Enabling space for civil society action

There is considerable evidence from international groups such as CIVICUS, ACT Alliance and The International Center for Not-for-Profit Law (ICNL) that civil society space is shrinking.1 Within repressive regimes, emerging economies and established multi-party democracies, space for civil society activity is becoming increasingly restricted through the imposition of legal restrictions, bureaucratic constraints, and the intimidation, imprisonment and even assassination of civil society activists.

To date, the spotlight has been on where, how and why civil society space is shrinking and the resulting social, political and human consequences. This edition of ONTRAC seeks to take a different approach, and shift the discussion from shrinking space to how we can protect and enable space for civil society action.

It will explore both the opportunities – from the collapse of long-standing authoritarian regimes across the Middle East and North Africa to the emergence of new constituencies, norms and technologies – and the roles of governments, donor agencies and international non-governmental organisations in protecting and enabling civil society space. Civil society actors worldwide must capitalise on these opportunities and work closely with other civil society groups and donor agencies, private sector organisations and governments to protect and enable civil society space.

The authors in this edition are united and driven by a belief in the inherent value of civil society. As an organisation, INTRAC shares this belief and recognises the important functions a healthy and vibrant civil society plays by generating the social basis for democracy; promoting political accountability; producing social trust, reciprocity and networks; creating and promoting alternatives; and supporting the rights of citizens and the

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Seven reasons to believe this is our moment, civil society

As economic growth stutter in emerging economies and remains a distant mirage in the developed world, millions face their bleakest prospects in decades.

Unemployment, homelessness, cutbacks in basic services, growing inequality, rising prices, social unrest, and increasing violence against the most vulnerable are all threatening to roll back the limited progress achieved on the Millennium Development Goals and erode a social contract that was civil society’s crowning achievement of the last century. Hard won human rights and civil liberties are under threat even in countries upheld as beacons of progressive democracy.

Civil society has seen the effects of the financial crisis compound the assault on freedoms justified by the global war on terror. These have now been overlaid, in the wake of Wikileaks and the Arab Spring, with new attacks on freedom of expression on every continent. In almost every country dissent is being criminalised, non-violent protest crushed and penalties for challenges to authority escalated.

New laws that empower governments and business at the expense of citizens spring up as quickly as older versions are decapitated. Civil society actors worldwide find themselves abandoned to the tender mercies of tyrants by an international community focused on domestic concerns, indifferent to environmental impact in the face of economic pressures, and willing to turn a blind eye to the actions of their new economic partners.

Where, in that landscape of pervasive gloom, is there cause for optimism? I believe there are at least seven substantive reasons to believe that we, as civil society, are in the midst of a once-in-a-generation opportunity to advance our shared goals.

Economic paradigm shift:
The longevity of the financial crisis and its social consequences have demonstrated the limitations of the market-fundamentalist paradigm of globalisation. As the crises have dragged on, the gap between the 1% and the 99% has become starkly visible even to ardent champions of free-market economics. Billionaires, pundits and citizens alike increasingly recognise the structural flaws of the pursuit of profit at any cost that impoverishes lives and imperils our planet. Persistent advocacy from renowned economists and civil society groups – the Occupy/Indignado movement, in particular – has finally placed inequality on the agenda.

Recognition of root causes:
The sheer criminality, resistance to reform and utter lack of remorse of financial institutions, and the toxic nexus between big business, big media and politics have exposed the plutocratic capture of assets, voice and institutions of governance that underpin the prevailing predatory model and focused energies on the common cause of our problems.

New constituencies:
The use of social networks as a medium for social action reflects the kindling of interest among young and middle-class people around the world in the exercise of citizenship. The outrage of those young people and the middle classes directly impacted by austerity measures, corruption andcronyism has been met by knee-jerk authoritarian responses, further expanding the constituency for civil society. Successes against tyrants, mega-corporations and regressive legislation have fuelled agency and ambition, continually expanding the range of the possible.
Social networks:
The spread of communication technologies – mobile phones, in particular – are permitting groups once muted by location, culture or economic conditions, access to a range of citizen actions from e-governance to citizen journalism and even the crowdsourcing of a new constitution. Previously excluded groups can increasingly find voice, resources and critical mass through new technologies. Coupled with the proliferation of human networks, these tools have massively increased the scale, speed and scope of civil society engagement and introduced new worldviews, values and strategies to civil society.

