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CIVIL SOCIETY IN RUSSIA

BUILDING RESILIENCE DIVIDENDS AMONGST YOUTH IN AN ERA OF SOCIAL TRANSFORMATION

ABSTRACT

Russian civil society is currently undergoing an era of transformation, becoming increasingly isolated in the face of restrictive legislation. Moving forward, it is crucial that the European Union (EU) engage Russian youth in civil society organizations (CSOs), building resiliency in the next generation of third sector actors. The goal of this policy brief is to provide an audit of current EU policies toward Russian civil society and to understand the (f)actors which have shaped EU engagement with the Russian third sector. It proposes ways the EU can protect its most vulnerable form of civil society engagement: the support of pro-democracy and human rights organizations. As the space for international engagement with Russian civil society shrinks, the recent work of the EIDHR provides a case study as to how the EU can maximize its impact on young CSO actors by overhauling its grant application process, supporting those already labelled as foreign agents, and facilitating Russian-language communication with partners.

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Introduction

On 16 September 2021, Members of European Parliament called for a new EU strategy to promote democracy in Russia.[1] Russian legislation introduced in 2020 and 2021 was designed to restrict funding to civil society organisations (CSOs), as well as to restrict freedom of expression, and access to information; the result has been that space for civil society in Russia has shrunk rapidly.[2] These legislative measures have effectively isolated the Russian third sector[3] from the international community, meaning that previous strategies employed by the EU to support Russian civil society are no longer feasible. In an environment hostile to the work of civil society actors, it is key that the EU continue to foster resilience among those who are willing and able to advocate for human rights in Russia. The goal of the EU should be to increase the capacity of local CSOs to perform their roles, while laying the groundwork for new organisations and generations of activists.

This policy brief provides an audit of current EU policies towards Russian civil society, using the case study of the European Instrument for Democracy and Human Rights (EIDHR) to provide recommendations to improve third sector engagement despite challenging conditions. With a focus on youth involvement, this paper proposes ways in which the EU can effectively engage the next generation of civil society actors.

The shrinking space for Russian civil society

Space for civil society has diminished globally over the past two decades. Beginning in 2004, a trend of state encroachment on the third sector has since spread to over one hundred countries, including several EU member states.[4] Regimes across the world use a similar range of tactics: controlling the flow of funding to CSOs, complicating licensing or approval processes, enacting punitive taxes or fines, and requiring CSOs to complete onerous administrative tasks.[5] Russia is perhaps the most emblematic of this phenomenon, with the state employing all of the above tactics in different measures.[6] The State Duma first introduced laws designed to restrict CSOs in 2006 and has been "intensifying and widening its array of measures" ever since.[7]

[1] European Parliament, 'MEPs call for new EU strategy to promote democracy in Russia', Press Release, 16 September 2021 (www.europarl.europa.eu/news/en/press-room/20210910IPR11925/meps-call-for-new-eu-strategy-to-promote-democracy-in-russia).

[2] Youngs, R. and Echagüe, A. (2017) *Shrinking space for civil society: the EU response*, Brussels: European Parliament: 10.

[3] While definitions vary across disciplines and foci, civil society is generally understood as a 'third sector', where the first is the state, the second is enterprise, and the third is the realm of citizens' initiatives. The EU considers the term 'civil society organisations' (CSOs) to encompass all non-state, not-for-profit structures, through which people organise and pursue shared objectives and ideals – whether political, cultural, social, or economic.

[4] Youngs and Echagüe, op cit: 9; Schepple, K., Kochenov, D. and Grabowska-Moroz, B. (2020) 'EU Values Are Law, after All: Enforcing EU Values through Systemic Infringement Actions by the European Commission and the Member States of the European Union', in *Yearbook of European Law*, vol. 39: 3–121.

[5] Youngs and Echagüe, op cit: 9.

[6] Ibid: 10.

[7] Institute of Modern Russia (2020) 'Russia Under Putin: 20 Years of Battling Over Civil Society'; Youngs and Echagüe, op cit: 10.

Dozens of international NGOs have been forced to leave the country, and local CSOs have been unable to continue their work.[8]

These repressive measures have not targeted all CSOs equally, with groups that advocate for democracy and human rights disproportionally affected. Such organisations have historically relied on support from international funding bodies, such as the EU.[9] Following the collapse of the USSR, the development of the third sector was understood as the basis for democratisation.[10] The EU began its "self-embraced role as a promoter of democracy and reforms" in post-Soviet states.[11] Unfortunately, international funding initiatives in the 1990s and early 2000s were largely ineffective, resulting in a network of "grant-eating NGOs" that had little impact on the lives of those they purported to help.[12] In hindsight, this was due to a lack of local insight and consultations.[13] With the implementation of the first Strategic Framework and Action Plan on Human Rights and Democracy in 2012,[14] the EU thus shifted towards engagement with grassroots initiatives as a result.[15] While EU funding has allowed Russian CSOs to carry out important work, this support has meant that civil society has become an ideal scapegoat in Kremlin narratives about a Russia encircled by foreign agents and cultural saboteurs.

In a meeting with human rights activists in July 2005, Russian president Vladimir Putin stated that he "[absolutely] objected to the foreign funding of political activities. No self-respecting state would allow it, and we won't either".[16] Russia's subsequent enactment of the 'foreign agents law' has been the greatest existential threat to Russian contemporary civil society. First introduced in 2012, the law has been used to demonise and repress CSOs that the Kremlin deems undesirable. Among those first targeted

[8] Human Rights Watch (2017) 'Russia: Government vs. Rights Groups', 24 July (www.hrw.org/russia-government-against-rights-groups-battle-chronicle); Malcomson, M. (2020) '"So Whose Agents Are We?" Defining (International) Human Rights in the Shadow of the "Foreign Agents" Law in Russia', *Birkbeck Law Review* 7, no. 1: 127.

