

# why shrinking civil society space matters

## in international development and humanitarian action

Funders'  
Initiative for  
Civil Society

at  
Global Dialogue

Enabling environment  
Solidarity  
Foundations and INGOs



EUROPEAN  
FOUNDATION  
CENTRE

## Authors

This paper was written by Julian Oram, Consultant and Deborah Doane, Funders' Initiative for Civil Society. Additional research was provided by Hanna Surmatz and Sevdalina Rukanova, European Foundation Centre, and consultants Rosien Herweijer and Russell Kerkhoven. The authors would like to thank James Savage, Fund for Global Human Rights, Iva Dobichina, Open Society Foundations, Thomas Carothers, Carnegie Endowment for International Peace, Bhekinkosi Moyo, Southern Africa Trust, Lia van Broekhoven, Human Security Collective, Bettina Huber, Oxfam Novib, Danny Sriskandarajah, CIVICUS and Danielle Hirsch, Both ENDS for their considerable feedback and input.

This paper is part of a collaborative initiative of the European Foundation Centre and the Funders' Initiative for Civil Society looking at the impact of shrinking space for civil society on development and humanitarian action and responses by private funders and INGOs. The work is funded by the Open Society Foundations and the Fund for Global Human Rights and supported by Global Dialogue.

## About the European Foundation Centre

The European Foundation Centre (EFC) is the platform of institutional philanthropy with a focus on Europe, but also with an eye to the global philanthropic landscape. With the aim of being the voice of institutional philanthropy in Europe, the EFC promotes and communicates the value of institutional philanthropy to society thus contributing to an environment in which philanthropy can flourish. It serves as a hub of sector exchange and intelligence, to help its members increase the impact of their added value in society. [www.efc.be](http://www.efc.be)

## About the Funders' Initiative for Civil Society

The Funders' Initiative for Civil Society (FICS) brings together private philanthropy from around the world, to help ensure that civic space is free and open, with engaged citizen participation that is free of restriction from governments. Our overall aim is to push back against growing restrictions to civil society and philanthropy thereby creating a more enabling environment within which civil society can thrive. <http://global-dialogue.eu/funders-initiative-for-civil-society/>

## With the support of:



# Contents

\\ <b>Executive Summary</b>	4
\\ <b>Shrinking civil society space and its impacts on development</b>	6
\\ <b>Feeling the effects</b>	8
\\ <b>Adaptation and Mitigation: current responses to the crisis</b>	11
\\ <b>Pushing back: beyond adaptation?</b>	14
\\ <b>What could be done differently?</b>	15
\\ <b>Conclusions</b>	18
\\ <b>References</b>	19

Closing civil society space is a growing trend, impacting civic actors in countries throughout the world. This paper examines how the trend effects development funders and actors, and how they are responding. Questions explored include: what are funders doing to engage around re-opening space for civil society? How are they adapting? What are the impacts of the development community's approach to civil society as a whole?

The European Foundation Centre and the Funders' Initiative for Civil Society have come together to develop better insight into these questions and to increase awareness of the threats to civil society. We bring together different types of funders and actors to discuss approaches that can enable a more effective response to reverse this worrying trend.

# Executive Summary

A healthy civil society has been at the centre of many achievements in the developing world over recent years; access to education, healthcare, environmental improvements or debt relief, to name just a few.

A free and open civil society is critical to hold governments to account and to deliver on development's aim of better equality and poverty reduction.

Yet recent years have witnessed an alarming rise in restrictions placed on civil society's ability to operate, including in developing countries, to the extent that some have described the phenomenon as a 'global emergency'.<sup>a</sup> The trend has encompassed a range of repressive measures by governments, from constraints on freedom of assembly to imposing excessive red tape and limitations on NGOs receiving funding from foreign donors. The restrictions and laws placed on civil society are contagious: similar laws designed to control their activities are multiplying across the world.

Implicit and overt state-sponsored stigmatisation of parts of civil society is on the rise, with groups seeking to hold governments to account accused of being 'anti-development', working against economic security, or even of being terrorist sympathisers/supporters. More worrying is the increase in state-sponsored harassment, intimidation and violence towards those deemed to pose a threat to the interests of ruling parties. As a result of these trends, citizens are finding it harder to hold their political leaders to account, while some are

struggling to maintain effective operations in countries where the government is hostile to their presence. The situation is particularly acute in some of the world's poorest countries.

For international development funders, including INGOs, this can seriously impede their ability to support local organisations, undertake advocacy work or even implement basic service delivery programmes. How are funders responding? A survey and series of interviews undertaken in 2016 by the European Foundation Centre suggests that while international development and humanitarian funders and INGOs are aware that closing civil society space is a problem, many do not see this as a fundamental threat to their overall missions and actions. They testify that their own experiences are centred around the challenges presented by growing foreign funding restrictions, tighter reporting requirements and bank-derisking.

Most international philanthropic foundations and INGOs who act as intermediary funders are taking an 'adaptation and mitigation' approach to these constraints. Whereas a small number of philanthropic development organisations engage in advocacy to challenge shrinking space, most do not. Instead, the 'new normal' has seen re-configuring of grant programmes to ensure that they do not fall foul of new national laws; others are changing organisational structures or reducing the scope of their work overall; limiting partnerships and maintaining a distance between the more outspoken spectrum of development and human rights actors. As a last resort, funders and INGOs are making the painful choice of pulling out of difficult operating environments altogether. When this happens, local civil society is left bereft of critical resources to do their work, resulting in a smaller, deflated and ultimately less effective civil society to underpin development.