New norms of success:
Visible gaps in an economic model that had assumed unchallenged supremacy have also led to growing re-examination of the norms and metrics of success. Assisted by increasing recognition of the looming climate crisis, this has lent momentum to the demands for measures of progress beyond GDP or the bottom-line. As people seek more wholesome lifestyles, definitions of work, career, community and citizenship are being re-negotiated.

Trust:
A major casualty of the crises has been trust in institutions. Revelations of malfeasance by senior figures in politics, business, international institutions and the media, and their collective failure, together with academics and other experts, to predict the crises or manage their impact, have discredited these sectors and subjected their authority to greater scrutiny. Civil society is consistently trusted far more than government, business and the media at a time when trust is by far the most valuable currency.

Geo-politics:
Finally, the crises, and the recognition of interdependence they have made obvious, have accelerated shifts in global power, opening up greater possibilities for multi-polarity in global decision-making. Though the immediate consequence of these shifts is stasis in global decision-making, they have also brought new impetus and voices to the long overdue reform of global institutions. Despite resistance from incumbents, the progress towards more legitimate, equitable and inclusive institutions is inexorable.

It is all too easy for civil society practitioners, especially those who shaped the great successes of the last century, to despair at recent trends. Utopianism is scarcely a rational alternative. We still face a protracted battle between obsolete notions of top-down, technocratic systems and emergent bottom-up, participatory ones.

Nonetheless, on every continent and in every sector, we have within our grasp a chance at redistribution of power that, while nascent, fragile and fiercely contested, promises quantum advances in equity, accountability, sustainability and freedom. We may just be at that moment Seamus Heaney described when “once in a lifetime the longed for tidal wave of justice can rise up, and hope and history rhyme.”

After the revolution: challenges facing civil society in the new Libya

Civil society activity in Libya has proliferated following the 2011 revolution and subsequent lifting of the restrictions placed on civil society actors by Gaddafi’s regime. Life was very difficult for civil society actors in pre-revolution times. The head of one of the few independent NGOs active during this period summarised the situation as: “any activity that went against the morals and rules of the green books was not allowed”.

Gaddafi’s government regulated all activities within civil society and the level of restrictions increased as the challenges faced by the regime grew. During this period a number of independent NGOs did emerge, yet few survived for more than a few years because of all the restrictions placed on them.

Prior to the fall of Benghazi, Libyan civil society was regulated by Gaddafi’s law No 19, introduced in 2001, which restricted the activity of civil society organisations (CSOs). CSOs themselves were not illegal, but the registration process often took a number of years to complete and was very constricting. Absolutely everything needed to be approved by Gaddafi’s General People’s Committee. Ultimately, it was all under control of the government. Organisations could never act freely and independently, and many activities were banned for ideological reasons. For example, if you wanted to form an association to help poor people, the regime would respond by saying that there were no poor people in Libya.

Since the revolution many things have changed in Libya, including the country’s structures and institutions. For the first time the Libyan people have the opportunity to build their own state, beyond just a new government and ministers. Institutions are being completely rebuilt, based around democratic ideas and the social structures.
of the country. It will hopefully lead to a more open society with full rights and new possibilities for the Libyan people.

From the beginning of the conflict, civil society structures grew mostly in response to the growing humanitarian needs. People lost their homes and were in need of help. Young Libyans lost their families and had to be supported. However there was no government to meet these needs, so the people themselves became active.

By the end of 2011, more than 360 organisations were registered in Benghazi, 240 of which were active in the humanitarian sector. In just three months after the liberation of Tripoli, the Libyan people had formed more than 250 various organisations in the city. These numbers show both the need of civil society structures and the desire of the Libyan people to participate in and shape the post-Gaddafi era.

However new legislation is required to protect and support Libya’s nascent civil society. Clear legislation will help to consolidate the gains made by civil society and ensure that Libyans are able to continue to form new organisations in the future. These reforms are desperately needed, not just to support organisations to deal with the wide range of problems that exist in post-revolution Libya, but also to establish a living and working democratic society. While the National Transitional Council (NTC) began to develop new laws, it is now the responsibility of the new government to continue this work.