[9] Henderson, S. L. (2011) 'Civil Society in Russia: State-Society Relations in the Post-Yeltsin Era', *Problems of Post-Communism* 58, no. 3: 11–27.

[10] Marsh, C. and Gvosdev, N. K. (2002) *Civil Society and the Search for Justice in Russia*, Lanham, MD: Lexington Books: 5; Putnam, R. D., Leonardi, R. and Nanetti, R. (1993) *Making Democracy Work: Civic Traditions in Modern Italy*, Princeton, NJ: Princeton University Press; Diamond, L. J. (1994) 'Rethinking Civil Society: Toward Democratic Consolidation', *Journal of Democracy* 5, no. 3: 7–11; Henderson, S. L. (2002) 'Selling Civil Society: Western Aid and the Nongovernmental Organization Sector in Russia', *Comparative Political Studies* 35, no. 2: 139.

[11] Demidov, A. and Belokurova, E. (forthcoming) 'Civil Society in EU-Russia Relations', in T. Romanova and M. David (eds), *The Routledge Handbook of EU-Russia Relations*, New York, NY: Routledge: 290.

[12] Henderson (2002) op cit: 142; Crotty, J. (2003) 'Managing Civil Society: Democratisation and the Environmental Movement in a Russian Region', *Communist and Post-Communist Studies* 36, no. 4: 492; Henderson, S. L. (2000) 'Importing Civil Society: Foreign Aid and the Women's Movement in Russia', *Demokratizatsiya* 8, no. 1: 78; Henry, L. (2001) 'The Greening of Grassroots Democracy? The Russian Environmental Movement, Foreign Aid, and Democratization', *IDEAS Working Paper Series from RePEc* (http://search.proquest.com/docview/1698029934/); Mendelson, S. (2001) 'Unfinished Business - Democracy Assistance and Political Transition in Eastern Europe and Eurasia', *Problems of Post-Communism* 48, no. 3: 19–27; Demidov and Belokurova, op cit: 291.

[13] Henry, op cit.

[14] Adopted in 2012, the framework was the first time the EU implemented unified policy on human rights and democracy. It set out the EU's principles and objectives with accompanying policy recommendations. Some of the priorities of the framework included upholding human rights and working with bilateral partners.

[15] Council of the European Union (2012) 'EU Strategic Framework and Action Plan on Human Rights and Democracy, Luxembourg: Publications Office of the European Union.

[16] 'Putin "Foreign Funding" Remarks Draw Civil Society Concerns' (2005) *Radio Free Europe/Radio Liberty*, 21 July

were environmentalists, human rights NGOs, and organisations advocating for freedom of press. Until recently, a registered CSO was required to have received foreign funding and engaged in some form of political activity in order to be classified as a foreign agent. In December of 2020, Russian senators approved an expansion of the law, making it applicable to individuals and informal organisations.[17] One can now be labelled as a foreign agent for receiving "methodological assistance" from abroad, the definition of which remains vague.[18] These changes mean that almost any Russian can now be labelled as a foreign agent at the will of the authorities.[19] Since this expanded definition of foreign agent came into effect, the number of listed 'agents' has increased exponentially; of the 163 individuals and organisations on the list, 76 of them were added between January and October 2021.[20] On 29 September 2021 alone, 26 names were added to the list – the majority of them being journalists, independent media outlets, and election monitors. The purpose of this increased criminalisation of civil society is threefold: to punish groups and individuals that the Kremlin deems undesirable, to deter future civic activity, and to control the CSOs that remain in operation.

Russia's foreign agents law

- Implemented in 2012, the law is widely recognised by human rights watchdogs as a means of curbing political opposition and human rights work.
- The law has been broadened since 2012; as of December 2020, almost any Russian citizen can theoretically be labelled a foreign agent.
- Implementation of the law has increased exponentially. Of the 163 individuals and organisations on the list, 76 were added between January and October 2021.

In the face of criminalisation, intimidation, detention, and harassment, Russian CSOs have developed strategies to work in an increasingly hostile environment. Some have ceased their work inside Russia entirely, either shutting down or moving abroad.[21] Others no longer accept foreign funding, or have changed the focus of their work to escape restrictive legislation.[22] Civil society organisations that continue to work on contentious political issues have been forced to take on dramatically increased administrative burdens, which detracts from their day-to-day human rights work.[23] Continuing to work under the label of 'foreign agent' also has a damaging

(www.rferl.org/a/1060072.html).

[17] Russian State Duma (2020) 'O Vnesenii Izmeneniy v Otdel'nyye Zakonodatel'nyye Akty Rossiyskoy Federatsii v Chasti Ustanovleniya Dopolnitel'nykh Mer Protivodeystviya Ugrozam Natsional'noy Bezopasnosti [On Amendments to Certain Legislative Acts of the Russian Federation in Terms of Establishing Additional Measures to Counter Threats to National Security]', No. 1057914-7 (https://sozd.duma.gov.ru/bill/1057914-7).

[18] Ibid.

[19] 'What You Need to Know about Russia's Updated "Foreign Agent" Laws' (2020) *Meduza*, 28 December (https://meduza.io/en/feature/2020/12/28/what-you-need-to-know-about-russia-s-updated-foreign-agent-laws).