Mitigation measures, however, seem to be the norm, and for legitimate reasons. Humanitarian and development actors want to be able to provide much-needed services when governments are unable to do so. This response, however, may ultimately be to the long-term detriment of development and poverty reduction and the delivery of critical humanitarian relief. Whereas closing space impacts first and foremost on voice and participation (in themselves key development objectives), trends show that restrictions on civil society ultimately become wider and deeper over time - eventually curbing even the most seemingly apolitical activity, such as humanitarian relief.<sup>b</sup>

There are, of course, a few lights: some foundations and INGOs, for example, have been developing policies that aim to strengthen civil society space, even in difficult operating environments. Some INGOs see this as an opportunity to shift power to the global south and that, in the long-run, "closing space" can act as a catalyst towards this.

Does more need to be done? And can it be done in a way that does not compromise the ability of development and humanitarian actors to fulfil their missions? Can the ways in which we, as development and humanitarian funders, respond to this trend actually exacerbate risk and reduce space for others in civil society?

This paper explores potential ways forward for more concerted action and engagement across sectors: international funders, development and humanitarian actors alike. Leaving the defence of civil society space in developing countries to a handful of actors on the ground

is unlikely to be sufficient. We suggest that a stronger effort to respond collectively to closing space, in a strategic, coordinated fashion, is urgently needed in order to create a more enabling environment for civil society in which development and humanitarian action can succeed.

Some options and levers to respond more effectively to help reverse the trend are discussed. Examples include: coordinating international development funders' responses in conjunction with those working on the front-line of human rights, or working through international platforms like the Sustainable Development Goals or the Open Government Partnership to defend the value of civil society space for development.

Concrete actions for international funders/ INGOs are also suggested, such as more effective support for a more diverse local civil society, with domestic philanthropic support to underpin it. Ways to achieve this include more flexible grantmaking to assist less formalised activist groups and social movements or investing in local philanthropic networks to ensure domestic backing.

The current trend is not an inevitable trajectory, but it could remain so without more attention being paid to the issue of closing space and developing stronger responses in return, aside from merely adapting to the growing list of restrictions. Without an intensive effort to push back against closing space, development interventions will become progressively less effective at assisting those living in poverty.

# Shrinking civil society space and its impacts on development

Civil society has played a vital role throughout modern history in holding governments and powerful actors to account and pushing for progressive change around the world, from anti-slavery campaigns to responding to health emergencies such as the Ebola crisis, to rural social movements supporting smallholder agriculture, to international debt relief.

However, over recent years, the space for civil society to fulfil this essential function has been rapidly closing. New laws and policies constraining freedom of association and assembly have spread with viral speed, while crackdowns on freedom of expression and political dissent have become alarmingly common.

In 2015, serious threats to one or more civic freedoms were reported in over 100 countries.<sup>c</sup> As a result of these laws, international development and humanitarian groups and their local partners are being vilified, harassed, closed down and expelled in what some refer to as a global crisis, one that demands a concerted response by those who support civil society.

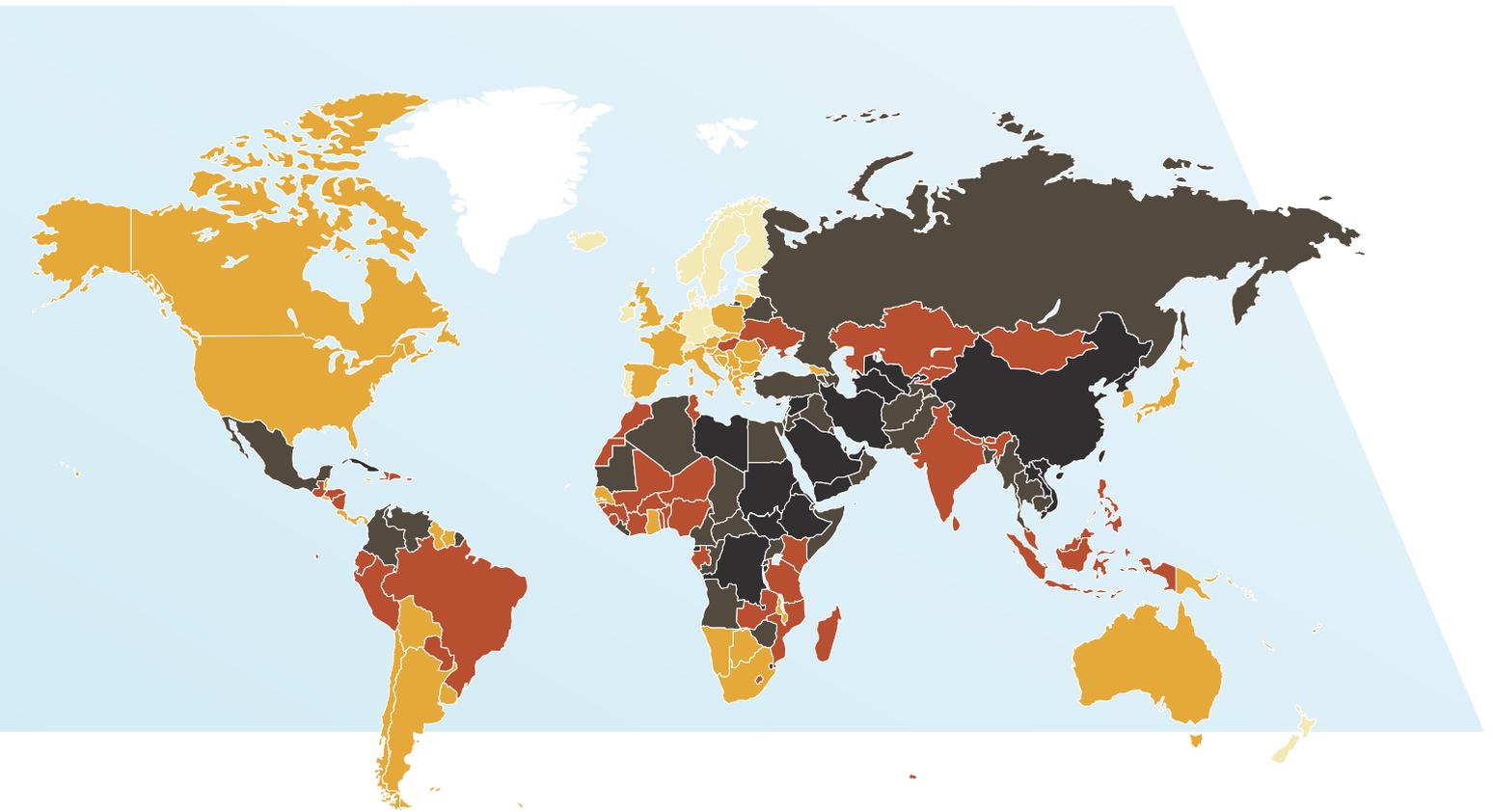
## Where is it happening?