The Transitional Government which was formed by the NTC at the end of 2011 includes a Ministry of Culture and Civil Society that manages the registration of new NGOs and all the regulations that organisations must meet in the new Libya. According to ministry officials there are around 800 NGOs registered in Libya. However the registration process highlighted a lack of knowledge about how NGOs work and how they are organised. Most Libyan NGOs have no experience of how to organise civil society activity, raise and manage funds, recruit supporters, and report on their results. In the next few years, many organisations will need support if they are to survive and thrive. International organisations are supporting Libyan CSOs to do this but some within Libyan civil society are fearful of being overly influenced and dominated by foreign organisations.

CSOs also played an important role in the first free elections of the National Assembly in July 2012. Workshops were held on topics like “How and why do you vote?” or “What is a constitution?” to increase people’s understanding of the democratic process. In addition, many NGOs got politically active by supporting independent candidates in their promotional campaigns, something that they could not do before.

An interesting and important feature of the new Libyan civil society is the role played by women. They are not just active; they participate in many different ways and have actually formed the majority of NGOs working in Libya today. These organisations are doing a great job. Libyan women are committed to their goal: to establish a new country worth living in.

While civil society in the new Libya faces a number of challenges, overall progress is being made. The space for civil society in Libya is growing and civil society organisations have more freedom to act and deliver their goals.

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Clear legislation will help to consolidate the gains made by civil society.

Upcoming INTRAC events

Supporting civil society in Africa

Innovative and effective collaboration between philanthropic foundations, international NGOs and civil society organisations

17 October 2012, 10.30-17.30 / Baring Foundation, London

A one-day workshop for philanthropic foundations and international NGOs to explore how they can work together better to support the strengthening of civil society in Africa.

Co-convened by INTRAC and the Association of Charitable Foundations (ACF), and hosted by the Baring Foundation.

The workshop is supported by the Diana, Princess of Wales Memorial Fund and the Baring Foundation.

Aid withdrawal, partnership and CSO sustainability in a time of global economic change

27 November 2012, 10.00-17.00 / St Anne’s College, Oxford

A one-day workshop for civil society organisations, researchers and development agencies to debate issues around partnership, civil society sustainability and aid withdrawal.

Call for case studies:
We want to build the debates around the real experiences of NGOs. If you are willing to share a case study with us, please contact Rowan Popplewell at rpopplewell@intrac.org.

Find out more about these events at www.intrac.org/pages/en/current-event.html

Contact Zoe Wilkinson at zwilkinson@intrac.org to book a place at either of the workshops.
Protecting space for civil society: how can official development agencies assist?

“A well-functioning civil society and politically involved citizenry are the backbone of longer term sustainable development.” Dambisa Moyo (2009)¹

Active citizens are essential for development. By holding governments and others to account, they strengthen national and local democracy; support people to claim their rights; provide vital services and support, including in fragile and conflict-affected areas; and advocate and campaign on issues such as poverty and justice. Strong, diverse and vibrant civil society groups are indispensable for enabling citizens to contribute effectively to issues that affect their lives.²

Despite considerable international evidence showing the importance of robust civil society in improving people’s lives and shaping development outcomes³, the International Center for Not-for-Profit Law (ICNL) notes that “between 2005 and 2010, over 50 countries considered or enacted restrictive measures constraining civil society.”⁴

So how can development organisations protect the space for civil society? In particular, how can official development agencies, like the Department for International Development (DFID), contribute to this? This article provides a brief snapshot of DFID’s work on this issue.

Background

In 2009 DFID reviewed its funding to civil society worldwide.⁵ The review found that DFID’s funding to civil society organisations (CSOs) primarily aimed to achieve three broad objectives:

1. Delivering goods and services to poor people especially in fragile or conflict-affected countries
2. Holding to account national, regional and international institutions with responsibilities for assisting poor people
3. UK citizens to contribute to international development.

The review noted that, although much could be achieved by focusing on the three objectives, two specific factors prevented the achievement of better outcomes for poor people in many countries.

The first was where governments were introducing regulations and practices that would severely constrain the activities of national and international CSOs. This hindered the scope and scale of civil society work.

Whilst some degree of regulation was required and justified – for example, ensuring that international and national CSOs operating in a country are properly registered and constituted, transparent about their work, and comply with employment, tax and other requirements – it was clear that, in many instances, governments appeared to be seeking to exert much more direct control on the work of civil society groups. This included limiting or constraining certain activities such as advocacy and human rights work, introducing new reporting requirements, restraining work in some geographical locations and with specific interest groups, and in some cases harassing staff and supporters of organisations.

