and social crisis of the 1990s.

Because of the critical economic situation, Western foundations, especially from the United States and the EU, became a very important and often the only source of funding and training for newly established NGOs. Branch offices of American and European foundations were established in Russia and these provided not only funding, but also training, capacity-building and networking opportunities.

The approach of the U.S. foundations differed slightly from the emphasis of EU programs: U.S. organizations were more active in supporting NGOs, while the EU concentrated more on the strengthening of state institutions and social partnership. Partly this was because American funders drew on the American model of a more active NGO sector primarily funded by private sources, while the EU and EU member states brought their experiences of a traditionally stronger state to bear on the idea of more effectively influencing Russian policies through state institutions. Even when working with NGOs, the European foundations and partners promoted cooperation with state institutions.

The difference between the U.S. and EU strategies could be also seen in the regions where they were active. U.S. organizations chiefly operated in more "familiar" areas with relatively high levels of democratization such as Novgorod, Nizhny Novgorod, and Ekaterinburg oblasts<sup>5</sup>, while EU-funded programs were mostly implemented in regions bordering the EU – for instance, the Russian Republic of Karelia, bordering Finland, which benefited from very high levels of financial and expert support – as well as some regions with a high level of urbanization and social capital<sup>6</sup>. Russian NGOs were part of this process

<sup>2</sup> Data of the Delegation of the European Commission to Russia, see: [http://www.delrus.ec.europa.eu/en/p\\_259.htm](http://www.delrus.ec.europa.eu/en/p_259.htm)

<sup>3</sup> Zdravomyslova E. Sociologija obvestvennyh dvizhenij – stanovlenie novogo issledovatel'skogo napravlenija [Sociology of Social Movements – Establishing a New Direction], in: V. Jádov (ed.) *Sotsiologija v Rossii*, Moscow: IS RAN, 1998, pp. 545–568.

<sup>4</sup> Beljaeva N. Grazhdanskie assoziacii i gosudarstvo [Civil Associations and the State], in: *Soziologicheskie issledovanija*, 1995, 11, pp. 109–117; Sungurov A. (ed.) *Grzhdanskoe obshchestvo – v poiskakh puty* [Civil Society – In Search of Its Way], St. Petersburg: Norma, 1997.

<sup>5</sup> McMann K. International Influences on Russian Regional Democratization, in: Tabata S. and Iwashita A. (eds.) *Slavic Eurasia's Integration into the World Economy and Community*, Hokkaido Slavic Research Center: Slavic Eurasian Studies, 2004, 2, pp. 413–434.

<sup>6</sup> Lankina T. Explaining European Union Aid to Russia, *Post-Soviet Affairs*, 2005, 21(4), pp. 310–329.

<sup>1</sup> Bordachev T., Romanova T. Russia's Choice Should Provide for Liberty of Action, in: *Russia in Global Affairs*, 16 May 2003: <http://eng.globalaffairs.ru/numbers/3/470.html>

because they were seen by both the EU and Russia as agents of democratization. Thus, including civil society organizations in EU-Russia cooperation naturally grew from the common goals of Russia's desired transition to democracy and the market economy, its "European choice"<sup>7</sup>. NGOs were considered as a significant part of EU-Russia cooperation at this time, especially in the border regions, where NGOs became important also at the level of regional and local politics due to the EU support<sup>8</sup>. Another contributing factor was the Russian federal government's lack of any real policy toward the NGOs. Civil society thus developed in different ways in the Russian regions. NGOs were more active in the northwestern border areas.

Although the TACIS programs were criticized for their insufficient effectiveness and the excessive say-so of EU experts over the needs of specific recipients<sup>9</sup>, cross-border cooperation was at this period generally successful and important, and NGOs in the fields of the implemented projects played an important role.

### The Turn of the 2000s: New Models for Cross-Border Cooperation and NGOs

EU-Russia relations, including the elements of cross-border cooperation and the role of NGOs, took a new turn in the 2000s, after the new president Vladimir Putin instituted both a new foreign policy and a new policy on civil society.

Under Putin's foreign policy, Russia in the 2000s turned from its rapprochement with the EU toward its own "national interests." The results first appeared in the separate EU and Russian strategies toward each other in 1999 and 2000 respectively, where the strategic interests were formulated very differently. While the EU defined stability, democracy, rule of law, the social market economy in Russia and security in Europe as strategic goals, the Russian strategy was "primarily aimed at ensuring national interests and enhancing the role and image of Russia in Europe and in the world."<sup>10</sup> The Russian concept aimed to restore Russia among the most important global powers. Here, Russia openly expressed its readiness to accept European technical assistance for the sake of its national interests, seen as different from European interests and values.

At the same time, European politicians began to seriously criticize Russia for its rejection of the path of democratization. This in turn fed Russia's increasingly skeptical position on the EU. As result, the two sides agreed on a new "strategic partnership" model envisaging a more equal partnership and more pragmatic problem-solving<sup>11</sup>

focused on four "common spaces": (1) economic ties; (2) a common space of freedom, internal security and justice; (3) external security; and (4) a common space of research and education, including cultural aspects<sup>12</sup>.

Another factor for the building of this new model was the expected EU eastern enlargement in May 2004, which heightened the need to address problems of soft security on the EU's external borders, such as ecological and nuclear threats and promoting the rule of law and a favorable social environment. To do so, the EU proposed a new instrument, the European Neighborhood Policy (ENP), for all its new neighbors. The Russian government, however, refused to take part: empowered by economic growth and the redirection of its foreign policy to prove itself as a rapidly emerging global power, Russia did not want to be just a "junior partner" of the EU like the other ENP countries. Moscow refused to work on a common action plan, insisting on EU-Russian cooperation outside the ENP. Finally, Russia was excluded from the ENP, but at the same time, it maintained its availability for EU funding delivered through the European Neighborhood and Partnership Instrument (ENPI), which included a notion of "partnership" especially for Russia. Technical assistance under TACIS thus gave way in 2007 to ENPI, and EU financial support decreased significantly. These new cooperation programs emphasized civil society, local initiatives and cultural cooperation (Institution Building Partnership Programs), and NGOs dealing with human rights and social support (European Instrument for Democracy and Human Rights and some other programs). The EU directed its financial resources toward an equal partnership and on cooperation with co-funding from the Russian side. ENPI became especially important in Russia as a vehicle to support cross-border cooperation funded both by ENPI and Russia. Financing and decision-making, including choice of projects and priorities, shifted to the level of EU-Russia cross-border regions. The five regional programs set up under the new framework in 2005 established their own joint decision-making institutions, which were active chiefly in the 2007–2013 budget period<sup>13</sup>.

Apart from ENPI, in 1997 the EU adopted another program to strengthen cross-border cooperation with Russia, including at the non-governmental level: the Northern Dimension initiative. This set a more consequential EU strategy towards the European North, with a special role for Russia<sup>14</sup>. The Northern Dimension multi-level approach foresaw from the beginning the involvement of different actors that were already active in this field: the EU, international regional organizations such as the Council of the Baltic Sea States, the Barents Euro-Arctic Council, and the Arctic Council; international agencies such as the International Energy Agency; and non-state actors including local and regional organizations (for example, the Baltic Sea cities union) and business and civil society groups. Important projects were implemented

<sup>7</sup> Arbatova, N. *Natsionalnye interesy i vneshnaya politika Rossii: evropejskoe napravlenie (1991–1999)* [National Interests and External Politics of Russia: European Course (1991–1999)]. M., IMEMO RAN, 2005.

<sup>8</sup> Yargomskaya N., Belokurova E., Nozhenko M., Torkhov D. *Pochemu NKO i vlasti nuzhny drug drugu. Modeli vzaimodeistvija v regionakh Svero-Zapada* [Why NGOs and Regional Authorities Need Each Other. Relationship Modes in the regions of the Russian Northwest], in: Gorny M. (ed.) *Publichnaja politika: voprosy mjadkoi bezopasnosti v Baltijskom regione*, St. Petersburg: Norma, 2004, pp. 52–147.

<sup>9</sup> Mikhaleva G. *The European Union and Russian Transformation*, in: Hayoz N., Jesien L., van Meurs W. (eds.) *Enlarged EU – Enlarged Neighbourhood. Perspectives of the European Neighbourhood Policy*, Bern: Peter Lang, 2005, pp. 107–126.

<sup>10</sup> Morozov V. (ed.) *Rossija i Evropejskij Soyuz v bolshoj Evrope: novye vozmozhnosti i starje barjery* [Russia and the European Union in Greater Europe: New Possibilities and Old Frontiers], St. Petersburg: Izdatelstvo SPbGU, 2003.

<sup>11</sup> Fedorov Y., Nygren B. (eds.) *Russia and Europe: Putin's Foreign Policy*, Stockholm: Swedish National Defence College, 2000; Klitsunova E. *EU-Russian Relations: the Russian Perspective*, in: Johnson D. and Robinson P. (eds.) *Perspectives on EU-Russia Relations*, London and New York: Routledge, 2005, pp. 35–54; Medvedev S.

*Russia's Futures: Implications for the EU, the North and the Baltic Region*, Helsinki/Berlin: Ulkopoliittinen instituutti/Institut fuer Europaeische Politik, 2000; Kassianova A. *Russia: Still Open to the West? Evolution of the State Identity in the Foreign Policy and Security Discourse*, *Europe-Asia Studies*, September 2001; Sergounin A. *Russian Post-Communist Foreign Policy Thinking at the Cross-Roads: Changing Paradigms*, *Journal of International Relations and Development*, 3, 2000.

<sup>12</sup> Road Maps of Four EU-Russia Common Spaces: [http://www.delrus.ec.europa.eu/en/images/pText\\_pict/494/road%20maps.pdf](http://www.delrus.ec.europa.eu/en/images/pText_pict/494/road%20maps.pdf)

<sup>13</sup> Yarovoy G., Belokurova E. *Evropejskij Soyuz dlja regionov: chto mozžno i nuzhno znat rossijskiv regionam o ES* [The European Union for Regions: What the Russian Regions Can and Should Know about the EU], St. Petersburg: Norma, 2012.

<sup>14</sup> Haukkala H. *Polozhitelnye aspekty realizatsii Obshei strategii po Rossii* [Positive Aspects of Implementation of the Common Strategy on Russia], in: Moshes A. (ed.) *Rossija i Evropejskij Soyuz. Pereasmyslivaja strategiju otnoshenij* [Russia and the European Union. Rethinking the Strategy of Relations], Moscow: Moskovskij Tsentr Karnegi, 2003, pp. 35–77.

in the fields of environmental protection, nuclear and energy security, development of human and academic resources, quality of health and life. No new financial instruments were created; instead, existing EU and international financial instruments were coordinated. In 2006, the initiative was reorganized as the Northern Dimension policy (ND) with the participation of the EU, Russia, Norway and Iceland as a regional dimension of four common spaces. Four “partnerships” were set up in the fields of the environment, public health and social well-being, transport and logistics, and culture. Each partnership coordinates the activities of various actors including NGOs and financial institutions in the corresponding fields. Consultative bodies such as the Northern Dimension Business Council and the Northern Dimension Institute bring together business and academic partners from the EU and Russia. All these activities gave rise to a multifaceted and intricate institutional structure<sup>15</sup>.

While the EU continued to be interested in the involvement of NGOs in EU-Russia cooperation, especially in its cross-border dimension, Russian policies on NGOs became less favorable, especially after 2004<sup>16</sup>. This was among other reasons a reaction against the Orange Revolution in Ukraine, after which NGOs primarily funded by Western foundations and criticizing national policies were demonized as potential organizers of so-called “color revolutions” against the national interests of Russia<sup>17</sup>. As result, in 2006 new legislation was adopted which strengthened state control over NGOs, especially for those having foreign funding<sup>18</sup>. This policy was especially restrictive and strong in 2006–2007, before the parliamentary and presidential elections. After a break during Dmitry Medvedev’s presidency (2008–2012), during Putin’s third term since 2012 this restrictive policy towards critical NGOs and those funded by Western and international funders was further tightened by adoption of the new legislation on “foreign agents”.

As a result, the Russian government no longer looked so favorably on the inclusion of NGOs in bilateral cooperation with the EU. This change of policy on NGOs also negatively influenced Russia’s relations with the EU in general and with some EU member countries. The Russian offices of some foreign foundations and NGOs were closed or scaled back their activities. The Russian government did not support the initiative of EU and Russian NGOs to establish the EU-Russia Civil Society Forum<sup>19</sup>. It is always very critical towards consultations of the EU and Russian human rights NGOs before the EU-Russian Human Rights Dialogue. In this sense, Russian NGOs became more closed to the EU, then to the Russian side, and the Russian officials logically do not like this situation.

At the same time, in the 2000s the Russian president began financially and organizationally to support many Russian NGOs active

primarily in the field of social protection. By the same logic, NGOs involved into the cross-border cooperation and working on the local level for the social problem-solving are not seen as a threat or ‘foreign agents’. Thus, divisive politics of the federal government was less relevant in affecting civil society cooperation with partners from EU member states on the local level. This could be clearly seen in the case of the Republic of Karelia, where special mechanisms were established to help NGOs facing difficulties created by the federal legislation. As result, application of federal legislation in that region was more relaxed than in other Russian regions. This can be partly explained by the positive experience of NGO involvement in managing pressing social problems and cross-border cooperation, which is very important for the region which has led regional and local governments to keep supporting NGOs in spite of their foreign (e.g. EU) funding.

After the Ukrainian crisis and Russian problems in the foreign policy in 2014, the Russian government started also to speak about the attraction of Russian NGOs to participate also in the implementation of the Russian foreign policy. For the cross-border cooperation this situation means that, if agreed by the EU and Russia, there will be no problems from the Russian side for the NGOs to be involved.

At the same time, the deep crisis in the EU-Russia relations during the Ukrainian crisis led to the situation when cooperation partners became more suspicious to each other. Another negative influence on the cross-border cooperation can be in freezing of the EU-Russian negotiations. But these consequences are not known for the moment of writing this paper.

So, although NGOs funded by foreign foundations and programs in general lost much of their welcome in Russia in the 2000s, in the area of cross-border cooperation they still are considered as something positive and worthy of continued support.

## Factors Influencing the Role of NGOs in EU-Russia Cross-Border Cooperation

Several important factors emerge from the historical and institutional overview presented above, which influence the role of civil society in EU-Russia relations in general and in its cross-border cooperation component in particular:

- The history of EU-Russia relations and the context of their development in different stages led to NGOs’ dependence on funding mechanisms from the EU or from EU-Russia cooperation programs.
- European funders gave less direct support to Russian NGOs in the 1990s than American foundations, reflecting the differences between the European model of the state-NGO relationship and the American model of civil society. One consequence was that EU programs mainly supported NGO cooperation with state institutions and cooperation between NGOs in Russia and the EU countries.
- The interests of the EU and Russia in cooperation with NGOs were and are different. While the EU is interested in including NGOs both in cooperative projects with Russia (for more democratic dialogue) and cross-border cooperation (for more effectiveness), Russia shows little interest in cooperation with the EU in general, but supports the involvement of NGOs in cross-border cooperation. Hence, in this field governmental and non-governmental institutions and actors are active at both regional and local levels.

