



United States Mission to the OSCE

Reply to the Russian Federation on its Foreign Agents Legislation as a Violation of its OSCE Commitments

As delivered by Ambassador Daniel B. Baer
to the Permanent Council, Vienna
November 12, 2015

Allow me to make four points in response to our distinguished Russian colleague.

The first point is that I realize, or I suspect, that my arguments will not persuade our distinguished Russian colleague of the flaws in his response, but I would urge our distinguished Russian colleague to make public what he just said. Because I think external scrutiny would reveal that there is far from agreement on his assessment of the condition for the space for civil society in the Russian Federation, that the tortured logic that he used to somehow defend consistency of the foreign agents law with Russia's OSCE commitments would not be widely held - certainly not unanimously held. But don't take it from me; if Russia believes that, Russia should make that statement public and be ready to respond to credible human rights voices who engage with that statement. (I don't ask you to classify me as one of them.)

Second, I just think it's important to once again say something about the issue of foreign funding that comes up so often, because I think intuitively it makes sense: people say, you know, "Why do NGOs in any country need funding from overseas?". Particularly to those of us who live in free and open societies, it seems strange that that's a mainstay of supporting civil society. And that's because, in the United States, and in many other countries, if you support an NGO that is advocating for one thing or another, it is incredibly unlikely that you will suffer a political consequence, that you will be thrown in jail, that your business will be shut down, that your children's schooling will be imperiled, that there will be some political repercussions for that support. This is not the case in all OSCE participating States. And in many OSCE participating States they depend on assistance from well-intentioned supporters of good causes from overseas because domestic supporters - not because they aren't there, but because domestic supporters are too vulnerable to political consequences to be able to give that support.

Third, in terms of the language, it is undoubtedly true that the Russian Federation's tactic of copying language or words from others is a clever tactic, in this case. But people shouldn't be confused by words being used to mean totally different things. I forget who said it, but somebody once said that the difference between a "Republic" and a "People's Republic" is like the difference between a jacket and a straightjacket. Well, the difference between a "foreign agent" in the United States and a "foreign agent" in Russia is equally large. In the United States it is true that foreign agents register if they are lobbyists working on behalf of a foreign government. But the reality on the ground speaks to the fact that many, many NGOs

that receive foreign funding do not register, because they are not lobbyists working on behalf of a foreign government. This is unlike what we see in the Russian Federation.

Finally, I think the saddest part of the statement today is that it doesn't reckon with the really challenging reality on the ground, which is that in today's Russia the Kremlin does not see those who are working to advocate for the human rights of people who live in Russia as patriots. And the people who are working to advocate for human rights in Russia are patriots. They are not doing the bidding of any other country. They are trying to build a stronger future for them, for their families, and for their country.

Thank you, Mr. Chair.