

# **U.S.-Russia Roundtable on Democracy and Human Rights**

## **Final Report**

on

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On April 29 and 30, 2009, members of the U.S. and Russian delegations met for the third session of the U.S.-Russia Roundtable on Democracy and Human Rights at the Carnegie Endowment for International Peace in Washington, D.C. The meeting discussions focused on the role of non-governmental organizations (NGOs) in their respective nations, how NGOs are perceived, and the issues they face in operating.

Participants on the Russian side included members of prominent Russian NGOs focusing on human rights as well as writers, academics, and government officials. The U.S. delegation retained many of the individuals who participated in previous sessions of the roundtable, but also added several new individuals. Jessica T. Mathews, President of the Carnegie Endowment for International Peace served as U.S. chair and Ambassador Vladimir P. Lukin, Ombudsman for Human Rights of the Russian Federation served as the Russian chair. The wide-range of represented professions included the head of a prominent American civil liberties' NGO, academics, and legal experts. The meeting agenda and full list of participants is attached.

### **Summary of Discussions**

The third session of the U.S.-Russia Roundtable on Democracy and Human Rights featured discussions on a wide-variety of issues. Much of the conversation was centered on the key topics described in fuller detail below.

#### **Tax structure and NGOs**

The American participants focused their discussion on U.S. government policies that strengthen the role of NGOs. They pointed to the key role played by the U.S. tax structure in encouraging NGO work. The structure includes both provisions to qualifying NGOs of tax-exempt status and tax deductions for charitable donations; these serve as positive examples of provisions that encourage the NGO sector.

On the Russian side, meanwhile, participants pointed out that the tax structure remained an obstacle to fostering NGO growth. Today, NGOs must pay taxes on services and assets, as well as profits in Russia. Additionally, one participant acknowledged that Russian citizens are often reluctant to donate to organizations because they may encounter problems from the authorities when the amount is officially declared. This particular challenge lent itself to a broader discussion of the funding obstacles for Russian NGOs. Apart from a lack of individual donations, corporate

donations are also few and far between. While the Russian government does grant some money to NGOs, the process is not transparent and the amount provided remains insufficient. Therefore Russian NGOs face grave funding difficulties. And in the end it is the authorities that provide directly or indirectly, through positive sanction of donations by companies or foundations, the majority of support NGOs receive or upon which they depend.

### **Foreign Involvement and NGOs**

Although many Russian NGOs receive some money from foreign sources, the role of foreign financing was an issue of major concern for the Russian participants. Many participants were leery of international financing for democracy promotion. The belief that foreign NGOs played a significant part in the color revolutions is widespread and means the authorities approach any NGO with foreign connections with suspicion. Other Russian participants were less concerned with this issue and instead highlighted the bureaucratic difficulties associated with receiving foreign funding. They also noted complications stemming from the fact that a required list of organizations able to provide international tax exempt financing had still not been finalized by the Russian government. Although no consensus was reached in the group on the proper role for international financing and foreign NGOs, one Russian participant offered a poignant example of the ideal balance. He felt that foreign NGOs should be allowed to help in creating a mechanism for monitoring elections while staying clear of monitoring the elections themselves.

### **The Judicial System and NGOs**

Many Russian participants cited a presentation about and discussion of the work done by the ACLU as particularly valuable to the dialogue. The American participant who discussed the work of the ACLU described the ways in which the ACLU uses the U.S. judicial system in order to uphold human rights and civil liberties and offered a frank portrayal of the difficulties and successes of this process.

The Russian side almost uniformly maintained the impossibility of adapting this technique to its own work at present because the courts remain fundamentally weak institutions, subject to undue influence from the executive branch. Although the Russian participants agreed that the Russian Constitution itself served as an adequate basis for protecting human rights, they stated that the complex Russian legal codes needed to be simplified to make them effective. Additionally, participants expressed frustration with the inability of the courts to solve simple matters, as well as, an inability of the government to see that court rulings are implemented. Participants who worked closely with the court system observed that the rights of defendants needed to be greatly expanded in Russia. Furthermore, they added that it was the judicial system that was one of the most difficult aspects of Russian society to reform.

### **Public Perception of NGOs**

Several of the American participants highlighted the vast influence and respect that NGOs garner in U.S. society. They noted that the nonprofit sector employs nearly 13 percent of the American workforce, and that even the current President could be counted as a previous nonprofit employee.

For the Russian participants, public perception of their work posed another hurdle. One participant remarked that while the Russian government has an official positive attitude towards human rights NGOs, individual government officials often hold hostile feelings towards those working in the human rights field. Yet this participant also pointed out that the public too has largely either apathy or negative feelings towards these groups. Another participant offered results from surveys that revealed that NGOs working in providing public services were best regarded, while human rights groups fared worst.

### **Follow-On Activities and Recommendations**

The sense of the discussions described above, was shared with U.S. government officials in multiple ways. At the conclusion of the Roundtable, participants met with Michael McFaul, senior director of Russian and Eurasian Affairs and Howard Solomon, director for Russian Affairs both of the United States National Security Council.

Subsequently, Ambassador Collins, Director of the Carnegie Endowment's Russia and Eurasia Program, had conversations with a series of USG officials. These include:

- Ambassador John Beyrle;
- Daniel Russell, Deputy Chief of Mission at the U.S. Embassy; and
- William Burns, Under Secretary for Political Affairs at the State Department.

Additionally, Ambassador Collins had a lengthier discussion on this topic with McFaul and Solomon.

The Russian delegation has the responsibility of sharing the outcomes of this Roundtable with their government as appropriate. We understand that Ambassador Lukin communicated the meeting outcomes to Sergey Kislyak, Russian Ambassador to the U.S.

Members of both the U.S. and Russian delegations expressed hope for the continuance of a fuller and layered engagement between the Russian and American governments, NGOs, and businesses. All participants agreed that this dialogue offered a rare opportunity for this type of engagement. Furthermore, the participants viewed the roundtable as a prime illustration of the ability to conduct constructive dialogues between the Americans and Russians on sensitive issues. Participants also agreed that discussing the role of media in shaping the human rights agenda would be an important topic for future conversations.

The timing of this Roundtable in the first months of a new U.S. administration and in the context of a still-new Russian administration, enabled the discussions to contribute constructively to thinking in both nations about how to renew this critical, bilateral relationship. The recommendations drawn from this project also informed Carnegie's ongoing work and the policy recommendations we offer to policymakers in both countries. Other longer-term outcomes of the Roundtable series include the easing of tensions in the relationship, and the strengthening of cooperative measures, which will enhance security in both nations and globally.