<sup>15</sup> More information about the Northern Dimension: <http://www.northerndimension.info/>

<sup>16</sup> More about this change of discourse and policies towards NGOs at: Belokurova E. Civil Society Discourses in Russia: The Influence of the European Union and the Role of EU-Russia Cooperation, in: *Journal of European Integration*, vol. 32, issue 5, 2010, pp. 457–474.

<sup>17</sup> Putin, V. Fragments iz Poslanija V.V. Putina Federal’nomu Sobraniju Rossijskoj Federacii, 26 maja 2004 goda. [Excerpts from Presidential Address to the Federal Assembly, 26 May 2004], in: Abakumov S. (ed.) *Grazhdanskoe obshchestvo i vlast’: protivniki ili partnery?* [Civil Society and Government: Adversaries or Partners?] Moscow: Galeria, 2005.

<sup>18</sup> Human Rights Watch. Choking on Bureaucracy: State Curbs on Independent Civil Society Activism, Report, February 19, 2008: <http://www.hrw.org/en/reports/2008/02/19/choking-bureaucracy>; Human Rights Watch. An Uncivil Approach to Civil Society: Continuing State Curbs on Independent NGOs and Activists in Russia, Report, June 17, 2009: <http://www.hrw.org/en/reports/2009/06/16/uncivil-approach-civil-society>

<sup>19</sup> Official web page: <http://eu-russia-csf.org>

Also during the period when the policy towards the NGOs became more restricted, in the cross-border cooperation became involved mainly those NGOs which were supported by the regional or local authorities.

- Russian participation in other European regional international organizations such as the Nordic Council of Ministers, the Council of the Baltic Sea States, the Arctic Council and the Barents Euro-Arctic Council also strengthens the role of Russian and European NGOs in EU-Russia cross-border cooperation. They themselves and under the coordination of the Northern Dimension Policy support cooperation of corresponding NGOs in the EU and Russian border regions.
- In comparison to the EU-Russian conflicts on the 'high' political level in 2012–2014, the cross-border cooperation as a field of 'low' policy is less in danger. Although the crisis of 2014 which led to the freezing of the EU-Russia negotiations and strong ideological disagreements of people on the both sides of the border and also inside of the countries can finally influence even this 'low' policy cooperation level. Moreover, these problems became even more important in the situation when the negotiations on the European Neighborhood Instrument programs for 2014–2020 budgetary period should take. Thus in Spring 2014 the cross-border flaws between the EU and Russia decreased significantly. At the same time it is now too early to judge about the long-term character and consequences of the current crisis.

### Recommendations for More Productive NGO Involvement in EU-Russia Cross-Border Cooperation

- Although NGOs are already very well included in cross-border cooperation, measures can be taken to make their role more useful:
- The prevailing role of the EU in the initiating the programs of cross-border cooperation both in the 1990s and 2000s led to the asymmetry, which is kept in spite of different attempts to build more equal partnership<sup>20</sup>. Therefore, more measures should be undertaken especially from the Russian side in order to prepare Russian partners better for the cross-border cooperation and involve them more actively into the process of initiation, development and management of the cross-border projects. Moreover, much more freedom should be given to these potential local partners, because the strong control from the federal and regional authorities hinders their initiatives and use of opportunities.
- For the future ENI programs: to tackle the serious problem of insufficient resources of NGOs to invest into cooperative projects as co-funding, the threshold for co-funding should be reduced (at least to 10%). In addition to larger projects, it is also important to promote smaller scale projects that are easier for NGOs to implement. Special training in project management for NGOs and cutting red tape can also help NGOs to be involved more.

- For the future ENI programs: for the next funding period of 2014–2020, the priority of the people-to-people cooperation is reduced, which is the most important priority for NGOs. Therefore, it would be necessary to bring it back and maybe even increase its costs. At least, these aspects should be foreseen in some other priorities. Maybe, it would make sense to strengthen the partnership principle into the cross-border cooperation in order to oblige the cooperation partners to consult and cooperate with the local NGOs.
- For the Northern Dimension: to address the problem of NGOs having insufficient resources for sustainable partnerships and cooperative projects, it is necessary to include corresponding NGOs network support into the functional tasks of the ND partnerships and to create some special mechanisms promoting NGOs support by the international financial institutions cooperating within the ND partnerships.
- For the Northern Dimension: since NGOs are not well represented in strategic decision-making for the ND initiative, it might make sense to set up a forum where NGOs can exchange ideas in hopes of influencing the ND agenda. Cooperation between NGOs and the ND Business Council and ND Institute should also be increased.
- For the ENI and Northern Dimension: lack sufficient influence on decision-making. Therefore, special consultative procedures should be set up in order to give NGOs a voice in setting priorities, designing strategies to tackle problems in their field of expertise and selection of specific projects (where no conflict of interests exists). Ensure participation of NGO representatives in the managing authorities, consultative institutions and selection committees.
- For ENI and Northern Dimension: instead of emphasizing civil society building and political issues, put the stress on resolving social problems with the participation of NGOs, which in turn can also contribute to strengthening of Russian civil society.
- EU-Russia Civil Society Forum: cross-border cooperation is not very visible here. It is therefore important to pay more attention to these issues within the Forum.

In general, it is extremely important to include more, and more active, NGOs in EU-Russia relations in all areas and particularly in cross-border cooperation, because their activity is less prone to political influence, instead, they concentrate on the everyday life of people on both sides of the borders. This is all the more significant in periods of serious political conflicts such as the current disputes between the EU and Russia over the Ukrainian crisis: at a time when the politicians clash and lead informational wars, it is important that the citizens do not lose their ties and good relationships, in hopes that closer ties will be restored when the crises end.

<sup>20</sup> I am thankful to Eleonora Burtseva, my MA student, who has shown it very good in her MA Thesis on the topic of the cross-border cooperation, written within the MA Programme 'Studies in European Societies' at the Faculty of Sociology, St. Petersburg State University in 2014.

## Recent Key Developments in Russian Human-Rights Law

NIKOLA KARASOVÁ

Association for International Affairs

### Introduction

Following the 2011 parliamentary elections in Russia and the subsequent protest movement that emerged in reaction, some positive progress was made by President Dmitry Medvedev in the field of human rights and political freedoms. This process was soon interrupted by the succession of Vladimir Putin to the presidency in May 2012 and his “unprecedented crackdown against civic activism”.<sup>1</sup> The exchange of political offices of Vladimir Putin and Dmitry Medvedev and the return of the former to the most powerful post in the country caused outrage among that part of the society which supports the governmental opposition, political liberalization and democratization.

Since that time the legislation of the Russian Federation concerning fundamental human rights and freedoms has undergone major changes. This paper summarizes the main points of development in this area and analyzes the content and the practical impact of certain legislative amendments which have been introduced recently. Secondly, it examines the reaction of the international community, as well as those most affected by the new legislation, that is the Russian non-profit sector. What are the implications of the new legislation for the political dialogue between Russia and the EU? What is the role of NGOs in this political dialogue?

### The “Foreign Agents” Act and the Dima Yakovlev Law

In 2012 a new law was adopted with the aim of reducing foreign political and financial influence on the activities of the non-profit sector in Russia, and therefore to weaken its position and in a way legally to intimidate its activists. Russian federal law No. 121-FZ was adopted by the Parliament of the Russian Federation and signed by President Vladimir Putin on 20 July 2012. Widely known as the “foreign agents act”, this legislation has seriously affected the freedom of activity of many non-profit organizations in the country.<sup>2</sup> The amendments of July 2012 require from those non-profit organizations engaging in political activity and receiving funding from abroad to register as “foreign agents”. This label itself has a negative connotation, as for most Russians it has a meaning of “a spy acting in Russia in the interests of other countries”.<sup>3</sup>

According to the law, the “foreign agent” label applies to “every Russian non-profit organization which receives finance or property from foreign states, their organs, international and foreign organizations, foreign citizens, stateless persons or persons authorized by them [...] and which takes part in political activities carried out in the territory of the Russian Federation, including for the benefit of foreign sources.”<sup>4</sup> Thus, the state has the right to determine whether an organization is engaged in political activity, regardless of its actual aims.<sup>5</sup> In this way, “political activity” can be understood very broadly ranging from making a direct influence on the decision-making of public authorities to funding of an organization carrying out political actions.<sup>6</sup> An exception is made for certain entities, including recognized religious groups, state companies and business groups, as well as those operating in the field of science, culture, education, health and social support, etc.<sup>7</sup>

The “foreign agents” are required to register with the Ministry of Justice of the Russian Federation and submit financial reports and documents describing the character of the organization’s activities and the composition of its leadership. Among other duties a “foreign agent” is obliged to ask the authorities for permission before starting any political activities and to mark all its materials distributed in the media as products of a “foreign agent”.<sup>8</sup> If an organization labeled as a “foreign agent” refuses to register, it can face financial penalties, suspension of its activities or imprisonment of its leadership.<sup>9</sup>

After the “foreign agents act” came into effect in autumn 2012, hundreds of non-profit organizations in the Russian Federation started facing legal discrimination by the authorities. Since March 2013 massive inspections have been conducted mostly by prosecutors or specialists from the Ministry of Internal Affairs, the Ministry of Justice, the Ministry of Emergencies, the Federal Security Service (FSB), and other institutions.<sup>10</sup> Many inspections were carried out without the inspectors providing any documents to justify them or were conducted in a very violent way as for example in the case of the All-Russia Public Movement in June 2013.<sup>11</sup> Subsequently, the Ministry of Justice filed administrative actions or lawsuits against several non-profit organizations, but prosecutors lost most of them.<sup>12</sup> On the other hand, for example the activities of the Association of Non-Profit Organizations for the Protection of the Rights of Voters (GOLOS), a leading expert group monitoring elections in Russia, were suspended by the court.<sup>13</sup> It seems that the act endangered mainly the well-known non-profit

<sup>4</sup> Federal Law of the Russian Federation No. 121-FZ.

<sup>5</sup> Ibid.

<sup>6</sup> “Russia’s NGO Laws”, Freedom House, <http://www.freedomhouse.org/report/contending-putins-russia/factsheet> (accessed 18.2.2014).

<sup>7</sup> Ibid.

<sup>8</sup> Federal Law of the Russian Federation No. 121-FZ.

<sup>9</sup> Ibid.

<sup>10</sup> “Serious concerns about massive inspections of non-profit organizations currently conducted in Russia”, Statement by the Steering Committee of the EU-Russia Civil Society Forum, 21 March 2013, [http://eu-russia-csf.org/fileadmin/Statements/21.03.2013\\_EU-Russia\\_CSF\\_SC\\_Statement\\_On\\_the\\_NGO\\_inspections\\_eng.pdf](http://eu-russia-csf.org/fileadmin/Statements/21.03.2013_EU-Russia_CSF_SC_Statement_On_the_NGO_inspections_eng.pdf) (accessed 18.2.2014).

<sup>11</sup> “On deterioration of the legitimate work of human rights groups in Russia”, Statement by the Steering Committee of the EU-Russia Civil Society Forum, 09 July 2013, [http://eu-russia-csf.org/fileadmin/Statements/EU-Russia\\_CSF\\_-\\_SC\\_statement\\_For\\_Human\\_Rights\\_09.07.2013.pdf](http://eu-russia-csf.org/fileadmin/Statements/EU-Russia_CSF_-_SC_statement_For_Human_Rights_09.07.2013.pdf) (accessed 19.2.2014).

<sup>12</sup> “Russia: ‘Foreign Agents’ Law Hits Hundreds of NGOs”, Human Rights Watch, 5 March 2014, <http://www.hrw.org/news/2013/11/20/russia-foreign-agents-law-hits-hundreds-ngos-updated-november-20-2013> (accessed 9.3.2014).

<sup>13</sup> “ROO ‘Golos’ priznana ‘agentom’ i oshtrafovana na 300 tysyach rubley”, Agentstvo social’noy informacii, 5 June 2013, <http://www.asi.org.ru/news/roo-golos-priznana-agentom-i-oshtrafovana-na-300-ty-syach-rublej/> (accessed 19.2.2014).

<sup>1</sup> “World Report 2013: Events of 2012”, Human Rights Watch, 2013, [https://www.hrw.org/sites/default/files/wr2013\\_web.pdf](https://www.hrw.org/sites/default/files/wr2013_web.pdf) (accessed 23.2.2014), 460.

<sup>2</sup> “On Amendments to Legislative Acts of the Russian Federation regarding the Regulation of the Activities of Non-profit organizations Performing the Functions of a Foreign Agent” [O vnesenii izmeneniy v otdel’nye zakonodatel’nye akty Rossiyskoy Federatsii v chasti regulirovaniya deyatel’nosti nekommercheskikh organizatsiy, vypolnyayushikh funkcii inostrannogo agenta], Federal Law of the Russian Federation No. 121-FZ, State Duma Official Website, [http://ntc.duma.gov.ru/duma/na/asozd/asozd\\_text.php?nm=121-%D4%C7&dt=2012](http://ntc.duma.gov.ru/duma/na/asozd/asozd_text.php?nm=121-%D4%C7&dt=2012) (accessed 18.2.2014).