The introduction of laws, policies and practices by states to restrict civil society is happening in all parts of the world, including both established democracies as well as emerging and post-conflict economies (see Figure 1). Non-state actors, such as business or other vested interests, can also play a role in threatening and reducing the space for civil society – often with the tacit or implicit support of the state.

According to the Civicus Monitor, which aims to track and share reliable, up-to-date data on the state of civil society freedoms around the world, there are only 22 countries remaining where the state both enables and safeguards the enjoyment of civil society space for all people. Of these, 19 are in Europe, two are in Oceania and one in the Americas. Currently, there are no open countries in Africa and Asia.<sup>d</sup> This means that civil society is restricted in almost every country where aid agencies operate, making the ability to operate increasingly difficult. A number of countries have enacted laws that specifically target international development funders and actors.<sup>e</sup>

## How and why is it happening?

The closing down of civil society space is being pursued by governments via a diverse array of laws, policies and tactics designed to monitor, restrict or harass NGOs, community-based organisations and social movements.



These include:

- 💬 Crack downs on freedom of assembly and freedom of speech
- 🔒 Legislative measures restricting how and where civil society organisations (CSOs) are allowed to operate
- 🔄 New bureaucratic and/or financial transparency burdens on CSOs
- 🤝 Restrictions on NGO registration and association
- 💰 Laws preventing organisations from receiving foreign funding
- 🔍 Monitoring and harassment by police and military forces
- 🎯 Smear attacks targeted at CSOs resisting harmful development projects as being 'against the national interest'
- 📢 Criminalisation of open dissent with government policies
- 🧠 Violence against activists by state-backed security apparatus<sup>f</sup>

**Figure 1: World map of closing civil society space**

- Closed
- Repressed
- Obstructed
- Narrowed
- Open
- Unclassified

Source: Image courtesy of Civicus, reflecting their assessment of the global state of affairs on closing civil society space as of October 2017

The drivers behind these various measures are manifold, but include the rise of authoritarian and populist governments; the misuse of counter-terrorism discourse by overly restrictive regulation and measures; the enactment of disproportionate measures to prevent criminal financing and money-laundering; the desire by local elite to protect corporate interests (both domestic and foreign); political imperatives to assert national sovereignty; control “foreign” funding flows into the country; and an attempt by states to control the flow of information and data in an increasingly digitised world.<sup>9</sup>

# Feeling the effects

**“We are facing more complicated banking issues, such as difficulties to transfer money and red tape around financial transactions. There are also more procedural, legal and administrative issues. All INGOs must now apply for online registration with the Ministry of Interior”**

Private foundation representative  
speaking about Pakistan

The European Foundation Centre interviewed twenty-five organisations funding development and humanitarian work around the world, either as philanthropic foundations or as intermediary NGOs.

Focusing on five countries in Africa and Asia - Cambodia, Ethiopia, Kenya, Pakistan and Sierra Leone - these discussions provided a diverse picture of how shrinking civil society freedoms are currently impacting upon their programmes.<sup>1</sup> The International Center for Not-for-Profit Law (ICNL) has also documented the impact of closing civil society space on development and humanitarian actors.<sup>2</sup> The most common effects of the closing space trend are summarised below.

<sup>1</sup> Interviews and desktop analysis were conducted by the European Foundation Centre in 2016. These were complemented by a joint survey by the European Foundation Centre and Alliance magazine that elicited responses from philanthropic development and humanitarian funders.