For DFID, it was clear that the issue of legitimate space for civil society needed to be part of the regular dialogue between development partners and national governments. The findings of the review showed that, whilst DFID and other donors had at times previously raised such issues with host governments, this had not been a consistent feature in discussions. The review noted that the issue of ‘democratic space, including space for civil society’ also concerned diplomats who were sometimes better placed to raise such issues through diplomacy with counterparts.

The review recognised that protecting civil society space would not by itself necessarily result in improved lead outcomes for poor people. To achieve this, DFID also needed to emphasise work on genuinely enabling citizens to do things for themselves.

Although some DFID-supported CSOs could provide information about specific groups of people they were supporting to do things for themselves, it was difficult to find strong evidence demonstrating that DFID’s work was enabling people and communities to gain confidence and take initiatives themselves to improve their lives.

Progress to date

In 2010 DFID confirmed the three broad objectives (mentioned above) for its work with civil society globally.⁶

To protect space for civil society, DFID officials agreed with colleagues from the Foreign and Commonwealth Office and the Charity Commission for England and Wales that there was scope for the UK to contribute more actively in an established donor ‘Working Group on Enabling and Protecting Civil Society’.

¹ ‘Dead Aid: Why aid is not working and why there is a better way for Africa’ Moyo, D. (2009)
⁶ A summary of DFID’s work with civil society is available at www.dfid.gov.uk
Demonstrating solidarity and supporting pro-civil society space

Earlier this year I met a Palestinian woman living in the Gaza strip. She explained that she can no longer sleep after four of her children and her husband were killed in an Israeli military attack during the 2009 Gaza War; an attack that also left her and two of her daughters severely burnt as a result of the use of white phosphorus by the Israeli Army.

The Gaza War and the subsequent Israeli policies of ‘closure’, which denies Palestinians the most basic rights and promotes a culture of impunity, have divided Palestinian civil society. These divisions have not been helped by internal divisions within Palestinian political factions. They have exacerbated existing problems and have limited the effects of initiatives calling for unity and solidarity.

Sadly, Israel and the Occupied Palestinian Territory (OPT) is just one of many countries where civil society organisations (CSOs) that work on human rights issues face increasingly challenging working conditions. Experiences from Israel and the OPT also highlight the importance of addressing questions of civil society solidarity and protection when discussing how national and international CSOs should respond to shrinking space for civil society action.

A global crackdown on CSOs

In a recent post on his ‘From poverty to power’ blog, Duncan Green asked: is there a global crackdown on CSOs, and if so how should we respond? The answer to the first part is easy. Trócaire’s recent policy report ‘Democracy in Action: Protecting Civil Society Space’ found evidence of a clear trend towards shrinking political and operational space for civil society. The second part is where it gets tricky. Governments are ultimately responsible for the protection of human rights, yet there are obvious double standards being applied by many governments in their response to human rights abuses at home and overseas.

Much more could be said here, and more demands made of donors, recipient countries and the international community as a whole. But what about civil society; how should we respond? What are the roles and responsibilities of international non-governmental organisations (INGOs) like Trócaire?

As violent crackdowns on civil society become more widespread, the protection of civil society actors and organisations becomes increasingly important and is one area where INGOs can help. Experiencing increased threats against operational and political space (from criminalisation of project activities to threats to personal security), Trócaire and its partners decided to investigate ways to protect staff and partners working in countries with increased tension and oppression against governance and human rights work.

Following this, Trócaire developed and piloted a set of guidelines on working with and protecting partners at risk. While the guidelines emphasise that primary responsibility for partner security lies with partners themselves, they also outline Trócaire’s role in assisting partners to prevent and respond to security-related risk. This assistance can take various forms from risk management, security planning and also utilising advocacy mechanisms for staff and volunteers of partners in imminent danger.

Forms of INGO assistance

For example, during the regime of Bingu wa Mutharika, Malawi witnessed a crackdown on civil society which led to 20 people being killed during protests in 2011. Despite threats to personal security, Malawian CSOs came together, through a platform created to promote civil and
protection: the roles and responsibilities of INGOs in enabling

Exercising the right to peaceful protest: The Israeli Committee Against House Demolitions (ICAHD) stages a sit-in protest to prevent the approach of an Israeli bulldozer as it attempts to demolish a Palestinian home in East Jerusalem.