<sup>3</sup> International Legal Developments Year in Review: 2012, [http://www.americanbar.org/content/dam/aba/publications/international\\_lawyer/til\\_47\\_1/intro.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/publications/international_lawyer/til_47_1/intro.authcheckdam.pdf) (accessed 19.2.2014), 666.

organizations, those engaged in election monitoring, operating in the Caucasus, or environmentalists who are often in conflict with the interests of Russian business.<sup>14</sup>

In the period following the adoption of the act, other laws concerning the activities of Russian non-governmental organizations were passed. In December 2012 the Dima Yakovlev Law, in fact a response to the previously approved U.S. Magnitsky Act, not only banned adoptions of Russian children by U.S. citizens, but also targeted all U.S.-financed non-governmental organizations and Russian-American citizens working in the non-profit sector.<sup>15</sup> The law imposes a ban on politically oriented organizations that receive funding from the USA and prohibits Russian-American citizens from leading or belonging to a foreign non-governmental organization that engages in political activity.<sup>16</sup>

## LGBT Rights in Today's Russia

In modern Russian history the stance of the society toward sexual minorities has always been problematic. With the exception of the years 1917 to 1933, homosexuality between men was considered a criminal offense until its decriminalization in 1993.<sup>17</sup> Nevertheless, the approach of the Russian majority to homosexuality has remained negative and certain homophobic groups even use brutal violence to intimidate activists and members of sexual minorities.<sup>18</sup> Several homophobic murders have been reported, as was the well-known Volgograd case of Vladislav Tornovsky in May 2013.<sup>19</sup>

The rejecting stance of society is seen in discussions about the rights of sexual minorities, for instance, the debate on the freedom to donate blood and other issues.<sup>20</sup> With respect to current legislation, the situation of the LGBT community in the Russian Federation has worsened since the adoption of a law prohibiting "the promotion of non-traditional sexual relations among minors", which was signed by Vladimir Putin in June 2013.<sup>21</sup> The so-called propaganda of unconventional sexual relations is defined by the law as "spreading information aimed at formation of non-traditional sexual orientation of minors, attractiveness of non-traditional sexual relations, distorted ideas of social equality of traditional and non-traditional sexual relations,

or imposing information about non-traditional sexual relationships, which raise interest in such a relationship".<sup>22</sup>

Where such actions cannot be assessed as a criminal offense, the law imposes fines on individuals, officials and juridical persons of Russian or foreign origin. While the financial penalty for individuals ranges from 4,000 to 5,000 rubles and for officials from 40,000 to 50,000 rubles, a juridical person can face up to a million rubles or its activities can be suspended for a period up to 90 days.<sup>23</sup> An even heavier fine can be imposed, if the actions were carried out through the media. Foreigners are treated differently by the law: apart from paying a fine they can also face expulsion from the country or imprisonment for 15 days.<sup>24</sup>

Although the new legislation imposes relatively harsh penalties, recent public polls suggest that a large part of the Russian population supports it. According to a 2013 survey by the Levada Center, only 21 percent of Russians believe that homosexuality is a sexual orientation people are born with, while 45 percent think that it is a result of "being subjected to perversion or loose personal morals" and 20 percent understand it as a combination of both factors.<sup>25</sup> The same poll showed that more than half of Russians believe that homosexuality should be either punished by law (13 percent) or medically treated (38 percent). Another 2013 survey by Pew Research suggests that 74 percent of Russians are persuaded that the homosexuality shouldn't be accepted by society with only 16 percent of respondents saying the opposite.<sup>26</sup> Not surprisingly the law was supported by 76 percent of Russians at the time of its adoption.<sup>27</sup>

It is necessary to stress that this law doesn't mean a new criminalization of homosexuality. Its supporters defend it as an effort to protect the traditional form of family and social values and emphasize that it cannot be misused in any way to limit the rights of sexual minorities.<sup>28</sup> Unfortunately the practice seems to be quite different. The problem of the law lies in unclear definitions, which is typical for legislation concerning human-rights issues in Russia. The original proposal contained the term "homosexuality" instead of "non-traditional sexual relations". The latter term was informally defined by the lawmakers as "relations that cannot lead to the production of an offspring".<sup>29</sup> Secondly, the explanation of what the "promotion" or "propaganda" of these relationships means is more than vague. The absence of precise definitions in the law was heavily criticized by the head of Russia's Human Rights Council Mikhail Fedotov. According to him, it created a dangerous precedent by "treating people differently based on their personal characteristics, not any criminal behavior."<sup>30</sup>

<sup>14</sup> Nikola Karasova, "EU-Russia CSF Russian members as "Foreign Agents" under Act No. 121-FZ (No. 102766-6)", DEMAS, <http://www.demas.cz/novinky/6937-nov-policy-paper> (accessed 19.2.2014), 6.

<sup>15</sup> "Russia's NGO Laws".

<sup>16</sup> "On Sanctions for Individuals Violating Fundamental Human Rights and Freedoms of the Citizens of the Russian Federation" [O merakh vozdeystviya na lits, prichastnykh k narusheniyam osnovopolagayushikh prav i svobod cheloveka, prav i svobod grazhdan Rossiyskoy Federatsii], Federal Law of the Russian Federation No. 272-FZ, State Duma Official Website, [http://ntc.duma.gov.ru/duma\\_na/asozd/asozd\\_text.php?nm=272-%D4%C7&dt=2012](http://ntc.duma.gov.ru/duma_na/asozd/asozd_text.php?nm=272-%D4%C7&dt=2012) (accessed 19.2.2014).

<sup>17</sup> "Gay rights in Russia: Facts and Myths", RT, 2 August 2013, <http://rt.com/news/russia-gay-law-myths-951/> (accessed 23.2.2014).

<sup>18</sup> "Russian anti-gay gang violence seen for the first time on camera", 1 February 2014, The Guardian, <http://www.theguardian.com/world/2014/feb/01/russia-anti-gay-gang-violence-homophobic-olympics> (accessed 23.2.2014).

<sup>19</sup> "Policija Volgograda oglasila podrobnosti togo, kak pytali i ubivali 23-letnego geya", LGBT-Grani, 13 May 2013, <http://lgbt-grani.livejournal.com/1822637.html> (accessed 25.2.2014).

<sup>20</sup> "V gosdumu vnesen zakonoprojekt o zaprete donorstva krvi dlya gomoseksualistov", Kommersant.ru, 26 August 2013, <http://kommersant.ru/doc/2263909> (accessed 23.2.2014).

<sup>21</sup> "Gosduma prinyala zakon o netradicionnykh otnosheniyakh", BBC Russkaya sluzhba, 11 June 2013, [http://www.bbc.co.uk/russian/russia/2013/06/130611\\_dumaGay\\_propaganda.shtml?print=1](http://www.bbc.co.uk/russian/russia/2013/06/130611_dumaGay_propaganda.shtml?print=1) (accessed 23.2.2014).

<sup>22</sup> "On Amendments to the Article 5 of the Federal Law 'On the protection of children from information harmful to their health and development' and certain legal acts of the Russian Federation for the purpose of children's protection from information promoting denial of traditional family values" [O vnesenii izmeneniy v stat'yu 5 Federal'nogo zakona O zashite detey ot informatsii, prichinyayushey vred ich zdorov'yu i razvitiyu i ot del'nye zakonodatel'nye akty Rossiyskoy Federatsii v celyach zashity detey ot informacii, propagandiruyushey otritsanie tradicionnykh semeynykh tsennostey], Federal Law of the Russian Federation No. 135-F3, State Duma Official Website, [http://ntc.duma.gov.ru/duma\\_na/asozd/asozd\\_text.php?nm=135-%D4%C7&dt=2013](http://ntc.duma.gov.ru/duma_na/asozd/asozd_text.php?nm=135-%D4%C7&dt=2013) (accessed 23.2.2014).

<sup>23</sup> Ibid.

<sup>24</sup> "Gosduma prinyala zakon o 'netradicionnykh otnosheniyakh'".

<sup>25</sup> "Gay rights in Russia: Facts and Myths".

<sup>26</sup> "The Global Divide on Homosexuality", Pew Research, 4 June 2013, <http://www.pewglobal.org/2013/06/04/the-global-divide-on-homosexuality/> (accessed 23.2.2014).

<sup>27</sup> "Gay rights in Russia: Facts and Myths".

<sup>28</sup> "Gosduma prinyala zakon o 'netradicionnykh otnosheniyakh'".

<sup>29</sup> "Gay rights in Russia: Facts and Myths".

<sup>30</sup> Ibid.

## Freedom of Assembly

An obvious connection can be seen between the mass protests in the months following the 2011 parliamentary elections and the amendments to the law securing freedom of assembly in Russia, which was quickly pushed through by the Russian Parliament in June 2012. Serious clashes between protesters and police forces also accompanied Vladimir Putin's inauguration on 7 May 2012 and the new legislation was enacted only shortly before the next planned anti-Putin demonstrations in Moscow.<sup>31</sup>

The new Federal Law of the Russian Federation No. 65-FZ sets increased rates of fines for participation in illegal demonstrations and for violation of rules on holding public events, including the rules on holding rallies, consuming alcohol and narcotics in public places, or blocking roads.<sup>32</sup> The original draft of the law, which was proposed by deputies from the ruling United Russia, suggested an increase from the current maximum financial penalty for individuals from 5,000 rubles to 1,000,000 rubles.<sup>33</sup> This move was strongly criticized by the political opposition, as well as for example by Dmitry Medvedev, and was subsequently reduced to the amount of 300,000 rubles.<sup>34</sup> While the maximum fine for officials is 600,000 rubles, the financial penalties for the organizers of rallies or protests that fail to comply with current federal regulations rose from 50,000 rubles to 1.5 million rubles.<sup>35</sup>

From those, who are unable to pay the fines, the law requires compulsory community service.<sup>36</sup> The law also prohibits those "who have been convicted of a breach of public peace and security or have been subject to administrative penalties for rally violations twice or more times within a year" to organize any demonstrations or public events.<sup>37</sup> Although the law contains certain guarantees regarding the police protection of rallies from provocateurs, etc., it relatively limits freedom of assembly in the country and reduces the opportunities for citizens to express their demands publicly.

## Further Challenges to Freedom of Expression

Laws on "criminalization of blasphemy" and on "protection of Russian history" belong to the most recent legislative steps aimed at the restriction of freedom of expression in Russia. In late June 2013 President Putin signed a new law criminalizing insults of religious feelings, which allows imposing fines of up to half a million rubles or imprisonment for up to three years "for people convicted of intentionally offending religious sensibilities at places of worship" or one year

in case of offenses committed elsewhere.<sup>38</sup> In addition, the obstruction of activities of religious organizations became a criminal offense punishable by one year in prison and a prohibition on holding official posts for a period of two years. "Premeditated and public desecration of religious objects or books" is also subject to a fine.<sup>39</sup>

The law was originally advanced in September 2012 as a reaction to the well-known case of the Pussy Riot members, who were arrested after their performance of "an anti-Putin punk prayer" in Moscow's main cathedral and later sentenced to two years in prison for "hooliganism motivated by religious hatred and enmity".<sup>40</sup> The trial and their conviction was accompanied by a wide discussion, which found Russian society divided. The opponents of the law rejected it as a limitation of freedom of expression and called for a secular state, while its supporters, strongly backed by a considerable number of Russian politicians and the Russian Orthodox Church, demanded strict punishment for insulting other people's beliefs.<sup>41</sup> The question of growing clericalization in the Russian Federation is not a new topic. Public attention was drawn to it already in 2007, when the so-called Academicians' letter pointed to the growing power of the Orthodox Church in Russian politics and society.<sup>42</sup> Recently a deputy of United Russia, Aleksandr Sidyakin, has called for even harsher legislation, speaking explicitly about criminalization of blasphemy.<sup>43</sup>

In February 2014, United Russia deputy and chairman of the committee for international affairs in the State Duma Aleksey Pushkov proposed a new law on the protection of Russian history.<sup>44</sup> He believes that both in Russia and abroad there are people who want to distort the interpretation of certain important events in the country's history. Among other things, he was reacting to the debate in the Latvian Parliament on introducing criminal responsibility for justification of Soviet and Nazi occupation of the country during World War II. According to him the Nazis were mentioned in the draft only as a pretext and the bill is aimed exclusively against Russia and its interests.<sup>45</sup>

The State Duma has made several attempts to criminalize criticism of the actions of the anti-Hitler coalition.<sup>46</sup> In 2013 President Putin set in motion a new, unified method of teaching history in public schools. It met with critiques by many education experts, social scientists and historians for being jingoistic and for laying the foundations of a new state propaganda machine.<sup>47</sup>

<sup>38</sup> "Putin signs 'gay propaganda' ban and law criminalizing insult of religious feelings", RT, 30 June 2013, <http://rt.com/politics/putin-law-gay-religious-457> (accessed 26.2.2014).

<sup>39</sup> "Duma approves criminalization of insulting religious feelings", RT, 11 June 2013, <http://rt.com/politics/responsibility-insulting-feelings-believers-526/> (accessed 26.2.2014).

<sup>40</sup> "Putin signs 'gay propaganda' ban and law criminalizing insult of religious feelings".

<sup>41</sup> "Duma approves criminalization of insulting religious feelings".

<sup>42</sup> "Otkrytoye pis'mo desyati akademikov RAN prezidentu Rossiyskoy Federatsii V. V. Putinu", 23 July 2007, [http://ru.wikisource.org/wiki/Открытое\\_письмо\\_десяти\\_академиков\\_РАН\\_президенту\\_Российской\\_Федерации\\_В.\\_В.\\_Путину](http://ru.wikisource.org/wiki/Открытое_письмо_десяти_академиков_РАН_президенту_Российской_Федерации_В._В._Путину) (accessed 26.2.2014).

<sup>43</sup> "Nakazaniye za bogokhul'stvo – segodnya i zavtra", Radio Svoboda, 28 February 2014, <http://www.svoboda.org/content/article/24692050.html> (accessed 26.2.2014).

<sup>44</sup> "V Gosdume predlozili zakonodatel'stvo zashchitit' rossiyskuyu istoriyu", Lenta.ru, 12 February 2014, <http://lenta.ru/news/2014/02/12/pushkov/> (accessed 26.2.2014).

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> "USA Today: Zashishaya istoriyu, Rossiya dvizhetsya k neo-totalitarizmu", RT, 18 February 2014, <http://russian.rt.com/inotv/2014-02-18/USA-Today-Zashishaya-istoriyu-Rossiya> (accessed 26.2.2014).

<sup>31</sup> "Russian Parliament Approves Massive Increase in Protest Fines", RIA Novosti, 5 June 2012, <http://en.ria.ru/russia/20120605/173855383.html> (accessed 25.2.2014).

<sup>32</sup> "Putin signs law tightening punishment for rally violations", ITAR-TASS, 8 June 2012, <http://en.itar-tass.com/archive/676946> (accessed 25.2.2014). "On Amendments to the Code of Administrative Offenses of the Russian Federation and the Federal Law 'On meetings, rallies, demonstrations, marches and picketing'" [O vnesenii izmeniy v Kodeks Rossiyskoy Federatsii ob administrativnykh pravonarusheniyakh i Federal'nyi zakon "O cobraniyakh, mitingakh, demonstratsiyakh, shestviyakh i piketirovaniyakh"], Federal Law of the Russian Federation No. 65-FZ, Rossijskaya Gazeta, 9 June 2012, <http://www.rg.ru/2012/06/09/mitingi-dok.html> (accessed 25.2.2014).

<sup>33</sup> "Russian Parliament Approves Massive Increase in Protest Fines".

<sup>34</sup> Ibid.

<sup>35</sup> Federal Law of the Russian Federation No. 65-FZ.

<sup>36</sup> "Russian Parliament Approves Massive Increase in Protest Fines".

<sup>37</sup> "Putin signs law tightening punishment for rally violations".