[20] 'Who Has Russia Labeled As A "Foreign Agent"?' (2021) *Radio Free Europe/Radio Liberty*, 1 September (www.rferl.org/a/kremlin-foreign-media-crackdown/31438446.html).

[21] Human Rights Watch, op cit; Malcomson, op cit: 127.

[22] Human Rights Watch, op cit; Malcomson, op cit: 127; Owen, C. (2015) '"Consentful Contention" in a Corporate State: Human Rights Activists and Public Monitoring Commissions in Russia', *East European Politics* 31, no. 3: 274–93.

[23] Malcomson, op cit: 128.

stigmatisation effect, making it challenging to solicit domestic funding and donations.[24] As legal restrictions worsen, many facets of Russian civil society are likely to withdraw from legitimate or public forums, transforming into informal peer support networks, as can be seen in other CSO-hostile environments.[25] This poses a challenge to EU funding mechanisms, which, by necessity, engage with organisations that are "accountable and transparent…[sharing their] commitment to social progress".[26] This means that any attempt by the EU to engage with Russian civil society must be tailored specifically to the rapidly evolving legal and political context, recognising opportunities where they arise, and attempting to foster resilience and grassroots initiatives where possible.

The importance of youth engagement

Recognising these challenges, engaging Russian youth is crucial to fostering resilience and longevity in the Russian third sector. Youth play an active role in Russian civil society, with people aged 18 to 24 being the most likely to become involved.[27] For young Russians – especially those living in large cities – access to education, better-paid jobs, digital technology, and higher standards of living means that they are increasingly socially and environmentally aware; over the last two decades, increased volunteerism has been one feature of this change.[28]

Young Russians also tend to be politically further left than older generations, with 71 percent of them opposing authoritarian methods of governance.[29] Surveys conducted by the Russian independent pollster Levada Center found that Russian youth aged 18 to 24 were 16 percent less likely to support the recent non-democratic Kremlin-backed constitutional amendments, and 10 percent more likely to oppose it.[30] This is, in part, due to the Putin administration's messaging not resonating with young Russians. While Putin has billed himself as Russia's saviour from the chaos of the 1990s, Russia's youth either did not experience the decade for themselves or were young children at the time. The Kremlin has also long relied on media control – namely television – as an "essential pillar" of the regime's stability.[31] However, many

[24] Ibid: 128.
[25] Demidov and Belokurova, op cit: 293; Wells-Dang, A. (2012) *Civil Society Networks in China and Vietnam: Informal Pathbreakers in Health and the Environment*, Basingstoke: Palgrave Macmillan.
[26] European Commission (2012) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 'The Roots of Democracy and Sustainable Development: Europe's Engagement with Civil Society in External Relations', COM(2012) 492 final, 12 September.
[27] Charities Aid Foundation (2014) 'Russia Giving 2014', October (www.cafonline.org/docs/default-source/about-us-publications/caf_russia_givingreport_eng_final_web.pdf); Charities Aid Foundation (2019) 'Russia Giving 2019', February (www.cafonline.org/docs/default-source/about-us-publications/caf-russia-report-web20master.pdf?sfvrsn=67de9740_2); Secrieru, S. and Saari, S. (2020) 'Russian Futures 2030: The Shape of Things to Come', Chaillot Paper 159, European Union Institute for Security Studies: 7.
[28] Secrieru and Saari, op cit: 7–8.
[29] Secrieru and Saari, op cit: 9.
[30] Levada Center (2020) 'Kto i Kak Golosoval Za Popravki v Konstitutsiyu: Zavershayushchiy Opros [Who Voted and How on the Constitutional Amendments: Closing Polls]', 8 July (www.levada.ru/2020/08/07/kto-i-kak-golosoval-za-popravki-v-konstitutsiyu-zavershayushhij-opros/).
[31] Secrieru and Saari, op cit: 9.

young Russians have grown sceptical of news from state-controlled media channels and are opting to access their information online.[32] This fragmented informational sphere is difficult for the Kremlin to control, with its attempts to censor platforms such as the popular messaging app Telegram largely unsuccessful.[33]

From a practical standpoint, Russian youth also represent the next generation of civil society actors. If the EU wishes to foster resilient civil society in Russia – meaning civil society that is able to adapt and grow despite increasing legislative pressure – it is key that the EU engage young Russians and provide training for the next generation of civil society actors.

Audit of EU policy

The EU's main modalities of engagement with Russian CSOs have been the European Neighbourhood Instrument (ENI), the EIDHR, the Development Cooperation Instrument (DCI), and the Partnership Instrument (PI) – all of which have now been consolidated into the Neighbourhood Development and International Cooperation (NDICI) under the EU 2021-2027 Multiannual Financial Framework. Previous engagement with the Russian third sector can be divided into two categories: apolitical engagement, such as programmes that seek to increase people-to-people contact, and political engagement, meaning the active promotion of human rights and democracy in Russia. This policy brief will evaluate the work of a few exemplary apolitical initiatives, namely cross-border initiatives, the EU-Russia Civil Society Forum, and the Erasmus+ academic exchange programme. It will then compare the challenges facing political and apolitical modes of CSO engagement. It is crucial that the EU develop techniques to engage with the most threatened and isolated CSOs in the Russian third sector, namely democratic and human rights initiatives.