## Funding restrictions and administrative burdens

Since 9/11, concerns over the potential for terrorist groups to use NGOs as a way of moving money have meant that development and humanitarian organisations have faced increasing restrictions on their access to the financial system, including delayed transfers, the freezing of funds and, in some cases, the complete closure of bank accounts.

Furthermore, the imposition of new rules on non-profits also prompted more onerous and disproportionate financial due diligence measures by banks on humanitarian NGOs, particularly those operating in or near conflict zones. This resulted in a need to divert funds towards additional administrative staff and due diligence tools, aid delivery and financial transfer delays, and in some circumstances the closure of programmes.<sup>3</sup>

In addition to this, national and local civil society organisations face increasing barriers to receiving funding from abroad. A number of countries have placed partial or near-total restrictions on domestic groups from receiving foreign funding, including Algeria, Azerbaijan, Bangladesh, Ecuador, Ethiopia, Egypt, Eritrea,

**“I believe there is a shrinking political space in Sierra Leone. In 2004 we were free to hold public demonstrations, free to criticise government at all levels. It would not influence our interaction with the government. But that is no longer feasible. When you say anything contrary to what the government believes, you are seen as anti-government and treated as such”**

INGO worker in Sierra Leone

Hungary, India, Moldova, Nigeria, Pakistan, Russia, Sudan, Uzbekistan, Venezuela and Zimbabwe.<sup>2</sup>

The increasingly convoluted systems conditions under which local NGOs have to manage and report on their sources of income make it increasingly burdensome for private funders to provide grants. Many funders report that banks' checks and administration are becoming more difficult. In extreme cases, funders have had to withdraw support altogether so as not to jeopardise the position of local CSOs at risk of falling foul of strict government rules on foreign funding.

## Limiting operational effectiveness

The imposition of burdensome administrative requirements can severely hamper NGOs operational work. This includes geographical limitations on where aid organisations are allowed to operate; restrictions on NGOs' ability to engage in or support policy advocacy; limiting the kind of work agencies can carry out on pre-approved activities; preventing access to particular groups of people; imposing travel restrictions; and harassing local staff

<sup>2</sup> The situation in countries mentioned specifically in this paper is correct at the time of writing this document and may have either improved or worsened since then.

and partners. In some cases, development and humanitarian organisations have even been shut down.

## Vilification and divisiveness

In addition to legislative/regulatory measures, governments are increasingly using negative messaging to demonise NGOs and portray philanthropic development funders as agents of foreign political interests. This tactic has been particularly prominent in Bangladesh, China, India and Pakistan. A common pattern is that NGOs working in service delivery or on government-endorsed programmes experience less resistance and are more free to operate, while those working on human rights, community rights, land rights, natural resources, minerals or environmental issues are more likely to become stigmatised.<sup>3</sup>

The effect of such rhetoric has been to erode public trust in foreign development and humanitarian agencies, regardless of their area of work, increasing the considerable challenge these organisations already face when working in difficult environments. It also softens public opinion to policy measures that seek to constrict NGOs' operations, resulting in a tendency for vilification to spread to the whole of civil society.

**“The government tries to influence where the money is spent. In work with refugees, you can hire local NGOs to do some work, but they all have to be vetted by the government agency for refugees; and they sometimes prevent NGOs from doing activities, or push forward another NGO, or just block entirely activity. The government wants to have a grip on what is happening in refugee camps.”**

Private foundation representative  
speaking about Ethiopia

## Creating security risks to local staff

Another extremely worrying aspect of the move to silence civil society advocacy is that, in some countries, NGO staff and local partners are increasingly subject to intimidation, harassment and violence. This is often either sanctioned by state security apparatus, or simply allowed to happen without fear of reprisal. For example, in Sierra Leone, CSO activists have on several occasions been victims of death threats and attacks on property. No official statements from the government condemning the threats and attacks have been issued.

This increasing risk to development and humanitarian aid staff is an alarming trend in a number of countries, with the most dangerous for aid workers being Afghanistan, Central African Republic, Pakistan, South Sudan and Syria. According to the Aid Worker Security Database, violent incidents involving aid workers rose from 176 in 2005, to 329 in 2014. Fatal attacks more than doubled, from 53 to 121.<sup>k</sup> Although there may be a variety of causes for this increase in violent incidents, the overall situation in many countries is one where civil society groups face a climate of growing political hostility, which sets the scene for aid workers and activists to be targeted.

## Political interference in spending

In some countries, reduced flexibility for civil society to fundraise and manage their funds has been accompanied by an increase in direct political interference in how and where CSO funds are allocated. This is sometimes by default, i.e. the closing down of rights-based programmes meaning that funds are directed towards more politically palatable areas of work. However, in some cases governments and local authorities are demanding that development and humanitarian assistance be directed to particular places, groups or activities.

Some philanthropic funders have found that they cannot release funding to NGOs as they would wish to do, without breaching their fiduciary responsibilities. This is because due diligence processes require them to assess risk and only release grants where there is a relatively high level of assurance that the organisations receiving those funds will be able to spend them as intended, without political interference. This results in somewhat of a catch-22. Where they have been unable to satisfy the requirements under these due diligence measures, the funds have simply not been released.

# Adaptation and Mitigation: current responses to the crisis

With few exceptions, development funders and many in the INGO community have been dealing with the crisis in a way that aims to ensure ongoing access to the poorest countries, rather than taking a public or legal stance against restrictive measures.