## The Impact of Human-Rights Questions on EU-Russia Political Dialogue and the Non-Profit Sector

The question of the impact of human rights on the political dialogue between the EU and Russia is a relatively tough problem to solve. It is difficult to assess to what extent this agenda itself shapes policy discussions or the rhetoric of each side. As well, the role of non-governmental organizations in influencing the form, content, aims and results of the EU-Russia political dialogue remains unclear. However, considering the traditionally weak role of civil society in Russia, the potential significance of the Russian non-profit sector in publicizing human-rights concerns and demanding justice for those affected is immense.

Representatives of the EU and its institutions often come under pressure when faced with the issue of human rights in Russia, since they have to find a balance between what can be called European democratic values and the necessity to preserve good political and economic relations with Russia, a country which still belongs among the world superpowers. Although the reactions of EU officials to violations of human rights in Russia tend to be criticized as being too weak to be able to change anything, they still have a great importance. Lately it has been mainly (but not only) the case of several Pussy Riot members and their imprisonment that caused outrage among the EU representatives. Subsequent political pressure certainly helped secure their release as part of the amnesty signed by Vladimir Putin in December 2013.<sup>48</sup> In late February 2014 EU High Representative Catherine Ashton made a statement on the sentencing of demonstrators involved in 2012 protests on Moscow's the Bolotnaya Square events pointing out certain judicial errors and new limitations regarding freedom of expression and assembly.<sup>49</sup> Although the High Representative ended her statement with a mere hope that "the sentences will be reconsidered in the appeal process" and with a call on Russia "to uphold its international human rights commitments", Russian officials certainly won't be completely deaf to it.<sup>50</sup> Russia is striving for prestige and a better international image, as projects, like the planned Eurasian Union show.

The Sochi 2014 Winter Olympics one such initiative, aimed among other things at showing the world that Russia has developed into a modern state. In an interview for the Voice of Russia Vladimir Putin stated: "I would like the participants, guests, journalists [...] to see a new Russia, see its personality and its possibilities, take a fresh and unbiased look at the country. And I am sure that this will happen, it has to bring about good and positive results and it will help Russia to establish relations with its partners around the world".<sup>51</sup> In reality the image of the Olympics was to a considerable extent spoiled by immense corruption, by abuse of local residents and migrant workers and by threats against activists – all these accompanied the organization of

the games.<sup>52</sup> The fear of possible terrorist attacks reminded the world of Russia's problematic approach to problem-solving in the Caucasus.<sup>53</sup>

Under these circumstances several political leaders decided to boycott the traditional opening ceremony of the Olympics, among them U.S. President Barack Obama, German President Joachim Gauck, German Chancellor Angela Merkel, Lithuanian President Dalia Grybauskaitė, British Prime Minister David Cameron and French President François Hollande.<sup>54</sup> Following the dramatic political development in Ukraine, American and British officials decided to skip the following Sochi Paralympics, too, as part of the first sanctions imposed on Russia.<sup>55</sup>

In the months preceding the start of the Olympics, outraged representatives of many European states and other countries around the world began a campaign of criticism mainly aimed at the law prohibiting the promotion of non-traditional sexual relationships, which many called a violation of fundamental human rights.<sup>56</sup> The International Olympic Committee even asked for and later received assurances from high Russian officials that the legislation would not affect those attending or taking part in the games.<sup>57</sup> Members of Pussy Riot case had run-ins during the Olympics, too.<sup>58</sup> The question remains whether the international pressure on Russia over human-rights issues will persuade the country to change its stances or will force it in this respect to an even more isolated position.

The Russian non-profit sector has reacted in different ways to the human-rights legislation enacted recently under Vladimir Putin. Clearly, individual non-governmental organizations don't behave in a unified way. Further, each of the laws actually aims at different kinds of NGOs and their scope and effects differ. Until now the much discussed "foreign agents act" has led to suspension of activities of only two NGOs: the voters' rights group GOLOS and a member of the GOLOS network, the Regional Public Association in Defense of Democratic Rights and Freedoms.<sup>59</sup> GOLOS, originally based in Moscow, has appealed the ruling and decided to move its activities to Lithuania.<sup>60</sup>

More than twenty NGOs have faced legal action at different levels, with different results. Among them we can find organizations with diverse interests, for example the Perm Regional Human Rights Center, the Anti-Discrimination Center "Memorial" in St. Petersburg, the Center for Social Policy and Gender Studies in Saratov, Coming Out in St. Petersburg, Women of Don in Novochoerkassk, and even environmentalists such as Baikal Environmental Wave in Irkutsk.<sup>61</sup> From these the Center for Civic Analysis and Independent Research (GRANI) from Perm can be mentioned as one successfully defended itself in court.<sup>62</sup>

<sup>48</sup> "Pussy Riot band members released from jail, call amnesty 'PR stunt'", RT, 23 December 2014, <http://rt.com/news/pussy-riot-alekhina-relased-655/> (accessed 9.3.2014).

<sup>49</sup> "Statement by the Spokesperson of EU High Representative Catherine Ashton on the sentencing of demonstrators involved in the Bolotnaya Square events", EU External Action, Brussels, 24 February 2014 [http://eeas.europa.eu/statements/docs/2014/140224\\_01\\_en.pdf](http://eeas.europa.eu/statements/docs/2014/140224_01_en.pdf) (accessed 9.3.2014).

<sup>50</sup> Ibid.

<sup>51</sup> "I want Sochi games to show the world a new Russia – Putin", Voice of Russia, 19 January 2014, [http://voiceofrussia.com/2014\\_01\\_19/photo-Interview-of-Vladimir-Putin-President-of-the-Russian-Federation-to-Channel-One-Rossiya-1-ABC-News-BBC-CCTV-television-channels-and-Around-the-Rings-agency-6631/?slide-1](http://voiceofrussia.com/2014_01_19/photo-Interview-of-Vladimir-Putin-President-of-the-Russian-Federation-to-Channel-One-Rossiya-1-ABC-News-BBC-CCTV-television-channels-and-Around-the-Rings-agency-6631/?slide-1) (accessed 27.2.2014).

<sup>52</sup> "Russia's Olympian Abuses", Human Rights Watch, <http://www.hrw.org/russia-olympian-abuses> (accessed 27.2.2014).

<sup>53</sup> "Sochi: UK officials warn terror attacks 'very likely', BBC, 27 January 2014, <http://www.bbc.com/news/uk-25907140> (accessed 27.2.2014).

<sup>54</sup> "Winter Olympics: Barack Obama, many world leaders will not attend", Daily News, 7 February 2014, <http://www.nydailynews.com/sports/olympics/bondy-missing-leaders-games-behind-olympic-games-article-1.1605471> (accessed 9.3.2014).

<sup>55</sup> "U.S. To Boycott Sochi Paralympics In Protest Over Ukraine Incursion", Time, 3 March 2014, <http://time.com/11527/u-s-to-boycott-sochi-paralympics-in-protest-over-ukraine-incursion/> (accessed 9.3.2014).

<sup>56</sup> "Gay rights in Russia: Facts and Myths".

<sup>57</sup> Ibid.

<sup>58</sup> "Pussy Riot's tour of Sochi: arrests, protests – and whipping by Cossacks", The Guardian, 20 February 2014, <http://www.theguardian.com/music/2014/feb/20/pussy-riot-tour-of-sochi-protest-winter-olympics> (accessed 27.2.2014).

<sup>59</sup> "Russia: 'Foreign Agents' Law Hits Hundreds of NGOs".

<sup>60</sup> "Golos leader leaves Russia after suspension of operations", RFE/RL, 5 September 2013, <http://www.rferl.org/content/russia-golos-shibanova-leaving-russia/25096401.html> (accessed 9.3.2014).

<sup>61</sup> "Russia: 'Foreign Agents' Law Hits Hundreds of NGOs".

<sup>62</sup> Ibid.

The tough measures of the new human rights legislation have in general worsened working conditions for non-governmental organizations in Russia. Cooperation with their European counterparts or participation in networks similar to the EU-Russia Civil Society Forum could help Russian NGOs intensify their protests and criticism. On its website the Forum calls attention to the deterioration of human rights in Russia, denounces the persecution of certain Russian NGO's and demands the release of their imprisoned activists.<sup>63</sup> The statements of the Forum's Steering Committee and its conferences can be seen as the results of debate among many actors and should serve as a platform for further discussion.

## Recommendations

- The most serious problem of Russian federal legislation concerning human rights is probably its reliance on broad and unclear definitions and vague explanations of what kind of activities can be assessed as a criminal offense. In consequence, the new laws are open to misuse.
- Most of the legislation was designed to legally intimidate the activities of NGOs. Thus, NGOs need to learn how to comply with the laws and to avoid possible defeats in court – in short, to learn how to survive in the worsened conditions.
- All the legislation mentioned in this analysis was meant to weaken the credibility of non-governmental organizations, their activists, members of sexual minorities or simply supporters of the political opposition. The legislation treats them as those who break the law and work against the interests of Russia, or as opponents of the country's traditional values. Secondly, the new legislation attempts to deprive unwanted NGOs of foreign funding to render them unable to finance their projects.
- Large parts of Russian society support or at least don't oppose the controversial legislation adopted in recent years. Non-governmental organizations should devise a new communication strategy to present their activities and explain their positions to Russian citizens. In cooperation with international and foreign-based NGOs (for example through networks like the EU-Russia CSF) they could launch new educational projects in Russia concerning the issues of human and civic rights and freedoms or simply presenting practical results of the work of Russian NGOs.
- Foreign non-governmental organizations should always be prepared to express solidarity with their Russian colleagues. The only way to persuade politicians to talk about human rights with Russian officials is to hold discussions and information campaigns targeted at persuading the European authorities to take heed of the situation of the Russian non-profit sector and to assist Russian NGOs legally, financially, or with other available tools.
- The issue of human rights is an important element of the EU-Russia political dialogue, although the results of raising such questions in political debates are not easily measurable. Still, it is necessary to insist that these debates carry on and to seek a mutually acceptable balance between what can be called European democratic values and the need to preserve political and economic relations with Russia.

<sup>63</sup> "Statements by the Steering Committee, EU-Russia Civil Society Forum, <http://eu-russia-csf.org/home/publicnyje-zajavlenija/koordinacionnyi-sovet.html?L=1cHash%3Db32179fc0ad0773ee42265d7774acf6f> (accessed 9.3.2014).

## Barriers to and opportunities for cooperation between think tanks in the EU and Russia

PIOTR KAŹMIERKIEWICZ

Institute of Public Affairs

## Opportunities for Russian think tanks' engagement

In theory, domestic think tanks could fulfill a number of tasks vital to the democratic transition of Russia and to the country's opening to the West. Firstly, especially in the economic sphere, they could help improve public policies through reference to best international practices and an exchange of expert ideas. Secondly, setting the agenda for discussion and serving as neutral platforms for social and political debates, they might bring together advocates of widely disparate views, drawn from government administration, academia, civil society and the media. Finally, in the international sphere, Russian think tanks could be indispensable "intermediaries", providing evidence-based insight into Russian foreign policy and changes in the nation's public opinion.

For the European policy community prospects for partnership with Russian think tanks looked particularly appealing at the turn of the century. The EU's eastward enlargement brought the Union's frontier closer to Russia, and soon afterward the Union launched the Eastern Partnership program, open to all the countries lying between Russia and the EU. The two partners grew closer not only geographically but also appeared to be more and more interdependent through increasing economic ties as well as rising contacts between people. As Russia is the Union's third biggest trading partner, dominant energy provider and the country of origin of 40% of all short-term Schengen visa holders, ensuring its stability and facilitating systemic reforms was recognized as an EU policy priority. In fact, until early 2014 the level of cooperation across a number of policy areas seemed to be rising in a satisfactory manner, as noted in the most recent progress report for the bilateral Partnership for Modernization initiative, presented at the EU-Russia summit on 28 January 2014.<sup>1</sup>

Several areas of bilateral dialogue provided opportunities for engaging independent think tanks from both sides. Reflecting the primary role of economic cooperation, a broad range of technical issues on removing barriers to trade and investment has been at the center of attention, including approximation of technical standards in commerce and industry, exchange of practices in fiscal and monetary policy, cooperation in customs and facilitation of cross-border movement of goods. Resolving these technical issues has been of interest to both parties, as it could lead to mutually beneficial expansion of the volume of trade and investment. This could explain the relative openness of the Russian authorities to the involvement of independent policy analysts in the technical aspects of the trade regime and modernization of the Russian economy. This attitude is in line with

<sup>1</sup> Progress Report approved by the coordinators of the EU-Russia Partnership for Modernization for information to the EU-Russia Summit on 28 January 2014, available at: [http://eeas.europa.eu/russia/docs/eu\\_russia\\_progress\\_report\\_2014\\_en.pdf](http://eeas.europa.eu/russia/docs/eu_russia_progress_report_2014_en.pdf)

the approach taken by the authorities of some Eastern Partnership governments, such as Azerbaijan, which is selectively open to think tank expertise. Dialogue with think tanks is largely limited to the area of macroeconomic policy, where globally-renowned independent organizations such as the Center for Economic and Social Development and the Economic Research Center are recognized as sources of independent statistics and forecasts.<sup>2</sup>

### Comparing think tank strategies in Russia and the Eastern Partnership: visa issues

Another “win-win” issue where the involvement of think tanks, both from the EU and Russia, has been welcomed by all parties, including the Russian government, is the dialogue on facilitation of the visa regime. Inclusion of civil society actors in the debate is appreciated by both sides in the negotiations: the EU is interested in civil society’s monitoring of progress of necessary reforms and pressure toward maintaining momentum of the process while the Russian government may in turn find backing from civil society representatives for holding the EU accountable for assessing the actual progress that has been made and delivering on the promise of gradual easing of visa requirements. At the same time, unlike with technical aspects of economic cooperation, progress toward visa-free travel is of direct and tangible interest to Russian citizens. This fact was recognized in the mission statement of the EU-Russia Civil Society Forum, adopted in 2011, which considered easing the travel regime central to “people-to-people cooperation”, which in turn “has a key role (...) in the overcoming of dividing lines across Europe”. The link was reaffirmed in the foreword to the Forum’s monitoring report on the issue, released in September 2013, which stated that unless “barriers hampering cooperation and human connections”, such as visas for short-term travel, are eliminated, “reaching the Forum’s goals of building a common European continent based on common values is not possible”.<sup>3</sup>

The extent to which independent policy analysts could actually make a difference in the visa facilitation process is debatable, however. Certainly, when compared with other issue areas, this question generates significantly higher activity by think tanks, both within the Civil Society Forum and more broadly. Apart from issuing public statements in 2011 and 2012, the Forum produced two policy papers targeting participants of EU-Russia summits. In 2013 the Forum entered a new stage of policy dialogue with the EU and Russian authorities by setting up an expert group on visa issues. The group, comprising academics and independent analysts from Russia, Belgium, Germany and Poland, produced a study outlining the current legal framework for the visa regime as well as implementation issues and providing a comprehensive picture of practical problems faced by visa applicants. The monitoring report provided further evidence for the recommendations issued by the Forum’s steering committee earlier in 2013.<sup>4</sup>

This initiative deserves credit for citing evidence in support of policy recommendations, reliance on best practices from abroad and delivery of the message to the CSF summits. These have all been major signs of progress in the inclusion of independent analysts in policy advice. Nevertheless, when this process is contrasted with the achievements of think tanks in the Eastern Partnership countries, its limitations become evident. Unlike in Russia, where think tanks grouped in the Civil Society Forum delegated the task of analysis to academic experts, their counterparts managed to establish themselves directly as monitors of their governments’ compliance with EU technical requirements in the area of visa facilitation and liberalization. Think tanks in Eastern Partnership countries were able to perform such a role by achieving synergies among various initiatives with overlapping membership. First, a visa facilitation subgroup was created as part of Working Group 1 (“Democracy, human rights, good governance and stability”) of the Eastern Partnership Civil Society Forum. Its mission was defined in operational terms, with a clear view to exerting pressure on the key institutional stakeholders: the European Commission, EU member states and Eastern Partnership governments.<sup>5</sup>

Another difference in the advocacy strategy applied by Russian and Eastern Partnership think tanks is the latter’s coalition-building capacity. Several members of the visa facilitation group reached out to think tanks and advocacy groups in the EU to form the Coalition for the European Continent Undivided by Visa Barriers (Visa-Free Europe Coalition). The decision to invite partners from outside the Eastern Partnership region was grounded, in the words of the coalition’s mission statement, by a belief that this form of cooperation would demonstrate “wide international support for visa-free movement for Eastern neighbors”.<sup>6</sup> Importantly, apart from 18 organizations from the Eastern Partnership region, the membership includes 29 institutions from the EU as well as two from Russia. This demonstrates the appeal of a common cause to civil societies in various regions of Europe.