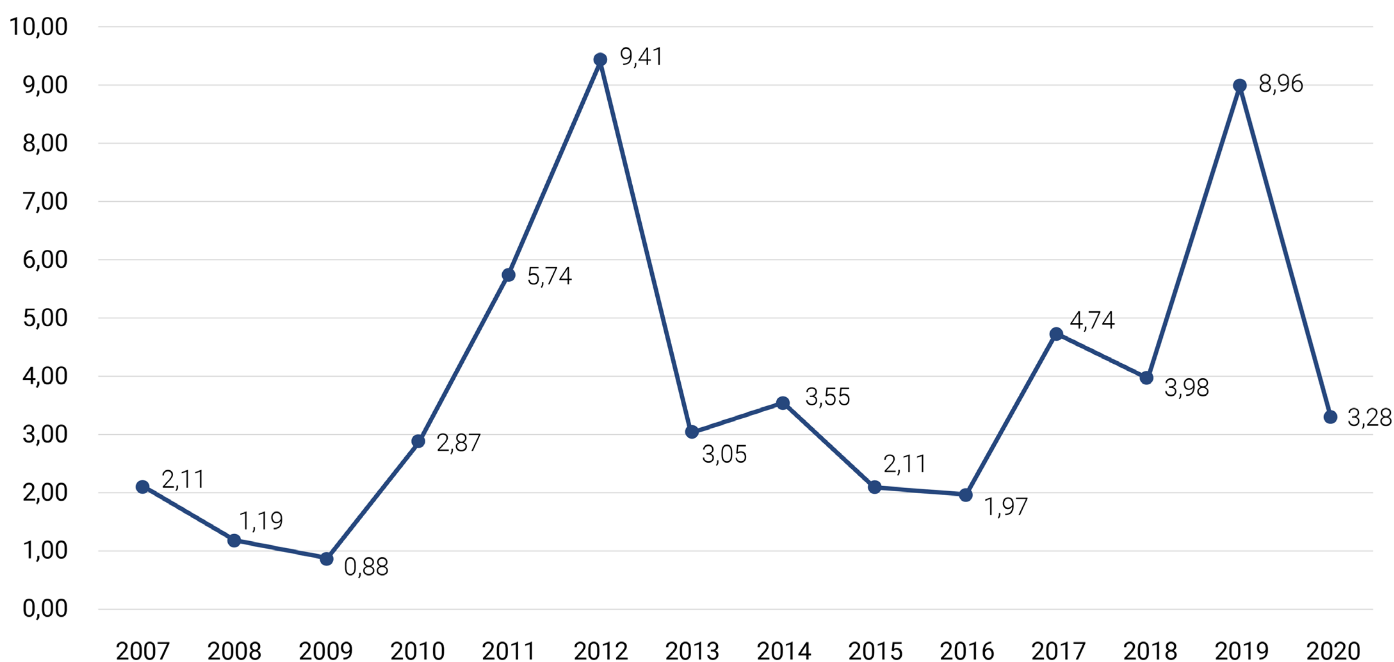
As the space for Russian civil society shrinks, the techniques used to support these political initiatives will have wider applicability for EU engagement with both political and apolitical Russian civil society going forward. This policy brief will therefore outline the lessons that can be learned from recent EIDHR initiatives, including recommendations for NDICI funding initiatives during the 2021-2027 financial period.

Between 2014 and 2020, the EU supported eight cross-border cooperation programmes with Russia through the ENI and the European Regional Development Fund (ERDF). These programmes successfully brought individuals and organisations together and promoted economic and social development.[34] Examples of projects they carried out include the development of border-crossing points, Russian and Finnish ballet student exchanges, and environmental initiatives to restore fish stocks and migration routes.[35] In supporting these programmes, the EU gained valuable people-to-people contact. Between 2014 and 2020, more than 2.9 million people participated in the

[32] Levada Center (2019) 'Chetvert Rossiyan Poteryali Doveriye k Televideniyu Za Desyat Let [In Ten Years, One Quarter of Russians Have Ceased to Trust TV News]' 8 January (www.levada.ru/2019/08/01/chetvert-rossiyan-poteryali-doverie-k-televideniyu-za-desyat-let/).
[33] 'Russia gives up and unblocks Telegram' (2020) *Meduza*, 18 June (https://meduza.io/en/news/2020/06/18/russia-unblocks-telegram).
[34] Russell, M. (2017a) 'EU-Russia Cross-Border Cooperation', European Parliamentary Research Service.
[35] Ibid: 2.

Kolarctic programme alone, a financing initiative to support cross-border cooperation between the countries in the North Calotte and northwest Russia.[36] Programmes funded through the ENI and ERDF have also had environmental, social, and cultural benefits, such as the establishment of wind farms in the Leningrad region, and the upgrading of several museums in Karelia.[37] Nearly all participants surveyed felt that their projects contributed to regional development and that these projects were made possible by funding from cross-border programme initiatives.[38]

Annual EU committed expenditure for Russian NGOs (€ million)



Source: https://ec.europa.eu/budget/financial-transparency-system/analysis.html

Despite general hostility towards the foreign funding of CSOs, the Russian state has allowed these programmes to continue, as they are beneficial to Russia.[39] For the period of 2014-2020, only 27 percent of funding for cross-border initiatives came from Russia, yet the Russian Federation was the beneficiary of most of the projects. There is therefore a vested interest in their continuation.