Exercise the right to peaceful protest: The Israeli Committee Against House Demolitions (ICAHD) stages a sit-in protest to prevent the approach of an Israeli bulldozer as it attempts to demolish a Palestinian home in East Jerusalem.

political rights. Trócaire supported its partners and other key CSOs in Malawi to put in place plans to ensure better security for their offices, staff, and data. This included supporting training, providing funds to improve physical security of offices and homes, as well as digital security training and technical support. Following the death of Mutharika, and the announcement of Joyce Banda as President earlier this year, there is cautious optimism that the crackdown on civil society will cease and that space will open up.

Trócaire experience also demonstrates that in order to enable space for civil society, underlying political and social drivers of poverty, vulnerability and inequality have to be addressed and the best way to do this is through applying a rights-based approach to development. This should be imbedded into a broad development strategy that integrates practical approaches to local peoples’ and partners’ protection, as well as work on increasing political participation, and the protection and promotion of civil and political as well as economic, social and cultural rights.

Demonstrating solidarity is also important. INGOs can support their partners by undertaking policy and advocacy work which aims to challenge the current imbalances of power leading to oppression. Following our research on civil society space, Trócaire has been working to promote an enabling environment through lobbying the UN and EU and influencing the international debate about aid effectiveness, both alone and through Trocaire’s national and international networks.

One of Trocaire’s networks, CIDSE, an international alliance of 16 Catholic development agencies from Europe and North America, has recently established a working group with the objective of learning from global experiences, to inform programming and advocacy responses to the increasing threats presented by the shrinking space for CSOs, and determine what role INGOs should play in mitigating those threats.

While the obligation to promote and protect human rights rests solely on governments, other stakeholders, be they donors or INGOs, also have an important role to play. Faced with an increasingly hostile environment, civil society solidarity and protection is more important than ever.

As INGOs we have to ensure we play our part, by supporting partners on the ground, influencing donors, and speaking out against violations. There is no one way to approach this role but whatever form our support takes it has to be guided by the concept of solidarity.

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NEW! Parallel courses

This year we are running our Organisational Development and Partner Capacity Building training courses in parallel to provide participants with the unique opportunity to attend selected sessions on both subjects. This innovative format allows participants to explore elements of both topics according to their specific needs and organisational context.

8-12 October 2012 Location: Oxford Course fee: £1,045 non-residential £1,295 residential

Organisational Development

This course is designed for those with some experience of organisational capacity building who wish to use organisational development techniques to improve performance and strengthen learning. The course will provide a range of tools and models, as well as designing and facilitating processes of organisational change and development.

Participatory Proposal Development

29 October – 2 November 2012 Location: Oxford Course fee: £1,045 non-residential £1,295 residential

This course has been designed to equip project staff with the necessary understanding and skills to use the components of the project cycle to develop a project proposal in a participatory way. This includes defining, planning, and appraising the project, and developing a proposal with a strong budget. As part of this course, Mango will deliver specific sessions on how to develop a budget in line with project objectives and activities.

Theory of Change

8-10 October 2012 Location: Oxford Course fee: £595 non-residential £745 residential

There has been a recent upsurge of interest in Theories of Change. Donors are increasingly requiring grantees to provide Theories of Change to accompany their proposals. Those organisations who have already developed a Theory of Change have found that the process and the product can provide greater clarity for communication, planning and M&E, enhance partner relationships, and support organisational development.

Impact Assessment

12-14 November 2012 Location: Oxford Course fee: £595 non-residential £745 residential

This course explores some of the different approaches to impact assessment that can be used by NGOs; the value of planning for impact; and how to build impact assessment into existing structures and systems. It also offers an opportunity to experiment with a number of tools and methods, and with how to use findings for organisational learning.

Advanced Partner Capacity Building

19-23 November 2012 Location: Oxford Course fee: £1,045 non-residential £1,295 residential

International development and CSOs have been working to support the capacity development of their partners either by developing specific partner capacity building programmes, or integrating support into their ongoing sector or thematic programmes. Whichever approach is taken needs to ensure appropriate support provision by tailoring initiatives towards the specific characteristics and needs of the partners. This course will provide an opportunity for experienced practitioners to strengthen their expertise in the design and implementation of partner capacity building programmes.

To receive a printed copy of our open training brochure or to enquire about tailor-made training, contact us at training@intrac.org or call 01865 263040.