The coalition is also characterized by openness toward different types of organizations, bringing diverse assets, such as ability to carry out “research projects, advocacy and monitoring activities”. Among the various initiatives (statements, campaigns, events) a unique monitoring tool stands out: the Eastern Partnership Visa Liberalization Index, which enables all stakeholders to compare the progress of all the Partnership countries on the technical criteria of the process. Unlike the one-time report of the Expert Group in Russia, the index is compiled, supervised and updated by a permanent group of think tank experts in the Eastern Partnership countries using both desk research and consultations with officials of their governments.<sup>7</sup>

<sup>2</sup> <http://www.cesd.az>, <http://www.erc.az>

<sup>3</sup> Y. Dzhibladze, “Foreword: Why progress in the visa dialogue matters for civil society?” in: *EU-Russia Visa Facilitation and Liberalization: State of Play and Prospects for the Future*, EU-Russia Civil Society Forum, September 2013, available at: [http://eu-russia-csf.org/fileadmin/Policy\\_Papers/Others/Visa\\_Report\\_eng.pdf](http://eu-russia-csf.org/fileadmin/Policy_Papers/Others/Visa_Report_eng.pdf)

<sup>4</sup> Steering Committee of EU-Russia Civil Society Forum, “Recommendations on the process of facilitation and liberalisation of the visa regime between the European Union and the Russian Federation”, April 2013, available at: [http://www.eu-russia-csf.org/fileadmin/Policy\\_Papers/Others/CSF\\_Visa\\_policy\\_brief\\_April2013\\_eng\\_01.pdf](http://www.eu-russia-csf.org/fileadmin/Policy_Papers/Others/CSF_Visa_policy_brief_April2013_eng_01.pdf)

<sup>5</sup> The subgroup’s main goals are: “challenge the unwillingness of some governments of the EU Member States and the European Commission to share information related to questions of potential visa liberalisation for EaP countries; monitor the process of negotiations and implementation of introduced or prospective visa facilitation/liberalisation (VF/VL) dialogues and agreements; track the application of funding earmarked for VF/VL projects, and other similar activities.” See the website of the Visa-Free Europe Coalition for further information: <http://visa-free-europe.eu/about-us/csf-visa-subgroup/>

<sup>6</sup> <http://visa-free-europe.eu/about-us/mission/>

<sup>7</sup> Information on the index is available at: <http://monitoring.visa-free-europe.eu/>

## Barriers to Russian think tanks' influence

The success of the Visa-Free Europe Coalition, placing Eastern Partnership think tanks in the center of an ongoing process of monitoring the national governments' compliance with their own commitments, is not likely to be replicated in Russia. The effectiveness of Russian think tanks in promotion of good governance standards and assessing the performance of the Russian government has been severely hampered by a combination of two factors: low transparency of public administration and business activity combined with resistance to reform and the increasingly hostile environment in which independent policy institutes operate. The first tendency can be seen in the limited impact of the work of the EU-Russia Civil Society Forum in areas such as anti-corruption, public oversight of government decisions and reform of the bureaucratic apparatus. The second trend can be illustrated by reference to several government initiatives that seriously limit the opportunities for Russian think tanks' cooperation with foreign partners.

It is noteworthy that almost all the think tanks working within the framework of the EU-Russia Civil Society Forum chose to join the "Democratic Structures and Processes" working group. The group's areas of interest include government accountability to the public, civilian control over the police and security forces and anti-corruption strategies.<sup>8</sup> Unlike the question of visas, all these issues are highly sensitive for the government and NGOs are likely to take an adversarial position vis-à-vis the authorities. The original strategy of the Working Group, adopted in 2011, envisioned *inter alia* surveying the existing regulations and programs in the EU and Russia with a view to suggesting appropriate legislative changes and developing joint projects with the EU.<sup>9</sup> The first recommendations report, however, shifted the emphasis from a transfer of rules and procedures to note a deeper problem: insufficient access to information on government decisions for civil society organizations, whose representatives "meet systematic ungrounded restrictions to official information of social significance".<sup>10</sup> Its recommendations were largely reiterated a year later in a report to the 2012 summit in St. Petersburg, which could indicate that little progress was achieved in the meantime.<sup>11</sup> Both documents concluded that mere pressure from civil society on authorities to provide access to relevant information, and by extension to the decision-making process, is "surely insufficient". Instead, they recognized that officials crucially need "long political will" in order to realize the value of transparency and accountability of the state to effective governance.

However, the progress of dialogue with the authorities on governance reform has been impeded by the weak position of think tanks in Russia, which only deteriorated as a result of unfavorable changes in legislation in recent years. Assessing the position of Russian think tanks in 2004, Jessica Tuchman Mathews of Carnegie noted "a number

of constraints [that] continue to hinder the development of the policy research sector". First, the level of financing (whether from the state or business) was insufficient and when available, it often was conditional on delivering results in line with political or business interests. Second, low prestige of research and "strained relationship with academia" reduced the flow of fresh talent to think tanks. Finally and most ominously, Tuchman Mathews noted that "the present government invites very little outside consultation and interaction on policy matters", leaving very few channels of actual communication between experts and policy-makers.<sup>12</sup>

It would appear that one area in which the Russian government would be open to independent advice would be management of the national economy. This should be particularly so in light of the fact that some of the most prestigious think tanks in Russia are economic institutes. The 1990s and early 2000s indeed demonstrated some notable examples of independent analysts having an impact on Russia's economic policy-making: from the reform program of Yegor Gaidar's cabinet to the economic agenda of Minister German Gref in Vladimir Putin's first cabinet in 2000. A number of influential think tanks were established in the early 2000s when in the renowned economist, Anders Aslund's evaluation,

Moscow probably had the best economic think tanks in the world outside the U.S. They were freer, livelier, and more significant than the predominantly state-controlled or underfinanced private think tanks in Europe.<sup>13</sup>

Aslund argues that the decline of Russian economic think tanks was a result of deliberate state policy consistently pursued by the authorities since 2003. He lists four key elements of this policy, which were introduced gradually. The first two were carried out in 2003–2005, cutting off first financing by big business and then orders for policy analysis from the government. They were the arrest of Mikhail Khodorkovsky, the head of the Open Russia Foundation, which had become a model for other business tycoons financing economic research, and then the loss of demand for independent advice associated with the termination of reforms in the wake of a rise in oil and gas prices. These fundamental negative changes in the working environment of economic think tanks were followed by two legal measures that constituted direct threats to the survival of the civil society sector as a whole. The law on nongovernmental organizations of January 2006 increased the bureaucratic burden, making non-state actors vulnerable to tax audits, while the 2012 law on "foreign agents" practically forced many think tanks to discontinue receiving funding from abroad for fear of losing domestic public financing.<sup>14</sup> Apart from limiting the funding base for independent organizations, the new laws contributed to the existing negative image of foreign-funded organizations as representatives of external interests. As Civil Society Forum members Fraser Cameron and Orysia Lutsevych noted in their policy brief, "many Russians agree that Russian human rights groups should not receive funding from abroad and believe that by receiving Western funding such groups try to influence Russia's internal policy".<sup>15</sup>

<sup>8</sup> <http://visa-free-europe.eu/>

<sup>9</sup> [http://eu-russia-csf.org/fileadmin/Policy\\_Papers/Policy\\_Paper\\_Prague/WG\\_Democratic\\_Structures\\_and\\_Processes\\_Report\\_Prague\\_eng.pdf](http://eu-russia-csf.org/fileadmin/Policy_Papers/Policy_Paper_Prague/WG_Democratic_Structures_and_Processes_Report_Prague_eng.pdf)

<sup>10</sup> Working Group Democratic Structures and Processes, "Proposals on Increasing Transparency and Accountability in Activities of Government Bodies of Local Self-Government", Policy Paper, EU-Russia Civil Society Forum, Warsaw, 2 December 2011, available at: [http://eu-russia-csf.org/fileadmin/Policy\\_Papers/Policy\\_Papers\\_Warsaw/PPWG4\\_transparency\\_eng.pdf](http://eu-russia-csf.org/fileadmin/Policy_Papers/Policy_Papers_Warsaw/PPWG4_transparency_eng.pdf)

<sup>11</sup> Working Group Democratic Structures and Processes, "Proposals on Increasing the Transparency and Accountability of National Governmental Authorities and Local Self-Governments", Policy Paper, EU-Russia Civil Society Forum, St. Petersburg, 10 October 2012, available at: [http://eu-russia-csf.org/fileadmin/Policy\\_Papers/Policy\\_Paper\\_Stp/Policy\\_Paper-WG4-Transparency\\_eng.pdf](http://eu-russia-csf.org/fileadmin/Policy_Papers/Policy_Paper_Stp/Policy_Paper-WG4-Transparency_eng.pdf)

<sup>12</sup> Jessica Tuchman Mathews, "Russian Think Tanks", available at: <http://carnegieendowment.org/2004/02/16/russian-think-tanks/mux>

<sup>13</sup> Anders Aslund, "Rise and Fall of Russia's Economic Think Tanks", *Moscow Times*, 19 December 2012, available at: <http://www.themoscowtimes.com/opinion/article/rise-and-fall-of-russias-economic-think-tanks/473265.html>

<sup>14</sup> Aslund, *op. cit.*

<sup>15</sup> Fraser Cameron and Orysia Lutsevych, "Russian Civil Society Under Threat – How to Respond?", EU-Russia Civil Society Forum, Policy Brief, 4 June 2013, available at: [http://eu-russia-csf.org/fileadmin/Policy\\_Papers/Others/Policy\\_brief\\_Four\\_final4.6.13.pdf](http://eu-russia-csf.org/fileadmin/Policy_Papers/Others/Policy_brief_Four_final4.6.13.pdf)

The state policy has forced many analysts out of independent think tanks back into academia, and it is not surprising that much analytical work is carried out in liberal educational institutions. However, as the next section will show, the growing polarization of discourse in relations between the EU (and the West in general) and Russia puts limits on freedom of expression even in those enclaves of free thought.

## Prospects for the future

The growing rift between the EU and Russia in the wake of the Crimean crisis is likely to widen the gap between think tanks from the two sides. This will be seen both with regard to foreign-policy think tanks, whether Western- or Kremlin-oriented, and to research institutions working on domestic issues of government transparency, political and human rights. With the onset of a “second Cold War” (the term used by Dmitri Trenin of Carnegie Moscow), we may expect a polarization of positions with further consolidation of the national consensus on Russia's relations with the West among the majority of domestic analysts, generally supportive of the Kremlin line. On the other hand, the combination of rising criticism of Russian actions by European governments and civil society actors (including donors and think tanks) and a rise in anti-Western sentiment in the Russian public may further limit the appeal of the pro-European think tanks in Russia.

Two examples can be given for the foreign policy field. At the second European conference of think tanks that was organized by the Penn Program in March 2014, a heated debate between representatives of Russian and Ukrainian think tanks took place. While a Ukrainian participant argued the “necessity of demilitarization and a legal solution regarding Crimea” indicating “that Russia had undermined Ukrainian sovereignty”, his Russian counterparts disagreed, suggesting that the conflict was part of a broader confrontation with the European Union. They repeated the arguments made earlier by analysts supportive of the Putin line of policy that the conflict had originated already in the 1990s when the West adopted a policy of containment out of “obsessive fear of the creation of a new Russian empire”.<sup>16</sup>

Another instance of the increasing difficulties in transcending the re-emerging East-West divide was the decision taken by the MGIMO state-funded institute on 24 March 2014 to fire the renowned historian Andrey Zubov. The reason for Zubov's termination was his article in which he compared the annexation of Crimea into the Russian Federation to Austria's takeover by Nazi Germany. In a statement on the subject the MGIMO administration considered Zubov's position, expressed in interviews and articles, “as going against Russia's line on the international scene, subjecting state actions to ill-considered and irresponsible critique and damaging the educational process”.<sup>17</sup> The fact that a top Russian university-affiliated think tank (ranked 4<sup>th</sup> in Europe and 10<sup>th</sup> globally according to McGann's ranking)<sup>18</sup> would

take administrative measures to eliminate dissent in its ranks is a potent warning not only to its own staff but also to other analysts at Russian state-funded think tanks not to adopt an independent position.

In turn, independent institutions, already under pressure to reduce their funding from the EU, are concerned that their precarious position may be further jeopardized if the conflict between the West and Russia escalates. Representatives of two Russian think tanks that are generally considered pro-Western (the Carnegie Moscow center and the Levada Center) expressed anxiety as to whether they would be allowed to continue their activities involving foreign partners.<sup>19</sup> In the short term, in their view, the conditions of cooperation will largely depend on the course of policy adopted by the Russian authorities and as a consequence on the EU's and its members' decision to scale down joint initiatives with Russian partners. They were also rather pessimistic about the role that Russian think tanks could play as “intermediaries” between public opinion in the EU and Russia, noting the barrier of the rise of anti-Western and xenophobic discourse in Russian society as it rallies behind Putin's assertive foreign policy.