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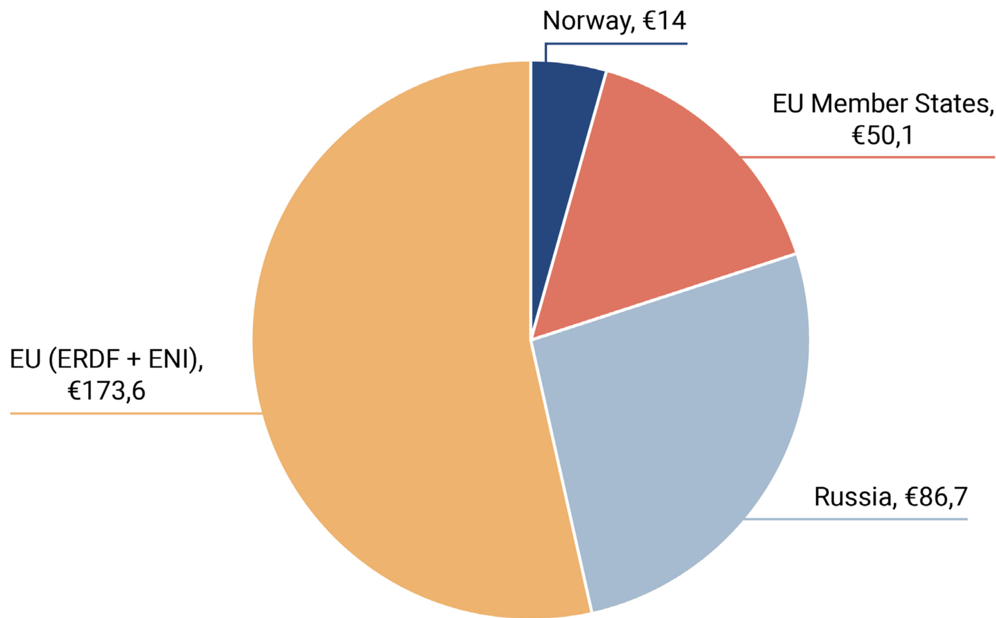
[36] Russell, op cit: 2; Kolarctic CBC 2014-2020, 'Programme Documents' (https://kolarctic.info/kolartic-2014-2020/).
[37] Russell, op cit: 2.
[38] Ibid: 2.
[39] Ibid: 1.

Financing of cross-border cooperation programmes with Russia, 2014-2020
(€ million)



Source: Russell, M. (2017) 'EU-Russia Cross-Border Cooperation', European Parliamentary Research Service.

The EU also supports exchange programmes such as Erasmus+, which facilitates two-way academic exchanges for staff and students. Exchanges provide an important means of fostering deeper educational links and mobility at a tertiary level for Russian students. Connections made via academic exchanges provide an effective means of increasing people-to-people contact, one of the EU's 2016 Five Guiding Principles in its engagement with Russia.[40] Russia is the largest non-EU participant in the programme, with over 23,000 exchanges taking place between 2014 and 2020.[41] Erasmus+ 2021-27 and Horizon Europe 2021-27, a funding programme to support and foster research in the European Research Area, aim to further encourage the flow of academic exchange between Russia and the EU in the coming years.[42] These exchanges have become increasingly valuable, as despite rising political tensions, relationships between Russian and EU universities have remained close.[43] However, significant exchange numbers may not be enough to overcome mutual suspicion between

[40] Russell, M. (2018) 'The EU's Russia Policy: Five Guiding Principles', Briefing, European Parliamentary Research Service.
[41] Russell, M. (2017b) 'EU-Russia Cooperation on Higher Education', European Parliamentary Research Service.
[42] European Commission (2021a) Joint Communication to the European Parliament, the European Council and the Council on EU-Russia Relations - 'Push Back, Constrain and Engage', 16 June: 10 (https://op.europa.eu/en/publication-detail/-/publication/37a8a099-ce9c-11eb-ac72-01aa75ed71a1).
Russell, M. (2017b) 'EU-Russia Cooperation on Higher Education', European Parliamentary Research Service.
[43] Ibid

Russia and the EU; new Russian legislation may pose a challenge, as the Kremlin has begun encroaching on academic freedom laws regulating the publication and dissemination of information in Russia.[44]

The EU also funds the EU-Russia Civil Society Forum. This is an independent network of thematically diverse NGOs, with 183 members, 98 of which are Russian. Established in 2011, the goal of the forum is to strengthen CSO cooperation and contribute to the improvement of EU-Russia relations. The forum provides training, networking, and advocacy, along with the distribution of small grants to EU and Russian CSOs.[45] In 2012, it began commenting on political developments and restrictive legislation enacted in Russia. Over time, many forum members have been repressed or forced to cease their work, meaning that solidarity and protection has become another important task of the forum.[46] Its annual reports provide insight into emerging trends in the Russian third sector. While the forum aims to increase outreach to informal groups as part of its 2020-25 development strategy, it currently engages mostly with established and formalised CSO structures in Russia.[47] This means that its reach and impact may become increasingly narrow as Russian civil society becomes informalised and isolated. As a result, the forum's research going forward may not provide as complete a picture of Russian civil society as it does now, and its reach and impact may become limited.