Some see the 'new normal' as a burdensome administrative requirement that necessitates adaptation and mitigation. Several interviewees suggested that there were legal barriers that meant they couldn't engage more actively against restrictions, because of their organisations' mission/statutes. However, most recognise the need to try and support civil society in-country wherever possible - and, although examples are as yet few and far between, there appears to be growing support for quiet advocacy towards political actors.

Some of the most common responses are summarised below.

## Reframing Grant Programmes

The programmatic work supported by development and humanitarian funders seems to be very much influenced by the country context and the attitudes of governments; most philanthropic actors are happy to label their work in such a way that they do not attract undue control and attention.

They also may adapt their choice of programmatic fields, partners, and regions trying to avoid upsetting government and elected officials. As an example, some foundations stated that they work on humanitarian relief "because that is easier in this country context" even though their programmatic goals are development-oriented.

## Reduced support for civil society advocacy

Some funders, including INGOs, have reported withdrawing from advocacy activities in countries with restricted civic space in order to preserve the ability to support livelihoods and to carry out humanitarian work. Conscious of sensitivities around foreign funding for work that might be seen as political, philanthropic foundations and funder intermediaries have largely tended to sanction and even encourage this trend, channelling resources away from local civil society advocacy towards results-based, targeted projects.

Compounding this, recent years have seen a greater emphasis amongst bilateral donors on outcome-oriented aid, largely in response to increased domestic political pressure to justify Official Development Assistance (ODA) in an era of austerity.<sup>1</sup> This has created a bias within the whole development industry towards spending on measurable deliverables: schools built, mosquito nets distributed, etc. And while some private philanthropic foundations continue to support advocacy work where they can, in many countries local civil society groups are finding it harder and harder to attract the resources they need to engage in any form of rights-based advocacy, let alone resources to push back against closing space.

# “There is an overall hesitancy by development NGOs to join up in advocacy. If you join in advocacy, you might lose control of your development programme”

UN agency representative, speaking on the situation in Kenya

## Shifting to project-oriented funding

Related to the above, the growing tendency for funder organisations to focus increasingly on specific and time-bound activities focused on a particular outcome (e.g. the provision of clean water for a certain number of households) has weighted development assistance programmes heavily towards project-oriented funding, with less emphasis on core funding.

Local organisations have, however, stressed the added value and need for core funding, which allows local civil society groups to develop different skills and capacities, as well as to invest in things like growing their supporter base and undertake movement-building. When placed upon a project treadmill, many local CSOs can't be agile and pivot rapidly when their space comes under attack.

## Adapting programmes

International and local NGOs and funders have consistently adapted their programmatic work to fit within acceptable government parameters. Development organisations have had to accept that certain forms of intervention (often involving rights-based work) will not be politically tolerated by certain governments. In some countries funders/NGOs have had to restrict their operations to particular areas, and close down programmes in sensitive regions. For example, since the Ethiopian Charities and Societies Proclamation in 2009, many resident NGOs ended their projects and advocacy activities related to human rights, free legal aid, election observation, human rights education, conflict resolution between ethnic groups, women's and children's rights and re-oriented their objectives towards development issues and capacity building.<sup>m</sup>

Public advocacy and campaigning work has been a common casualty in the attrition of development/humanitarian programmes. Indeed, many organisations have changed how they frame their entire objectives: for example, instead of talking about working to stop sexual violence, they will frame their activities as “helping girls have a better future”. One funder interviewed conceded that in Ethiopia, “We cannot profile hunger, poverty or food insecurity ... it has to be progress and best practice stories.”

Maintaining and adapting operational programmes in restrictive states often requires a process of continuous negotiation and dialogue with local and national public authorities. Indeed, one of the main reasons that development/humanitarian agencies and their donors often cite for not being more vocal about repressive laws is the need to maintain a good relationship with local political leaders about how and where they can deliver livelihoods programmes and humanitarian assistance. Such an approach helps to secure the short-term future of NGOs' work, but raises real questions about its long-term sustainability.

## Changing organisational structures

Another tactic organisations have used to adjust to changing rules about how they operate is to set up different kinds of operations that allow them to operate outside of the constraints on foreign NGOs. These include registering as domestic entities, setting up alternative cooperatives or collaborative ventures with local organisations, or even incorporating as a private enterprise. This can alter cost structures, such as increasing tax liabilities.

**“Social change and justice are extremely difficult topics, although this is what we are after. We are not interventionist, we have had to adapt our funding expectations to take account of the changes in the context. We have responded by being low key, supportive and not bulldozing in.”**

Humanitarian funder, speaking about Ethiopia

## Changing partner relationships

Some organisations that can no longer operate directly in a given country will continue to work by strengthening their efforts to support local partner organisations. This can be particularly valuable where funding goes beyond programmatic work and extends into the development of capacity building and professional advocacy skills. Others try to maintain a presence by working through a regional office that can support domestic organisations. For example, some groups that can no longer work in mainland China continue to support programmes in that country through Hong Kong-based offices.

This local support is not consistent, however. In some countries, aid agencies have chosen to distance themselves from certain civil society groups – such as pro-democracy and human rights organisations – so as not to aggravate the government. INGOs may shy away from local civil society networks and coalitions that engage in advocacy on potential controversial issues. This can serve to undermine local efforts to support civil society space.