## Conclusions

The current developments present a number of challenges to cooperation with Russian think tanks:

- The immediate victim of the conflict with Ukraine will be collaboration between think tanks in Russia and in the neighboring European countries, whether in the Eastern Partnership region or members of the EU. As Russian think tanks are facing increasing difficulties in articulating a position on foreign policy different from that promoted by the government and mainstream media, their counterparts in neighboring countries are losing common ground on which to discuss regionally-relevant issues. Their function as an “alternative voice” countering radical rhetoric is particularly essential to resolution of the conflict that may spill over from state-to-state relations to the level of communication between societies. However, for this to happen, the EU would have to come up with a financing scheme for projects involving Russian and Eastern Partnership civil society actors, which so far has been lacking.<sup>20</sup> Possible areas for cooperation with partners from Eastern Partnership countries could include cross-border cooperation, reducing barriers to mobility and post-conflict resolution.
- In the short to medium term it is unrealistic to expect that Russian think tanks will take the initiative in either communicating values of an open society, democratic standards and human rights to the domestic public or seeking to impart European standards to Russian public administration, especially in the sensitive areas of internal security, diplomacy and the political system. These crucial tasks, advocated in part by the members of the EU-Russia Civil Society Forum, will need to be carried out by international foundations, branches of international nongovernmental organizations (in particular, watchdog bodies) and the EU itself. Transfer of European experience will be still possible, but in a limited number

<sup>16</sup> “Penn Think Tank program organizes European think tank conference”, *Daily Pennsylvanian*, 20 March 2014, available at: <http://www.thedp.com/article/2014/03/european-summit-addresses-ukrainian-crisis>

<sup>17</sup> “Rosja. Profesor Zubow usunięty z MGIMO za krytykę polityki Putina”, *Gazeta Wyborcza*, 24 March 2014, available at: [http://wyborcza.pl/1,91446,15678831,Rosja\\_Profesor\\_Zubow\\_usuniety\\_z\\_MGIMO\\_za\\_krytyke.html](http://wyborcza.pl/1,91446,15678831,Rosja_Profesor_Zubow_usuniety_z_MGIMO_za_krytyke.html)

<sup>18</sup> Tabke 38 “Best University Affiliated Think Tanks” in: J. McGann, 2023 *Global Go To Think Tank Index Report*, Think Tanks and Civil Societies Program, University of Pennsylvania: Philadelphia, 22 January 2014, p. 90, available at: <http://gotothinktank.com/dev1/wp-content/uploads/2014/01/GoToReport2013.pdf>

<sup>19</sup> Interviews with Gudkov and Lippmann, Moscow, 20 March 2014.

<sup>20</sup> Interview with Stefanie Schiffer, Kiev, 25 March 2014.

of fields (such as technical environmental or economic standards) or where the foreign partner takes the lead (organizing study visits or supplying its own expert personnel).<sup>21</sup> This would serve to limit the visibility of a Russian entity's involvement and consequently reduce the negative backlash from the authorities.

- Paradoxically, in the new stage of EU-Russia relations, while the role of think tanks as intermediaries in a dialogue between societies will diminish temporarily, it is likely to increase in the capacity of analysts of government policy. "Reading the mind" of Russian policy-makers is becoming a top priority in a new phase of relations characterized by lower trust and fewer direct contacts. Thus, European think tanks are likely to seek opportunities to exchange views with their Russian counterparts at conferences, expert seminars and through study visits. Such events could help build trust, establish a shared vision of strategic problems and eventually lead to joint initiatives.

## Russia and the EU: Perspectives on a Counter-Terrorism Strategy

VÁCLAV LÍDL

Association for International Affairs

### Introduction

A serious alienation between the European Union and Russia has emerged in the last few months. This is especially seen in the divergent opinions of both parties regarding the post-Arab Spring developments in the Middle East and also over the escalation of the Ukrainian crisis, which heralds the inevitable clash between European and Eurasian ideological concepts of integration and values. As Grigory Yavlinsky points out in his recent article for the Russian daily *Vedomosti*, there is no room for choice between European and Eurasian models of development.<sup>1</sup> The Eurasian model was already exhausted during the Communist period and simply does not represent a viable option any more. Russia has one real choice, Europeanization. Ukraine is already moving in this direction and even though Russia's elites are endeavouring to impede this process, they will have to follow sooner or later.<sup>2</sup>

This paper recommends the deepening of mutual cooperation in the struggle against international terrorism as a way to bring Russia closer to the EU and to reset relations after the Crimean crisis. Terrorism represents a serious threat to the core values that are common to both the EU and Russia. Moreover, because this field of cooperation is strongly depoliticized, it could easily build a firm basis for deeper cooperation in other areas. Above all, the menace of terrorism is far more dangerous to Moscow and thus the cooperation with the EU is in its best interest. From the EU's perspective, although it has advanced a policy of creating a stable and secure neighbourhood, it must first understand that not every security threat can be solved in the framework of the NATO alliance. Secondly, it has to understand that any reset of relations with Russia has to start with the security questions which are of paramount importance for Moscow. It will be possible to open debate on other aspects of joint cooperation only when Moscow feels secure. Unfortunately, the topic of human and civil rights may have to be taken up toward the end of these discussions. The most important duty for the rulers of Russia in the past several centuries was to safeguard their country and those old habits die hard.

This short study will focus first on the hotbeds of potential terrorist threats for Russia in the North Caucasus, Afghanistan, Syria and Iraq, because the deteriorating security situation on the margins of the post-Soviet area could represent a major incentive for Russia's cooperation with the EU. Next, possible scenarios of cooperation will be elaborated. Finally, key recommendations will be given.

<sup>1</sup> Grigory Yavlinsky, "Rossija sozdaet vokrug sebja pojas nestabilnosti," *Vedomosti*, February 27, 2014.

<sup>2</sup> Ibid.

<sup>21</sup> Interview with Jeff Lovitt, Prague, 22 March 2014.

## Deteriorating security situation in Russia

According to the U.S. Department of State, at least 182 terrorist attacks occurred in Russia during 2012. In the course of these attacks 659 people were killed and 490 injured.<sup>3</sup> Almost half of the attacks targeted law enforcement, security services and emergency responders. The majority of attacks in 2012 took place in the North Caucasus such as the bomb attacks near a police station in Makhachkala in May. Several attacks were carried out outside this region, for instance the bombings in Tatarstan in July. The rise of radical Islam amongst Russia's 9.4 million Muslims threatens the foundations of the Russian Federation.<sup>4</sup> Moreover, radical Islamist or terrorist organizations such as the Caucasus Emirate are expanding their influence and membership. Several cases of ethnic Russian suicide bombers have recently been recorded. It is estimated that there are already more than 7,000 ethnic Russian Muslims in the Russian Federation. Furthermore, there is a much higher percentage of terrorists in this group than for instance amongst Russia's Tatars. For example, the attack on Volgograd's trolleybus in the end of 2013 was likely carried out by a man of ethnic Russian origin. It is obvious that ethnic Russians have easier access to sensitive areas and facilities and thus could be more dangerous.<sup>5</sup>

In comparison, 219 terrorist attacks were carried out in the EU in 2012, according to Europol. However, only 17 people died as a result. The most prominent attacks were connected with religious extremism such as the religiously inspired solo terrorist who shot and killed seven people in France.<sup>6</sup> The number of terrorist attacks in the EU rose in 2012 by almost a third over the previous year, owing chiefly to the fact that the conflicts in Mali and Syria provided potential breeding grounds for militants.<sup>7</sup> Nevertheless, it is clear that terrorism in the EU does not represent a threat of the same magnitude as in Russia. Notwithstanding, both the European Commission and Europol consider the struggle with terrorism as one of their most important tasks.

Sooner or later, Russia will become unable to manage the radical Islamist threat on its own and it should thus consider deepening its counter-terrorism cooperation with the EU and other partners such as the Shanghai Cooperation Organization (SCO) countries. The Russian government established the National Anti-Terrorist Coordinating Centre in 2006 as the principal government coordination body for response to terrorist threats. The government also plans to improve the socio-economic situation in the North Caucasus by providing \$81 billion to the region by 2025. It is estimated that approximately 90 percent of this financial help will be sourced from Russian private companies.<sup>8</sup> However, this might still not be enough.

Cooperation with the EU should not take place only on the inter-governmental level. On the contrary, it should be accompanied by the work of NGOs, likely under the aegis of the EU-Russia Civil Society Forum. The NGOs could contribute to building trust between the EU and Russia and focus on the agenda of human rights that would be ill-fated if voiced too quickly on the intergovernmental level. Starting with the

outbreak of the Second Chechen War in 1999 Russia has pushed international NGOs and other organizations out of the North Caucasus claiming that they were undermining Russia's territorial integrity and aiding insurgents. This step had, however, an opposite effect as a rise in insurgency followed.<sup>9</sup> Hence, the full return of some Western NGOs such as Amnesty International or Human Rights Watch to the region and closer cooperation with the EU might partially remedy the deteriorating security situation.

## The Caucasus Emirate

The terrorist attacks in Volgograd carried out on the eve of New Year's celebrations in 2013 revealed the weaknesses and unpreparedness of Russia's intelligence and security services. Russia's capability to successfully fight the terrorist threat is in question. These attacks were likely organized by people connected with the Caucasus Emirate (CE). This radical Islamist organization aims at the creation of an independent Islamic state under the rule of *sharia* law in the North Caucasus. The CE was proclaimed in October 2007 as a successor to the Chechen Republic of Ichkeria.<sup>10</sup> Both Russia and the U.S. consider the CE to be a terrorist organization. In July 2011 the UN Security Council added the CE to the list of entities associated with Al-Qaeda. The CE is held responsible for a number of terrorist attacks, including the Moscow metro bombings in March 2010, the bomb attack at Moscow's Domodedovo Airport in January 2011 and the Boston Marathon bombings in April 2013. The territory claimed by this self-proclaimed virtual state entity encompasses the entire North Caucasus, namely Chechnya, Ingushetia, North Ossetia, Adygea, Krasnodar Krai, Kabardino-Balkaria, Karachay-Cherkessia and Stavropol Krai. The organization structure is divided into several *vilayats*, each consisting of multiple fronts or sectors. Finally each sector comprises several *jammats* or units. Emir Doku Umarov, the leader of the Caucasus Emirate, is also considered to be the founder of this jihadist organization.<sup>11</sup> There is no comparable organization in the EU regarding the extent of its aims, military potential or ideological vindication. Nonetheless, a similar group could be established on the territory of the EU and thus providing assistance to Russia could bring the EU invaluable experience.

Doku Umarov changed the strategy of the CE after the wave of anti-regime protests in Russia in 2011. He declared a moratorium on attacks on Russia's cities and "civilians". However, this moratorium was cancelled prior to the Sochi Winter Olympic Games. On 2 July 2013 Umarov called on members of the CE and radical Islamists in Bashkortostan and Tatarstan to stop the Sochi Games from taking place.<sup>12</sup> The CE has allegedly also changed its operational strategy in the past five years. It began to use suicide bombers and became much more decentralized.<sup>13</sup> At the end of 2013 Chechen President Ramzan Kadyrov posted on his Instagram profile that Doku Umarov had been killed.<sup>14</sup> His supposed death, however, seems to have had little influence on

<sup>3</sup> "Country reports on terrorism 2012 – U.S. Department of State," last modified February 28, 2014, <http://www.state.gov/j/ct/rls/crt/2012>.

<sup>4</sup> Ibid.

<sup>5</sup> Emil Souleimanov, "Volgograd bombings demonstrate the inability of Russia's security services," CACI Analyst, January 8, 2014.

<sup>6</sup> "Rise in terrorist attacks in Europe in 2012 – Europol," last modified February 28, 2014.

<sup>7</sup> "Terror attacks in Europe rise by a quarter as EU citizens fight in Syria – Europol," last modified February 28, 2014.

<sup>8</sup> "State programme: North Caucasus Federal District Development to 2025," last modified February 28, 2014, <http://government.ru/en/docs/7303>.

<sup>9</sup> Valery Dzutsev, "Russia unlikely to change policies in North Caucasus after Boston bombing," CACI Analyst, May 15, 2013.

<sup>10</sup> Gordon M. Hahn, "Getting the Caucasus Emirate Right" (Washington: Center for Strategic and International Studies, 2011).

<sup>11</sup> Ibid.

<sup>12</sup> Emil Souleimanov, "Volgograd bombings demonstrate the inability of Russia's security services."

<sup>13</sup> "Ethnic Russians recruits to insurgency pose new threat before Olympics," last modified February 28, 2014, <http://in.reuters.com/article/2014/01/01/russia-blast-caucasus-idINDEEA0004X20140101>.

<sup>14</sup> "The nine lives of 'Russia's Bin Laden,'" last modified February 28, 2014, [http://blog.foreignpolicy.com/posts/2014/01/19/the\\_nine\\_lives\\_of\\_russias\\_bin\\_laden](http://blog.foreignpolicy.com/posts/2014/01/19/the_nine_lives_of_russias_bin_laden).

the operational capacity of the CE. This was proved by three terrorist attacks in the Volgograd region at the end of 2013 despite several successful counter-terrorism operations in the North Caucasus. Volgograd was not the only planned location of attacks. Russian security services reportedly averted other attempted attacks in Rostov-on-Don and Krasnodar. Nonetheless, they utterly failed in the case of the Volgograd bombings. After the 29 December bombing at the Volgograd train station a spectacular counter-terrorism operation was launched. Security forces checked more than 6,000 buildings and detained 700 people. However, the terrorists successfully executed a second attack in a trolleybus the next day.<sup>15</sup> This questions the ability of Russia's intelligence and security services. The second attack occurred in the same city within less than 24 hours despite the massive security operation. Most tellingly of all, a previous suicide bombing had hit Volgograd in October, and in all three cases the suspected bombers were known to Russian secret services who sought to monitor their activity.<sup>16</sup> Nevertheless, they proved unable to trace the suspects' location and to anticipate the bombings.

Volgograd was chosen probably because it is considered a gateway to the North Caucasus and a symbol of the victory in the Second World War. Moreover, it is far easier to get from Dagestan or Chechnya to Volgograd than to Rostov-on-Don because there are not so many internal borders on the way. Above all, the socio-economic situation of the Volgograd region was rated the worst in Russia according to the Rating of social well-being of Russia's regions in the previous year.<sup>17</sup> Paradoxically, the poor socio-economic situation in the region and Moscow's unwillingness to show its own weakness regarding the poor state of its security and intelligence services may hinder any sensible counter-terrorism cooperation with the EU. Russia's negative bias against Western NGOs could play a significant role as well. International NGOs are perceived by Russian politicians as extensions of a Western campaign against Russia's interests. Unless Moscow ceases to consider them to be "Western agents" their work will be significantly hindered despite their avowed chief aim of helping Russia.