The challenges facing the EU-Russia Civil Society Forum exemplify how a form of engagement that may have been previously deemed uncontroversial or apolitical can be impacted by the shrinking space available to civil society in Russia. It is thus crucial that EU funding bodies develop tactics to continue engaging with Russian civil society despite democratic backsliding. The recent work of the EIDHR provides a case study to understand how these tactics can best be implemented. Between 2014 and 2020, the EU allocated €1.3 billion to the EIDHR, €14 million of which was for projects benefiting Russia.[48] The EIDHR operated at both an individual and organisational level. For individual CSO actors, it ran an Emergency Fund for Human Rights Defenders, channelling funds directly to those facing moments of acute risk.[49] The EIDHR also funded a Human Rights Defenders Protection Mechanism, now known as ProtectDefenders.eu, which coordinated emergency support to human rights defenders and civil society actors at high risk.[50] Other mechanisms, such as the EIDHR Crisis Facility, were also used to respond to human rights emergencies more broadly, in spaces where the EU could not launch calls for proposals.[51]

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[44] European Commission (2021a) op cit: 10; Rothrock K. and Sivtsova, A. (2021) 'Bad education: a mathematician, astrophysicist, publisher, and Wikipedia director respond to Russia's draft law on "educational activity" that could force new regulations on popular science and more", *Meduza*, 18 March (https://meduza.io/en/feature/2021/03/18/bad-education).

[45] European External Action Service (2021) 'EU Annual Report on Human Rights and Democracy in the World: 2020 Country Updates', June: 62–63 (https://eeas.europa.eu/headquarters/headquarters-homepage_en/8437/EU%20Annual%20Reports%20on%20Human%20Rights%20and%20Democracy).

[46] Demidov and Belokurova, op cit: 296.

[47] EU-Russia Civil Society Forum (2020) 'Forum Strategy 2020-2025', 27 March: 6 (https://eu-russia-csf.org/csf-strategy-2020-2025/).

[48] European Commission (2021b) 'Financial Transparency System' (https://ec.europa.eu/budget/financial-transparency-system/analysis.html).

[49] Youngs and Echagüe, op cit: 14.

[50] Ibid: 14.

[51] Ibid: 15.

On an organisational level, the EIDHR put forward country-based annual thematic calls for proposals. Funding for Russian projects has historically ranged from €100,000 to €1 million each, and has varied in duration from 12 to 36 months.[52] After its launch in Russia in 1997, the EIDHR supported over 400 projects, which were usually financed at least partially by another grant or donor.[53] In 2020, the EIDHR strove to support projects in Russia that contributed to media literacy, especially among youth.[54] This choice of theme was well suited to the contemporary Russian context; the focus on youth engagement had the potential to tap into the pre-existing scepticism that young Russians have for state-controlled media channels. Media literacy has become crucial during the Covid-19 pandemic, as misinformation has spread widely and people have spent more time online.[55] The theme also fosters the EU values of free access to media and information literacy. However, there was one problem with this EIDHR initiative: it remained a largely untapped resource. Of the €3,200,000 allocated to the EIDHR country-based support scheme for Russia in 2020, only €600,000 was used, funding just one project.[56] This is mainly because the initiative was largely inaccessible to a more diverse pool of potential applicants. The tactics that had previously worked well for the EIDHR – such as funding official organisations, requiring co-sponsorship for initiatives, and supporting large-scale CSOs – have now been rendered defunct by the shifting Russian political and legal landscape. Should the NDICI wish to continue the important work done by the EIDHR since 2014, it must develop the flexibility and diverse reach required to work within the Russian third sector context.