## Supporting civil society resilience

Some funders are already providing different types of support to local partners to ensure that they can maintain a presence even in challenging environments. These include: emergency support to local partners if other funders have been unable to do so, pro bono legal or accountancy services, support for networking and alliance-building (locally as well cross-border) and focused capacity development, which is increasingly seen a key strategy to engender a more durable civil society in the long-run.

**“Overall, a shift is needed to give greater power to local organisations. We’re trying to support larger systems change through indirect, quiet support of people who are interested in building local constituencies.”**

Private foundation representative

# Pushing back: beyond adaptation?

**“In Africa, it is frustrating that the international NGOs and UN organisations supposed to uphold rights do not stand up and talk about the fact that the space is narrowing and that this is not acceptable. They carry on with business as usual. They assess their role on the basis of how much money they secure as an organisation. That kind of obsession - money to deliver programmes - makes advocacy secondary.”**

Representative of pan-African advocacy organisation

There are several instances where funders and INGOs are seeking to create a stronger response to the restrictions on civil society.

Many have begun to share their experiences of cases where grant programmes have encountered problems due to regressive government laws and policies.

In a few cases, international foundations and NGOs are engaging in quiet dialogue with the governments in question. This tends to be via efforts to present evidence of civil society-led approaches to development that bring effective results in fighting poverty, in order to bolster their legitimacy. However, a few are also taking a more 'activist' approach, engaging directly with legislators or bilateral donors in an effort to create an enabling environment for civil society and philanthropy. All stated the need to ensure that any push back is locally rooted and owned and not counter-productive.

Many of those interviewed discussed the importance of supporting local partners. In some cases this is through making resources available for information-sharing platforms and meetings between local actors. Similarly, some talked about backing work via coalitions where there is some safety in numbers. Others mentioned supporting local social enterprises or youth groups as avenues to enable expression in safe spaces.

Some INGOs are developing policy positions on closing space. However, from the initial set of interviews it would appear that only a few foundations and INGOs have already developed specific strategies to move beyond "adaptation" or "resilience" towards supporting "resistance". Indeed, the interviews suggest that many are struggling to adequately gauge and respond to closing civil society space. There is clearly a need and opportunity to embark on cross-sectoral thinking and analysis of the systemic nature of the problem and possible responses amongst development and humanitarian funders, many of whom generally continue to deal with programmatic threats on an individual and case-by-case basis.

# What could be done differently?

To counter the trend around the shrinking space for civil society, a concerted effort is needed amongst the development and humanitarian funding community - from private philanthropy to INGOs - to reaffirm the importance of civil society space and basic human rights, such as freedom of assembly, expression and association, and to strengthen local organisations and social movements that are fighting against the tide.

Some argue that the closing space trend provides opportunities and not just risks: it can help to further shift power to the global south, re-define local relationships as well as relationships with social movements, push the development community to recognise and affirm the political nature of what they do, and encourage solidarity and the creation of new alliances and partnerships.

Initial thoughts on opportunities for more concerted efforts arising from research by the EFC and FICS include:"

## Using multilateral processes to defend civil society space

The multilateral level is currently awash with opportunities to defend space for civil society. There are advantages and disadvantages to these approaches. On the one hand, they

provide ready-made opportunities where the enabling environment for civil society can be defended. The weakness is that they may present opportunities for white-washing, enabling states to use the frameworks, and co-opting civil society, while not achieving substantial change on the ground.

### Sustainable Development Goals (SDGs)

Given the necessity of civil society involvement in delivering many of the commitments that governments have made under the SDGs, development actors could seek to align the protection of civil society space with development objectives. This could also involve proactive strategies to showcase the positive contribution of civil society. Funders should consider opening grantmaking streams explicitly encouraging CSOs to coordinate their engagement with governments in relation to the role of open civil society in delivering the 2030 Agenda.

### Open Government Partnership (OGP)

The OGP is a multilateral initiative that aims to secure commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. Participant nations include nations from across the developed and developing world. Participant governments agree to be held publicly accountable for progress in delivering their commitments. The initiative relies on citizens and civil society groups to engage with governments to elevate open government to the highest levels of political discourse, providing 'cover' for difficult reforms, and creating a supportive community of like-minded reformers from countries around the world.

The OGP has explicitly sought engagement from civil society.<sup>o</sup> This provides a potential lever for development funders and the organisations they support to engage in dialogue with governments that are committed to the OGP but have nonetheless introduced troubling laws restricting civil society.



## Aid accountability under the Busan and Paris agreements

The Busan Partnership for Effective Development Co-operation has seen a number of OECD governments committed to a set of principles to strengthen aid effectiveness, including ones which reaffirm the important role of civil society in aid accountability:

“Civil society organisations (CSOs) play a vital role in enabling people to claim their rights, in promoting rights-based approaches, in shaping development policies and partnerships, and in overseeing their implementation. They also provide services in areas that are complementary to those provided by states. Recognising this, we will:

- A.** implement fully our respective commitments to enable CSOs to exercise their roles as independent development actors, with a particular focus on an enabling environment, consistent with agreed international rights, that maximises the contributions of CSOs to development.
- B.** encourage CSOs to implement practices that strengthen their accountability and their contribution to development effectiveness, guided by the Istanbul Principles and the International Framework for CSO Development Effectiveness.”<sup>p</sup>

At the 2016 High-Level Meeting of the Global Partnership in Nairobi, governments agreed upon an agenda for implementing the Busan Agreement over the coming years. Crucially, the Nairobi Outcome Document acknowledged the shrinking of civil society space around the world, and committed Global Partnership

members to accelerate progress in creating an enabling environment for civil society.