## Spill-over of terrorist activities

Five years after the official termination of the counter-terrorism operation in Chechnya, radical Islamists continue to expand their activities into other Muslim regions of the Russian Federation. The revelation that the suspected perpetrators of the Boston Marathon bombings in April 2013 had clear connections with North Caucasus radical Islamists shows that the North Caucasus insurgency can no longer be considered as exclusively Russia's internal problem. There are also hundreds of radical Islamists from Russia in the ranks of the Free Syrian Army and in central and northern Iraq.<sup>18</sup> Moscow's continuous support for Shia Muslim regimes in Syria and Iran led hundreds of its own Sunni Muslims to leave Russia and join the fighting either in Syria or elsewhere in the Arab world. As soon as the civil war in Syria ends, these seasoned fighters could return to Russia to resume their struggle with

"infidels". Moreover, these radical Islamists are backed by the Sunni powers of the Persian Gulf that oppose Russia's foreign policy in the region.<sup>19</sup>

Chechen President Ramzan Kadyrov first admitted that Chechens had taken part in the Syrian Civil War on the side of the Free Syrian Army in July 2013, reversing his previous vociferous denial of any Chechen participation in the conflict. Leaders of the North Caucasus insurgency such as Doku Umarov were at first categorically against any involvement of their subordinates in Syria. However, they gradually changed their minds. For one thing, they began to perceive involvement in Syria as a preparation for the "real" struggle against Vladimir Putin's regime. Secondly, they were angered by Moscow's unequivocal support for Bashar al-Assad's regime because of its Shia Muslim character. Almost all North Caucasian Muslims are Sunnis. Hundreds of fighters from the North Caucasus, most from Chechnya and Dagestan, are in Syria along with nationals of Central Asia, especially Tajiks and Uzbeks and also Muslims from the Volga-Ural region and Azerbaijan.<sup>20</sup>

The Kremlin seems oblivious to the threat that sooner or later these jihadists will return to Russia. An added complication is the coming withdrawal of the NATO-led ISAF mission from Afghanistan at the end of 2014. North Caucasian jihadists could travel to Iraq and Afghanistan and hence undermine the U.S.-sponsored regimes. Moscow was probably content with their absence at the time of the Sochi Winter Olympics but this approach might soon prove to be short-sighted. To take one instance, the attacks in Volgograd were partly planned by North Caucasus jihadists with bases in northern Iraq.<sup>21</sup> For another, the North Caucasian insurgents have found new ideological allies in the Persian Gulf thanks to their engagement in Syria. They have common foes in the form of Shia Muslim regimes in Syria and Iran that are backed by Russia. Hence, the civil war in Syria is a blessing for the North Caucasus jihadists since they can "train" their troops there and make contact with valuable allies from the Persian Gulf.

Afghanistan after the withdrawal of the ISAF represents both threat and opportunity for the Central Asian region as well as for the reset of relations between Russia, NATO and the EU. Russia has proved to be NATO's valuable partner in the Afghanistan conflict. It made possible the establishment of the Northern Distribution Network that supplies ISAF forces from Europe.<sup>22</sup> This notwithstanding, Russia and NATO have to find common ground in Afghanistan after 2014 because Moscow will not be able simply to stop radical Islamists from Afghanistan on its own. The spill-over of militants from Afghanistan to Central Asia and consequently to Russia proper represents one of the most appalling scenarios for Kremlin policy-makers. This possible development has to be seen also in the context of the increased threat from radical Islam in the North Caucasus, Tatarstan and Bashkortostan.

Moscow views the departure of NATO from Afghanistan with a mixture of concern and enthusiasm. On one hand, the withdrawal of the U.S.-led force from Afghanistan will enable Russia to boost its influence in Central Asia. In July 2014 U.S. troops will leave the airbase in Manas, Kyrgyzstan – the last U.S. military base in Central Asia.<sup>23</sup> Manas

<sup>15</sup> "Russia is losing against radical Islam," last modified February 28, 2014, <http://www.usatoday.com/story/opinion/2014/01/08/russia-suicide-bombings-sochi-olympics-column/4345829/>?

<sup>16</sup> Emil Souleimanov, "Volgograd bombings demonstrate the inability of Russia's security services."

<sup>17</sup> "Rejting regionov po kachestvu zhizni," last modified February 28, 2014, [http://ria.ru/trend/regions\\_rating\\_17122013/](http://ria.ru/trend/regions_rating_17122013/).

<sup>18</sup> "Otvetstvennost za vzryv v Volggrade vzjala na sebja irakskaja bandgruppa," last modified February 28, 2014, <http://www.novayagazeta.ru/news/284076.html>.

<sup>19</sup> Emil Souleimanov, "North Caucasian fighters join Syrian civil war," CACI Analyst, August 21, 2013.

<sup>20</sup> Ibid.

<sup>21</sup> "Otvetstvennost za vzryv v Volggrade vzjala na sebja irakskaja bandgruppa."

<sup>22</sup> "Northern Distribution Network," last modified February 28, 2014, <https://csis.org/program/northern-distribution-network-ndn>

<sup>23</sup> Jacob Zenn, "What options for U.S. influence in Central Asia after Manas?" CACI Analyst, June 3, 2013.

became pivotal to the NATO presence in Afghanistan after the closure of the U.S. airbase in Karshi Khanabad, Uzbekistan in 2005 as the West reacted to the Andijan massacre. After July 2014 NATO will have only two smaller bases in Central Asia – Germany's in Termez, Uzbekistan and France's near Dushanbe, Tajikistan. On the other hand, Moscow is well aware that if the Kabul regime falls into Islamist hands, it might not be able to deal with this threat on its own.<sup>24</sup>

According to Uzbekistani political scientist Murod Ismailov, there are three possible scenarios for post-2014 Afghanistan.<sup>25</sup> The best-case scenario reckons with internal splits in the Taliban leading to the presence of moderate Talibanis in Afghanistan's government. Second, the "business as usual" scenario assumes that Kabul's government will have to resume the armed struggle with Islamic insurgents on its own. Third, the worst-case scenario would be the fall of Kabul under the Taliban's sway. In this case Russia will have to step in and offer security guarantees to its southern neighbours and allies in the Collective Security Treaty Organization (CSTO). However, it is doubtful whether the CSTO will be able to contain the flow of radical Islamists from Afghanistan.<sup>26</sup> In particular, the Ferghana Valley of Tajikistan and Uzbekistan could become a new hotbed for the rise of radical Islam in the region. Both Tajikistan and the Ferghana Valley were at least briefly under control of radical Islamists in the beginning of the 1990s. Besides, Russia is the largest consumer of narcotics in the world with 2.5 million drug addicts and Afghanistan is the biggest world exporter of opiates since 2000. It was the export of opiates that enabled the Taliban to resurrect itself after the U.S. invasion in late 2001.<sup>27</sup>

### The blurred perspective of cooperation

The Partnership and Cooperation Agreement between the EU and Russia entered into force in 1997 and since that time has constituted a legally binding framework for bilateral cooperation. The Road Map for the Common Space on Freedom, Security and Justice that was launched in 2005 has so far been the principal document to set out the EU-Russia security agenda, regardless of its non-legally binding nature.<sup>28</sup> The proposed new EU-Russia agreement could be the first legally binding framework for security cooperation between the EU and Russia.<sup>29</sup> Nonetheless, it remains in question if this agreement will be concluded in the short term. The same holds true for the finalization of the working agreement with Europol and Eurojust. This agreement would be important for the broadening of cooperation on counter-terrorism. However, the EU will not sign it unless Russia sets up an independent body to monitor information exchange.<sup>30</sup> There are five priority areas for enhancing EU-Russia cooperation and the fight against terrorism is amongst them.<sup>31</sup> However, any sensible coopera-

tion between the EU and Russia or the CSTO in this field will be possible only when Moscow is able to consider counter-terrorism as the sole aim, regardless of political context.

Since the beginning of this millennium Moscow's authoritarian regime has legitimized its existence by promoting internal stability and increasing living standards. According to many Russian economists such as Alexei Kudrin, the economy based on export of hydrocarbons is untenable because of the shale gas revolution.<sup>32</sup> This means that the living standards of ordinary Russians might soon deteriorate along with the security situation in the country. Hence, Putin's regime returns to the legitimization of its existence through foreign policy achievements as visible during the annexation of Crimea. Moscow will likely launch a more aggressive approach to the West that would decrease any possible cooperation with the EU on counter-terrorism. In May 2013 Vladimir Putin claimed that the West had failed in its attempt to destroy the Taliban and that the Afghan army is too weak to manage this threat itself. According to Putin, this is one of the principal reasons why integration under the auspices of the CSTO should be deepened.<sup>33</sup>

Moscow aspires to become the principal security guarantor in the post-Soviet area. Its two most important tools in this endeavour are the CSTO and the SCO. Both organizations focus on the struggle with terrorism, yet their cooperation with the EU and NATO in this field is extremely weak. This is true partly because the SCO was designed by Russia and China as a major tool to diminish the U.S. presence in broader Central Asia after 9/11. In addition, NATO is not willing to accept the CSTO as its equal because of the possible political consequences of this step. This situation, however, opens manoeuvring space for the EU. According to Russian political scientist Lilia Shevtsova, Putin's regime first revealed its neo-imperial ambitions during the Russo-Georgian War in August 2008. However, only the annexation of Crimea showed to the international community the actual dimensions of Vladimir Putin's ambitions. Moscow clearly showed that it will not tolerate Western influence or even presence in what it considers as its sphere of influence.<sup>34</sup> Many supporters of the current regime such as political scientist Sergei Karaganov believe that Russia can become a global power only after it gains regional power status.<sup>35</sup>

That does not leave much space to the initiatives of the EU. However, as was shown in this paper, the deteriorating security situation in the North Caucasus and other regions of the Russian Federation could change this. Intergovernmental cooperation on counter-terrorism has to unconditionally precede cooperation on the NGO level in order to gain Russia's trust. Nonetheless, cooperation on counter-terrorism between the EU and Russia represents the best option for the reset of mutual relations if there any reset is possible in the near future. In the first place, such cooperation is highly depoliticized and therefore could be easily implemented. Second, both parties have a paramount interest in increasing mutual cooperation in this field. Finally, this cooperation and its successful implementation could in the end persuade Russia's policy makers that the strategy of building their own Eurasian

<sup>24</sup> Richard Weitz, "NATO in Afghanistan – Paralysis as policy?" CACI Analyst, October 30, 2013.

<sup>25</sup> Murod Ismailov, "Post-2014 Afghanistan: A security dilemma for its northern neighbors," CACI Analyst, May 9, 2012.

<sup>26</sup> Ibid.

<sup>27</sup> "Russia fights addiction to Afghan heroin," last modified February 28, 2014, <http://www.themoscowtimes.com/news/article/russia-fights-addiction-to-afghan-heroin/480593.html>.

<sup>28</sup> Raul Hernandez i Sagrera and Olga Potemkina, *Russia and the Common Space on Freedom, Security and Justice* (Brussels: Centre for European Policy Studies, 2013).

<sup>29</sup> Rossiya – Evropejskij sojuz: vozmozhnosti partnerstva. (Moscow: Rossijskij sovet po mezhdunarodnym delam, 2013).

<sup>30</sup> Irina Bushigina, *Analysis of EU-Russia Relations* (Moscow: MGIMO University, 2012).

<sup>31</sup> Ibid.

<sup>32</sup> "Kudrin – On the money," last modified February 28, 2014, <http://vostokcable.wordpress.com/2013/04/16/kudrin-on-the-money/>.

<sup>33</sup> "Putin slams ISAF for turning blind eye to Afghanistan drug production," last modified February 28, 2014, <http://rt.com/news/putin-terrorism-threats-radical-ism-001/>.

<sup>34</sup> Lilia Shevtsova, "Putin's attempt to recreate the Soviet empire is futile," last modified February 28, 2014, <http://www.ft.com/intl/cms/s/0/c7ed1c04-76f6-11e3-807e-00144feabdc0.html>.

<sup>35</sup> Sergey Karaganov, "Aziatskaja strategija," last modified February 28, 2014, <http://www.rg.ru/2011/06/17/karaganov.html>.

security zone lacks merit and that it would be more sensible to create one common European security zone from Lisbon to Vladivostok.

## Conclusions

- The threat of international terrorism is equally important for the EU and Russia.
- Not every security threat to the EU member states can be solved through NATO.
- Any reset of relations between the EU and Russia has to start with security questions, which are of paramount importance for Moscow.
- A deteriorating security situation in Russia could represent the ideal incentive for the reset of cooperation with the EU after the Ukrainian crisis. The Volgograd bombings clearly showed up the decreasing ability of Russia's intelligence and security services to avert such attacks.
- Terrorism in Russia is no longer an internal problem of one state, but is becoming global as militants from the North Caucasus spill over to Syria, Iraq and other countries, even playing a role in the Boston Marathon bombings. The zone of potential hotbeds of international terrorism stretches from Mali to Afghanistan. This threat can be contained only through common action by several states.
- The EU should broaden its counter-terrorism cooperation with the CSTO and SCO.
- The return of Western NGOs to the North Caucasus should be seen as part of the solution but not as its principal component.
- The increased presence of NGOs in the North Caucasus would contribute to building trust between the EU and Russia. NGOs could focus on the agenda of human rights that would be ill-fated if voiced too quickly on the intergovernmental level.
- A new EU-Russia agreement and the working agreement with Europol should represent priorities both for the EU and for Russia.

## Russia and the European Union in the Post-Soviet Space: From Rivalry to Cooperation

ANDREI RYABOV

Gorbachev Foundation, Russia

Rivalry between Russia and the European Union for influence in the post-Soviet space has recently become a major source of tension between Moscow and Brussels. The situation was further aggravated in the run-up to the November 2013 EU summit in Vilnius, where Association Agreements between the EU and three post-Soviet states – Ukraine, Moldova, and Georgia – were to be signed under the auspices of the Eastern Partnership Program. The Russian political establishment regarded this as Greater Europe's aspiration to weaken Moscow's leading position in the post-Soviet space. In particular, the Ukrainian government's intention to sign the Association Agreement was considered the main threat. This is quite understandable. Ukraine is the second largest country in the post-Soviet space in terms of population and economic development, second only to Russia itself. As Russian politicians saw it, Ukraine's progression toward Europe would inevitably lead to a gradual estrangement of Russia from Europe and to its drift toward Asia. At the same time, on the Asian continent, be it the Far East or the Central Asian region, Russia would have to face growing competition from fast-developing countries, first and foremost China. The unexpected refusal of official Kiev to proceed with the agreement just days before the summit began, setting off a major political crisis in Ukraine, further aggravated the tension between Russia and the EU. Moscow reacted far more calmly to Georgia's and Moldova's signatures to their respective agreements, reasonably so since Russia has virtually no political influence over Tbilisi, while Russian economic and political interests in Moldova are rather limited. Furthermore, these countries are too small to be able to influence the positions of other post-Soviet states.