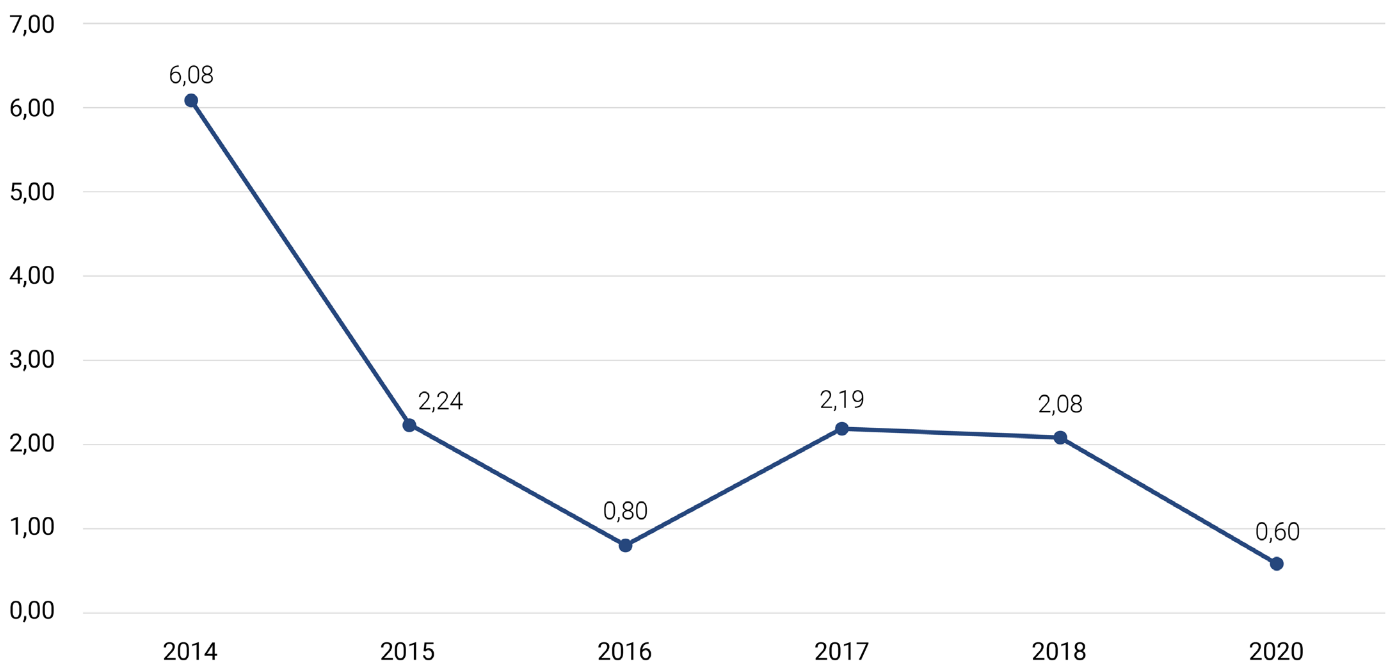
Policy recommendations

As the funding of pro-democracy initiatives in Russia has become the most restricted and targeted form of CSO engagement, the case study of the EIDHR provides a prime example of how the EU can tailor its approach to the Russian context. By developing strategies to aid the most fraught sphere of third sector funding, the EU will be best prepared to deal with challenges that may arise for the NDICI and instruments such as Erasmus+. This section of the policy paper will evaluate the effectiveness of the EIDHR's funding in Russia and provide policy recommendations for how funding mechanisms might be improved to build resilience among Russian youth involved in the third sector. This can best be accomplished by overhauling the funding application process, taking measures to navigate the foreign agents law, de-professionalising the grant-writing process, and facilitating Russian-language applications.

[52] Delegation of the European Union to Russia (2021) 'European Instrument for Democracy and Human Rights (EIDHR)', 22 June (https://eeas.europa.eu/delegations/russia_en/81302/European%20Instrument%20for%20Democracy%20and%20Human%20Rights%20(EIDHR)).
[53] Ibid.
[54] European Commission International Cooperation and Development (2021) 'European Instrument for Democracy and Human Rights (EIDHR) - Country Based Support Scheme (CBSS) for Russia 2020'.
[55] Ibid.
[56] Ibid; European Commission (2021b) 'Financial Transparency System'.

Adjusting the funding application process

For the year of 2020, proposals for projects submitted to the EIDHR were required to have a funding minimum of €350,000, and a maximum of €600,000. There are advantages to a limited number of large-scale funding initiatives – namely they can increase the impact of a project and reduce the administrative work required by the funder. However, while these types of initiatives are an effective means of scaling up experienced, substantial organisations, they are not a realistic or effective means of funding small-scale or new projects. Due to the shrinking space available for Russian civil society, this form of funding has become significantly less viable. In 2014, the EIDHR funded 33 projects, including LGBTQ+ organisations, anti-corruption initiatives, and monitoring medical care for prisoners. These types of 'controversial' programmes have all come under attack since 2014, with conditions worsening exponentially in 2020 and 2021. Due to political persecution, many CSOs have either been forced to shut down their operations or to move their work abroad. This explains why, despite a generous allocation of €3,200,000 in 2020, EIDHR funding in Russia has sunk to an all-time low; the EIDHR is seeking to fund third sector infrastructure that no longer exists.



Source: https://ec.europa.eu/budget/financial-transparency-system/analysis.html

[57] Youngs and Echagüe, op cit: 10.
[58] Human Rights Watch, op cit; Malcomson, op cit: 127.

This type of large-scale funding initiative is also a barrier to youth participation. While the 2020 EIDHR call for proposals was specifically aimed at engaging youth through media literacy initiatives, the size of funding endowments made it very difficult for young people to apply. This is because many young CSO actors do not have previous NGO work experience, grant-writing know-how, budgetary knowledge, or management experience. In order to engage CSO actors early in their careers, funding bodies should offer multiple awards ranging in size, including micro-grants of a few hundred or a few thousand euros to allow for one-off events and small-scale initiatives. This would provide young CSO actors with valuable experience navigating the grant-writing process. EU funding initiatives should also consider doing away with co-funding requirements, recognising that CSOs whose work aligns with EU values are unlikely to gain Russian state funding, and may find it challenging to secure domestic co-funders due to the fear and stigma associated with the foreign agents law.

Navigating the foreign agents law

In taking a rights-based approach to CSO development, the EIDHR operated with two main objectives: to do no harm, and to do maximum good.[59] Fulfilling this maxim has become increasingly difficult in the current Russian legal climate. It is not unlikely that new legislation will emerge or that existing legislation will be weaponised which will make international engagement even more dangerous for CSO actors than it currently is. For example, after the EIDHR chose to engage with non-formalised civic initiatives to circumnavigate the foreign agents law, the Russian legislation was broadened to include these non-formal organisations. Going forward, the EU should expect that any organisation with which it engages is at risk of being declared a foreign agent, especially if the organisation carries out political or high-profile activity.

In response to this shifting legal environment, one answer from funding bodies such as the NDICI can be to seek out and fund organisations that have already been labelled as foreign agents. The foreign agents law functions as much as a threat as it does a legal mechanism – an organisation cannot be labelled a foreign agent twice, thus by partnering with those that have already been labelled as foreign agents, the EU would eliminate the negative legal impact of its funding. The disadvantage of this type of engagement is that it is high profile, and CSO actors may consequently be subject to further political persecution. Information on the potential risks of engagement, and the EU's protocols on asylum, should be made abundantly clear well in advance to all those who receive funding from the EIDHR. Clear communication is key in allowing funding partners to make fully informed decisions when carrying out their work, understanding the extent to which the EU is able to advocate on their behalf.