## Creating solidarity across funders and development actors

Defending civil society isn't the domain of any one actor or sector. Better collaboration across funders can bolster efforts to push back against closing space. This can include everything from sharing information to joining donor collaboratives or funding efforts that treat closing civil society space as a global priority. Country-level processes designed to review human rights laws and space for civil society and press freedom are often a part of this, though it was acknowledged that coalition forming and actions need to be assessed carefully on a case-by-case basis.

Programmes and public messaging from funders and INGOs should also be consistent (or at least not inconsistent with) pro-democracy and human rights groups at the front line of efforts to defend civil society space.

## Innovation in civil society and local support, including philanthropy

There is a widely acknowledged need to diversify support to different kinds of civil society organisations and movements; a need to increase and strengthen those actors that are truly rooted in their societies, and not necessarily those that can meet traditional administrative hurdles.

Depending on the national context, there are various types of organisations that play a key role in reacting to political developments, and that can mobilise coalitions to respond to 'major moments'. This is crucial - yet is hard

to capture in a project log frame. Moreover, many donors focus their resources on specific issues. Core and/or unrestricted funding from philanthropic organisations could be key for these groups to be able to play an effective watchdog role in their societies.

More flexible finance mechanisms are needed where the context is changing rapidly and/or where space is limited, to allow civil society organisations to adapt as needed. For example, there are cases where donors have allowed projects to 'freeze' when organisations were under threat, without budget implications. Local groups confronted with new threats and opportunities in relation to civic space also need the possibility to reorient funds as needed.

Indigenous philanthropic networks and grassroots supporter bases are a key way to support local advocacy work dedicated to maintaining civic space. The historical reliance on foreign donors by development actors in most poor and emerging economies has dis-incentivised the formation of foundations dedicated to supporting development work with a political edge, or indeed non-programmatic research to assist local groups to understand and counter development threats.

## Building capacity and resilience for local civil society to push back

INGOs and philanthropic funders are stepping up support for local civil society actors - both to protect them and to build capacity and resilience to respond to the closing space.

Support ranges from the simple to the unusual: staff costs/support to families in case staff of local partner organisations is arrested and/or sentenced; budget for legal retainers; dedicated support for ensuring sound financial management systems, given that non-compliance with the rules and regulations is regularly used to crack down on organisations that voice criticism towards government; and

allowing partners to use a certain percentage of budgets to build up an emergency reserve.

Mutual capacity building, an approach that is being tested by some groups of INGOs and local civil society actors, has the potential to broaden engagement with multiple key decision-makers and strengthen the voice and resilience of local groups to challenge measures that restrict the space for civil society.

Resilience requires also specific measures to protect the security, including digital security, of those who are on the front lines and such support should be integrated into development and humanitarian grants.

## Strengthening advocacy efforts

Philanthropic funders have financial clout and global gravitas; they have access to high-level figures, both domestic and international. Together with INGOs, they have a critical role to play in their own countries of origin. For example, they can support monitoring of financial, trade and investment policies to ensure that these would not affect negatively, directly or indirectly, the space for civil society to engage in national policy making. They can also add their voice to efforts that demand both national and transnational companies based in their home countries to implement internationally agreed guidelines, principles and standards<sup>3</sup> prior to major investments in other parts of the world.

There are good reasons why many funders would be averse to undertaking direct advocacy with influential figures, such as statutes and legitimacy, but they can add their voice to joint efforts and be important advocates in support of retaining open civil society space.

<sup>3</sup> Such as: OECD Guidelines for Multinational Enterprises which include standards on Environmental Impact Analyses; ILO standards such as Free, Prior and Informed Consent and the payment of Living Wages, UN Guiding Principles which demand Human Rights risk analyses prior to major investments.

# Conclusions

**First they came for the Socialists, and I did not speak out – Because I was not a Socialist.**

**Then they came for the Trade Unionists, and I did not speak out – Because I was not a Trade Unionist.**

**Then they came for the Jews, and I did not speak out – Because I was not a Jew.**

**Then they came for me – And there was no one left to speak for me.**

Martin Niemöller <sup>9</sup>

Civil society is made up of a diverse array of actors, sometimes working in harmony, sometimes in conflict with each other. But its existence is critical for a healthy democracy and most importantly, for development. While progress on basic poverty indicators can be made in its absence, progress is more consistent when an open civil society is defended, supported and upheld. The most marginalised in society, which many development actors are supporting, cannot thrive without those voices prepared to hold governments to account.

The issue of closing space is therefore a critical pillar for development action. With stronger collaboration and resources directed towards the push back, there is the potential to stem the tide and reverse the trends of the past few years. Without a solid civil society foundation on which to build development, many of our efforts could remain in vain.