Subsequent events such as revolutionary regime change in Kiev in February 2014, the war between government forces and pro-Russian separatists in the East of Ukraine and democratic elections of the new Ukrainian president in May led to the most acute crisis in EU-Russia relation. In April and May there was a real threat of entry of Russian troops in the East and South of Ukraine. In response to Russia's activities towards Ukraine the USA and EU imposed economic and diplomatic sanctions against the Russian Federation. However after presidential elections in Ukraine has been possible to reduce tensions in EU-Russia relations.

In evaluating the prospects of Russia-EU relations, it is important to consider whether the current, increasingly acute conflict and rivalry are a result of a chance conjunction of events or whether the underlying causes are more significant and more fundamental. Only then can we ask what "corridors of opportunity" are available to the civil societies of Greater Europe and Russia for the constructive development of a relationship between these two major actors in world politics.

## Sources of Current Problems

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It might be reasonably assumed that the current worsening of Russia-EU relations stemming from their rivalry in the post-Soviet space is the result of the interaction of many short- and long-term factors. Two events might be considered starting points for an analysis of the contemporary situation: the Russian-Georgian war of August 2008 and the world economic crisis of 2008–9. The armed conflict with Georgia created many foreign-policy problems for Moscow and led to a confrontation with the United States and NATO. At the time, prospects for further cooperation with the EU, including those related to the post-Soviet space, were viewed in Moscow as a positive factor for Russia's foreign policy that could promote new room for maneuver and stabilize its relations with Western countries. Within this context, some Russian politicians and experts expressed the opinion that the probable eastern enlargement of the EU into the post-Soviet space would not be harmful to Russia's interests.

The world economic crisis of 2008–9 was another turning point in Russia-EU relations. It has deeply affected the countries of Southern Europe (Greece, Spain, Portugal, and Italy), forcing the EU into concentrating mainly on its internal problems and sharply cutting back its foreign policy activities, including those related to the post-Soviet space. During that period, many leading European politicians stressed that consideration of the Union's enlargement would be postponed for at least ten or fifteen years. Shortage of resources has impelled the EU to re-evaluate its policies towards its immediate neighbors. Instead of massive financial and economic assistance to the post-Soviet states and their governments, priority has been shifted to supporting democratic and market reforms. The very philosophy underlying relations with the countries that aspire to a future integration into European structures has been changed. While before the crisis post-Soviet countries based their strategies of relations with Greater Europe on what they might receive from the EU, from that point on their ruling elites have been faced with the necessity to think primarily of what they could bring to the EU.

The crisis-related changes in European policy have also brought new problems for the ruling circles of the post-Soviet states. Formerly, many political actors in those countries based their policies on the promise of integration into Europe, understood first and foremost as membership of the European Union. The new situation, however, made it obvious that the achievement of that goal was postponed indefinitely, beyond the planning horizon of the current generation of politicians. At the same time, the crisis has seriously affected the weak post-Soviet economies that were in dire need of concrete financial assistance, not in an indefinite future but right now. The only possible source of such assistance in the changed conditions was Russia, which, though having also suffered in the crisis, managed nevertheless to retain certain financial and economic resources for maintaining its influence in international politics.

It thus becomes clear why Moscow gave the cold shoulder to the official establishment of the Eastern Partnership program in May 2009 in Prague after five years of preliminary discussions of the idea. The program involved six countries – Azerbaijan, Armenia, Belarus, Georgia, Moldova, and Ukraine, of which Belarus and Armenia were Russia's closest allies. The reason for such a reaction was that Russian government circles regarded the Eastern Partnership as violating the principles of mutually beneficial cooperation between the EU and Russia in the post-Soviet space. Such a view was grounded on two major assumptions. Moscow believed that the EU would attempt, first, to use the Eastern Partnership as a political tool for enforcing its

influence among the post-Soviet states to the detriment of Russia's interests and, second, to use the program to promote its new energy diplomacy. The main goal of the program was seen as searching out new routes to transport energy from Central Asia to Europe circumventing Russian territory.

In truth, however, the goals of the Eastern Partnership were not as ambitious as Moscow assumed. The EU saw the program's most important task as the creation on its eastern borders of a stability belt encompassing post-Soviet states that would gradually move towards Greater Europe while implementing appropriate economic reforms. Reflecting on this goal, many European politicians and experts, during both the development and the implementation of the program, have questioned its efficiency arguing that in the absence of prospects for EU membership the Eastern Partnership's reforming potential would be quite insignificant and its attractiveness quite low for the elites of the post-Soviet states. So from the outset, the program's ability to compete with Russia's integrating projects in the former Soviet Union seemed less than obvious at best.

The Eastern Partnership's goals largely overlapped those of other regional organizations, such as the Black Sea Forum for Partnership and Dialogue (BSF) and the Organization of the Black Sea Economic Cooperation (BSEC), tasked with preparing the countries undergoing post-Communist transformation for possible EU membership. It is no surprise that the discussions on the Eastern Partnership saw Bulgaria and Romania express cautious concerns that its implementation might render the BSF and BSEC pointless.

## A Russian Competitive Advantage?

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Still, Moscow's displeasure with the Eastern Partnership did not become a springboard for worsening relations with the EU. At that time, Russian officials were busying themselves with developing their own plans for integration in the post-Soviet space. The idea was that at a time when powerful new economies were emerging in the world arena and competition in the world economy was getting fiercer, Russia would be able to retain and even enforce its influence in the world, if only it could offer and lead certain economic integration projects to those of its post-Soviet neighbors that had socio-political systems similar to its own. There have been several projects of this type: the Eurasian Economic Community (EurAsEC), the Unified Economic Space (UES), and finally, the Customs Union (CU). By the beginning of this decade, the Customs Union took lead position among Russian economic integration projects. The constituent instrument of the CU was signed in 2007. Its original participants were Russia, Belarus, and Kazakhstan, while Armenia signed instruments of accession in 2013. Based on the CU, a new and more integrated economic and political association, the Eurasian Union (EAU), is to be created in 2015. As Russian officials saw it, economic integration of the post-Soviet states was supposed to be supplemented by integration in the field of international security. To that end, back in 2002, the Collective Security Treaty Organization (CSTO) was formally inaugurated with Armenia, Belarus, Kazakhstan, Kyrgyzstan, and Tajikistan as members along with Russia. Uzbekistan joined the CSTO in 2006 but severed itself from the organization in 2012.

There was a view in Russian governing circles that following the global financial and economic crisis of 2008–9 the Russian Federation obtained a marked competitive advantage over the European Union in its drive to strengthen influence in the post-Soviet region. Moscow was well aware of the EU's internal hardships and of its reluctance

to develop any short-term plans for further eastern enlargement by means of incorporating post-Soviet states. According to Russian politicians and officials, the EU's attractiveness as both a priority partner and a role model for development was thus significantly diminished in the eyes of political and business establishments of the post-Soviet states. As mentioned above, in accordance with the new foreign policy approaches, the Eastern Partnership program aimed to deliver assistance in implementing democratic reforms and development of an open market economy. However, the ruling circles in the majority of the post-Soviet countries had no interest in any reforms. In such a situation Russia remained the only reliable economic partner able to promptly save the post-Soviet economies from collapse and help retain their established political orders based on coalescence of power and property, absolute dominance of the powers that be over politics and business, and social paternalism. Russia, unlike the EU, never demanded of its post-Soviet neighbors any reforms but instead promised stability and the status quo. It must be admitted that during the early years of the post-crisis period, such goals were in tune not only with the interests of those countries' establishments but also with grassroots sentiments. The global crisis, which dealt a hard blow to people's incomes and social status, has also made the idea of continued democratic and market reforms less attractive. Many believed that the source of their troubles lay in the reforming politics of the previous period; consequently, they supported restoration of more understandable forms of politics and social paternalism. Incidentally, it was on the tide of just such grassroots sentiments that Victor Yanukovich came to power in Ukraine by winning the presidential election of 2010.

It would seem that the subsequent years should have given Russia a unique chance to actualize its integration projects without fearing any rivalry on the part of the European Union. Yet, Russia has achieved no notable progress toward that end, even though the whole setup of the Customs Union was already fully formalized in its political and legal aspects and has in recent years been actively promoted by the participating countries. The reasons for that are many and various.

### Limiting Factors of Eurasian Integration

In the political sphere, the most important obstacle in the way of developing integration processes within the CU has been the authoritarian character of the participating countries' political systems, which by the very logic of their existence create obvious limitations for integration. Their very survival largely depends on their ability to retain control over key assets of the national economies. As soon as a threat of losing control emerges, the authoritarian regimes become prone to make decisions that might damage the interests of integration. An illustrative example of this can be seen in the Belarusian government's steps to retain control over the leading export-oriented asset of the national economy, the Belaruskali company. As soon as a threat of its takeover by the Russian company Uralkali appeared, the Belarusian authorities did not hesitate to trigger a row with their main economic partner, Russia, by arresting Uralkali's general manager. It is not accidental that an efficient supranational body within the framework of the CU has never been created, since the existence of such a body might by its very nature challenge the total dominion of the participating countries' governments over their national economies.

The CU founders have never been able to develop an attractive politico-ideological plan for an integration body that would be perceived as an attractive alternative to the European Union even at the level of grassroots sentiment. On the contrary, certain parts of the partici-

pating countries' populations have come to perceive the very idea of the Union as an attempt to set off the dominant economic and social orders of those countries (their "singularity") against the worldwide trends. Tellingly, at the time of a profound crisis of Ukrainian President Yanukovich's regime, which was typically post-Soviet by its very nature, the idea of an approach to the European Union through the Eastern Partnership program and signing the EU-Ukraine Association Agreement came to be seen by Ukrainian society as a real alternative to the existing social order and to the prospects of convergence with Russia.

In the economic sphere, a major obstacle to achieving deeper integration within the framework of the CU has been the uniformity of the participating countries' post-socialist economies. Trade turnover among the CU participating countries as opposed to that with external partners has actually diminished as a percentage of total trade: the total trade of Belarus and Kazakhstan with the European Union is already higher than that with Russia.

No economy within the CU, including Russia, possesses the potential for modernization or is able to serve as an engine of development for the other countries. In Kazakhstan, furthermore, a rather widespread view within political and business circles holds that the country has not obtained the expected economic benefits from its membership in the CU. Largely due to these factors, no powerful private corporation or business group has arisen in the CU that sees concrete steps toward integration as a strategic interest. That is why it is primarily state bureaucratic structures that serve as the drivers of integration projects.

In consequence, Russia, which due to the global financial crisis of 2008–9 obtained *carte blanche* to push ahead with its integration projects in the post-Soviet space, has never been able to take full advantage of it.

### Lessons of the Ukrainian Crisis

The political crisis of November, 2013 – May, 2014 led to tremendous changes in this country and international situation around it. Simultaneously the crisis became a major challenge for the relations between Russia and the EU. As mentioned, what triggered the crisis was the refusal of the Ukrainian authorities to initiate the EU-Ukraine Association Agreement, instead of which they accepted \$15 billion in financial aid from Russia. In the course of the crisis, the Russian government obviously sympathized with the Yanukovich team, while the European countries, their appeals to both parties for dialog notwithstanding, showed more sympathy for the opposition's demands. Nevertheless, in spite of different views of the situation and different political inclinations, the ruling circles of Russia and the European Union managed to establish a degree of cooperation during the crisis. This breathed new life into prospects for greater cooperation elsewhere in the post-Soviet space as well.

However after regime change in Kiev in February, 2014 Russia switched to a policy of rigid pressure on Ukraine that provoked harsh reaction of the USA and EU. The resulting confrontation strengthened pessimistic assessments of prospects of EU-Russia relations that were wide-spread in the international political circles and expert communities. This pessimism is also based on the conviction that, since the EU's and Russia's integration projects in the post-Soviet space have a competitive character (some believe that the struggle for influence is carried out on the principle of a zero-sum game), there can be no room for cooperation here. This type of reasoning assigns a special role

to Ukraine. Thus, one school of thought asserts that Moscow would never consent to the European integration of Ukraine, as that might create a powerful and permanent source of irritation in relations with the EU. This assertion is usually based mainly on the assumption that the key integration project within the post-Soviet space, the Customs Union, cannot exist without Ukraine. However, such reasoning by all appearances contains an attempt to mechanically apply to contemporary reality assessments and opinions predominant during the disintegration of the USSR. The Soviet Union indeed could not exist without Ukraine; the referendum that was held in that republic on December 1, 1991, where the overwhelming majority of its citizens voted for its independence, deprived the USSR of its last chance of survival. The CU project, on the other hand, is largely Asia-oriented and aspires to become a link between the fast-growing Pacific region and Europe. The presence of Ukraine in that project for Moscow would be desirable but far from critical.

At the same time, the reality is such that Ukraine, while heading for European integration, will still be closely tied to Russia economically. And this politico-economic ambiguity creates opportunities to foster social demand for increased cooperation between the Russian Federation and the European Union in the post-Soviet space. This could in varying degrees be applied also to relations of Russia and the EU with other post-Soviet countries. Unfortunately, there is a notable shortage

of ideas in this respect. The situation is also aggravated by the factor of political distrust among the governing circles of the "triangle" Russia – EU – post-Soviet Eastern Partnership participants. Offsetting this, trilateral cooperation among think tanks could become instrumental in creating proposals aimed at the development of mutually beneficial economic solutions. In addition, it might help to gradually overcome the confrontational mindsets and confirm the value of a win-win game strategy. Within the framework of the Eastern Partnership Civil Society Forum (EaP CSF), it seems reasonable in this context to expand the agendas of certain working groups. Thus, Working Group 2, devoted to economic integration and convergence with EU policies, could address the topic of mutually beneficial solutions toward co-development in the Russia – EU – post-Soviet Triangle. For Working Group 4 (contacts between people) we propose the topic, "settling disputes over language and common history and ensuring rights of ethnic, cultural, and religious minorities." This range of problems must be de-politicized to the maximum extent possible, which is why it seems reasonable to discuss them within Working Group 4 instead of Working Group 1 on democracy, human rights, good governance and stability. These debates could be extended through joint analytical reports and conferences and Internet discussions, all aimed at the development of topical proposals for both social and government actors.

## Imprint

*This report was prepared by:*

ELENA BELOKUROVA, Centre for German and European Studies,  
St. Petersburg State University, Russia

NIKOLA KARASOVÁ, Association for International Affairs,  
Czech Republic

PIOTR KAŻMIERKIEWICZ, Institute of Public Affairs, Poland

VÁCLAV LÍDL, Association for International Affairs, Czech Republic

ANDREY RYABOV, Gorbachev Foundation, Russia

JEFF LOVITT, PASOS – Policy Association for an Open Society,  
Czech Republic

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