In recognising the impact of the foreign agents law, EU funding bodies should adjust the legal exclusion criteria for applicants. Applicants

[59] European Commission (2014) Staff Working Document, 'Tool-Box: A Rights- Based Approach, Encompassing All Human Rights for EU Development Cooperation': 15.

are currently required to declare whether they have been found guilty of crimes such as fraud, tax evasion, or professional misconduct. It is important for EU funding bodies to recognise that the Russian state will legislatively target CSO actors in a bid to repress their activism. Moreover, the Russian authorities have been known to politically persecute activists by charging them with offences unrelated to their work.[60] It is thus not unlikely that an experienced Russian civil society actor would be subject to the exclusion criteria of the EU funding body, regardless of whether this, in reality, determines the CSO actor's trustworthiness or dependency as a grant applicant. While recognising the importance of background checks, Russian applicants should thus be given the option by the EU funding body to explain why the charges against them may have been politically motivated.

De-professionalising the grant writing process

Funding calls should not exclusively focus on aid, but also include support to allow applicants to increase their professional capacity.[61] This is especially important for young people involved in the third sector who may not have the same breadth of experience as applicants further along in their careers. In order to attract a diverse pool of applicants and make grants more accessible, EU funding bodies must take steps to de-professionalise their application process. This can be done by providing adequate and accessible resources and training to applicants, and making allowances for a lack of experience.

Other European Union programmes have previously provided training sessions for CSOs on how to apply for funding successfully, and have even offered individual consultations for smaller CSOs.[62] These in-person or small workshops – while proven to be helpful in aiding grassroots initiatives – are labour intensive and engage with a limited number of participants.[63] In order to maximise the accessibility of funding calls in Russia, EU funders should distribute a Russian-language online package of resources to applicants, with tips and guidelines on how to complete an application. Where possible, funding calls should include FAQs, hotlines, email support, IT support if applying through a portal, and examples of previously successful applications. If the EU wishes to engage younger CSO actors who have less grant-writing experience, information should be available in simple Russian, with 'legalese' being avoided wherever possible. The EIDHR application process included links to financial toolkits and contract guides, but these were not available in Russian, and thus were of limited help to a Russian-speaking applicant. Those reviewing funding applications should look for promising civil society initiatives, regardless of whether these initiatives have the benefit of professional grant-writing experience or copywriting services – especially in the case of first-time applicants. Should a promising proposal be rejected, funding bodies should provide thorough feedback, with

[60] Human Rights Centre Memorial (2020) 'Feminist artist Yulia Tsvetkova is a political prisoner, Memorial Says', 18 February (https://memohrc.org/en/news_old/feminist-artist-yulia-tsvetkova-political-prisoner-memorial-says).

[61] European Economic and Social Committee (2015) 'Opinion of the European Economic and Social Committee on civil society in Russia (own-initiative opinion)', 14 July 1:53. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52014IE3060&qid=1629111311700

[62] Kenner, Peake and Wallace, op cit: 310.

[63] Ibid: 310.

information on how a CSO can increase its odds of success going forward.

Russian-language facilitation

Finally, in order for EU funding bodies to maximise their impact, they should not only facilitate Russian-language applications and resources, but also be prepared to accept Russian-language applications. By not offering application materials in Russian, the EIDHR vastly reduced the reach of its programming, restricting candidates to a narrow pool of people who are very familiar with the international grant-writing process. This is not representative of Russian third sector engagement, especially outside of metropolitan centres. If the EU funders wish to diversify their engagement with Russian CSO actors, it is vital for resources about the application process to be available in Russian.

Conclusion

In June 2021, the European Commission acknowledged that it needs to prepare for the further worsening of relations with Russia as “the most realistic outlook for the time being”. Russian political repressions are set to continue, and the increasing criminalisation of peaceful protest and the outright prohibition of foreign funding for CSO actors are both possibilities in the coming years. The EU is ready to push back against these human rights violations, and intends to implement increasingly flexible and creative approaches to support Russian civil society, thus avoiding the repression of CSO partners. It is not unlikely that the Kremlin will follow these actions with increasingly restrictive measures designed to curb EU engagement.

In developing a response to this shrinking space for civil society, it is important to be realistic about what the EU can and cannot accomplish. There is a delicate balance to be maintained, where the EU avoids provocation or hostile rhetoric, but responds appropriately to human rights violations and stays true to its values. In line with its Action Plan on Human Rights and Democracy, the EU should be aiming to support a wider range of democratic actors, with the goal of supporting democratic, structural political reform. The goal of this policy brief has been to avoid unrealistic expectations of EU foreign policy instruments, while simultaneously asking whether these mechanisms are reaching their potential. Although the work of EU bodies such as the EIDHR has been vital for the Russian third sector in the past, they must adjust to a changing legislative environment – one which is designed to choke off Russian civil society from the international community. By tailoring their

[64] European Commission (2021a) op cit: 11.
[65] European External Action Service, op cit: 60.
[66] European Commission (2021a) op cit: 11, 13.
[67] Heinecke, S. (2020) ‘Russia and the EU–the Helix of Alienation’, in M. Waechter and J-C. Vérez (eds), *Europe* Vol 33, Baden-Baden, Germany: Nomos Verlagsgesellschaft mbH & Co. KG: 4.
[68] Council of the European Union (2015) ‘EU Action Plan on Human Rights and Democracy’, Luxembourg: Publications Office of the European Union.

approach to the Russian context, EU funding bodies can meet the upcoming challenges facing Russian civil society.

In setting its agenda towards Russia, the EU should embrace new means of engaging with the Russian third sector. While previous attempts to bolster Russian civil society have been largely successful, the tactics used by funding mechanisms such as the EIDHR are no longer a possibility. Recognising that the space available to Russian CSOs is currently in flux, EU funding must be flexible and accessible, in order to engage Russian youth in an era of social transformation.

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