# References

- a Van der zee, B. (April 2017) "Democracy campaigner: governments are scared of the participation revolution" The Guardian <https://www.theguardian.com/global-development-professionals-network/2017/apr/25/democracy-campaigner-governments-are-scared-of-the-participation-revolution>
- b Carothers, T and Brechenmacher, S. (February 2014) Closing Space: Democracy and Human Rights Support Under Fire <http://carnegieendowment.org/2014/02/20/closing-space-democracy-and-human-rights-support-under-fire-pub-54503>
- c UN Special Rapporteur on the rights to freedom of peaceful assembly and of association. (June 2017) "Imagining A World Without Participation: Mapping The Achievements Of Civil Society" UN Human Rights Council A/HRC/35/28 <http://freeassembly.net/reports/civil-society/>
- d Civicus (October 2017) "People Power Under Attack: findings from the global Civicus monitor" [http://www.civicus.org/images/CM\\_Findings\\_7Oct\\_v1.pdf](http://www.civicus.org/images/CM_Findings_7Oct_v1.pdf)
- e ICNL (July 2014) "A Mapping of Existing Initiatives to Address Legal Constraints on Foreign Funding of Civil Society" [http://www.icnl.org/research/resources/foreignfund/A\\_20Mapping\\_20of\\_20Existing\\_20Initiatives\\_20to\\_20Address\\_20Legal\\_20Constraints\\_20on\\_20Foreign\\_20Funding\\_20of\\_20Civil\\_20Society\\_20July\\_202014.pdf](http://www.icnl.org/research/resources/foreignfund/A_20Mapping_20of_20Existing_20Initiatives_20to_20Address_20Legal_20Constraints_20on_20Foreign_20Funding_20of_20Civil_20Society_20July_202014.pdf)
- f Office of the High Commission for Human Rights (2015) "Civil Society Space and the United Nations Human Rights System: A practical guide for civil society" [http://www.ohchr.org/Documents/AboutUs/CivilSociety/CS\\_space\\_UNHRSystem\\_Guide.pdf](http://www.ohchr.org/Documents/AboutUs/CivilSociety/CS_space_UNHRSystem_Guide.pdf)
- g Brechenmacher, S, Carothers, T, Closing Space: Democracy and Human Rights Support under fire. Carnegie Endowment for International Peace, 2014.
- h International Center for Not-for-Profit Law (2016) op. cit.
- i Keatinge, T. and Keen, F. (April 2017) "Humanitarian Action and Non-state Armed Groups The Impact of Banking Restrictions on UK NGOs" <https://www.chathamhouse.org/sites/files/chathamhouse/publications/research/2017-04-28-nsags-banking-restrictions-ngo-keatinge-keen.pdf>
- j Hayman, R; Lawo, T; Crack, A; Kontinen, T; Okitoi, J; Pratt, B. (July 2013) Legal Frameworks and Political Space for Non-Governmental Organisations: An Overview of Six Countries EADI Policy Paper Series. European Association of Development Research and Training Institutes. [https://www.eadi.org/typo3/fileadmin/Documents/Publications/EADI\\_Policy\\_Paper/EADI\\_policy\\_paper\\_july\\_2013.pdf](https://www.eadi.org/typo3/fileadmin/Documents/Publications/EADI_Policy_Paper/EADI_policy_paper_july_2013.pdf)
- k The Aid Worker Security Database (Last updated: May 2, 2017) Major Attacks on Aid Workers: Summary Statistics 2005-2015 <https://aidworkersecurity.org/incidents/report/summary>
- m Hayman, R. et. al. (July 2013) (op. cit.)
- n ARIADNE / EFC / IHRFG (March 2015) "Challenging the Closing Space for Civil Society: A Practical Starting Point for Funders" [http://www.ariadne-network.eu/wp-content/uploads/2015/03/Ariadne\\_ClosingSpaceReport-Final-Version.pdf](http://www.ariadne-network.eu/wp-content/uploads/2015/03/Ariadne_ClosingSpaceReport-Final-Version.pdf)
- o Open Government Partnership (2015) "Open Government Partnership: Four Year Strategy 2015-2018" <http://www.opengovpartnership.org/sites/default/files/attachments/4YearAP-Online.pdf>
- p 4<sup>th</sup> High Level Forum on Aid Effectiveness (December 2011) Busan Partnership for Effective Development Cooperation. Busan, Republic of Korea. November 29 - December 1. <http://www.oecd.org/dac/effectiveness/49650173.pdf>
- q Martin Niemöller: "First they came for the Socialists..." <https://www.ushmm.org/wlc/en/article.php?ModuleId=10007392>

This paper is part of  
a collaborative initiative  
between the European  
Foundation Centre and  
the Funders' Initiative  
for Civil Society (FICS)

 European Foundation  
Centre (EFC) 2017

This work is licensed under a Creative  
Commons Attribution Non Commercial-No  
Derivatives 4.0 International License.

Unless otherwise noted, images in this  
publication were acquired under Creative  
Commons licenses.

This publication has been printed using  
environmentally-friendly ink.

The EFC prints a limited amount of paper  
products to decrease paper consumption.  
All EFC publications are available  
at [www.efc.be](http://www.efc.be)

Scan the QR code to download  
a digital version of this publication:



Paper certified  
FSC Mix Credit



**European Foundation Centre, AISBL**

Philanthropy House  
Rue Royale 94 | 1000 Brussels, Belgium  
+32 2 512 89 38 | [efc@efc.be](mailto:efc@efc.be) | [www.efc.be](http://www.efc.be)  
[www.philanthropyhouse.eu](http://www.philanthropyhouse.eu)