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Addressing the global emergency of shrinking civic space and how to reclaim it: a programming guide

Julia Keutgen

Westminster Foundation for Democracy

Susan Dodsworth

University of Queensland

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Westminster Foundation for Democracy's approach to civic space

Westminster Foundation for Democracy (WFD) is dedicated to strengthening democracy around the world. As such, WFD supports efforts to ensure human and political rights of all people are respected. This commitment includes respect for all human rights, including the freedoms of association, expression and assembly, which are enshrined in the UN International Covenant on Civil and Political Rights¹ and are the bedrock of civic space. Engaging with civil society to promote a vibrant democracy, which defends human rights, is therefore at the core of our mandate.

Within this framework, **WFD's Strategic Framework 2017-2022 sets out an intention to engage more directly with civil society in its programming.**

WFD has increased its work in this area in-country and regional programmes as well as by engaging with the Open Government Partnership to foster collaboration between parliaments and civil society,² as part of a global consortium of international organisations.³

To further engage on this topic, WFD has developed a strategic approach on civic engagement based on its current programming, identifying two critical avenues for action:

1. Because of its relationships with parliament and political parties, WFD is able to foster the creation of an institutional enabling environment that benefits civil society.
2. With its political knowledge, WFD is well placed to support the evolution and growth of coalitions for change interested in advocating on behalf of civic space.

The current guide predominantly addresses the first avenue.

The scope and purpose of this guide

This guide is designed to provide anyone working on political processes with advice on how civic space affects civil society, whereby:

- Civic space is defined as *'the set of conditions that allow civil society and individuals to organise, participate and communicate freely and without discrimination, and in doing so, influence the political and social structures around them.'*⁴
- Civil society is defined *'as the multitude of associations around which society voluntarily organises itself and which represent a wide range of interests and ties. These can include community-based organisations, indigenous peoples' organisations and non-government organisations.'*⁵

This guide does not provide an exhaustive examination of all aspects of civic space. The closure of civic space manifests in many ways and affects a broad range of actors including the media, human rights defenders, academics, faith-based groups, trade unions, and professional non-governmental organisations (NGOs).

1. UN International Covenant on Civil and Political Rights adopted by General Assembly on 16 December 1966, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

2. For more information, please visit <https://www.wfd.org/approach/openness-and-participation/>

3. For more information about the OPeN consortium, please visit <https://openparliamentnetwork.org/>

4. <https://monitor.civicus.org/FAQs/>

5. OECD, 2006, DAC Guidelines and Reference Series Applying Strategic Environmental Assessment: Good Practice Guidance for Development Co-operation, OECD, Paris.

This guide is designed to provide democracy practitioners and other interested readers with:

- An explanation of what civic space is, and what attempts to close civic space look like in practice.
- An overview of data sources that can be used to measure changes in civic space, including the strengths and weaknesses of different sources of information.
- An explanation of some of the underlying risks.
- Practical action points for incorporating the issue of civic space into projects.
- Guidance on how to respond to some of the tough questions that may come up in this area.
- Information on other useful resources that practitioners can draw on to support their work on civic space.

The nature and impact of the problem

Over the last 10 years an increasing number of governments have adopted new laws and practices that constrain civic space - the set of conditions that allow civil society and individuals to organise, participate and communicate freely and without discrimination, and in doing so, influence the political and social structures around them. These constraints have taken a wide variety of forms, and affect a diverse range of actors, but many have targeted formal civil society.

Civil society does not, however, exist in isolation, being an integral part of democratic systems and societies. Therefore, current efforts by governments around the world to 'shrink' the space for civil society - or to keep that space at very minimal level - need to be understood as part of a wider trend towards electoral authoritarianism, illiberal democracy or political backsliding - a trend that is affecting all stakeholders in democratic societies, not only civil society.

Different governments adopt different tactics to constrain civic space. In 2009, for example, the Ethiopian government imposed new barriers to the creation of civil society organisations (CSOs) and tighter monitoring mechanisms. It also banned international non-governmental organisations (INGOs) and local groups that received more than 10% of their budgets from foreign sources from working on issues such as democracy, human rights (including the rights of children and persons with disabilities), equality, gender and conflict resolution. A hard cap on 30% on administrative activities also served to disadvantage those CSOs focused more on advocacy work, which requires a greater percentage of funds on human resources than purchasing and distributing food aid for example. This had a big impact on civil society, and in particular those CSOs working on issues related to democracy. Many smaller groups simply disappeared, while those that survived 'rebranded' or moved their operations into less sensitive areas.⁶

Policymakers and practitioners now refer to this phenomenon as 'closing' or 'shrinking' civic space. It first sparked **concern among the democracy assistance community**, where it has been understood as part of a broader backlash against democracy and a worrying sign of global democratic recession. This concern is rooted in the fact that civil society often plays a critical role in both promoting democratisation and bringing authoritarian rule to an end. More recently, the phenomenon has been explicitly cast as a potential threat to international development. Campaigners have highlighted how closing civic space limits the operational effectiveness of CSOs, constrains their geographic reach and heightens security risks for local staff.⁷

The closure of civic space also has serious **implications for the Sustainable Development Goals (SDGs)**, which accord a central role to civil society. As part of Goal 16, governments and other development actors commit to building 'responsive, inclusive, participatory and representative decision-making at all levels' and promise to 'ensure public access to information and protect fundamental freedoms, in accordance with

6. Dupuy, K., Ron, J., & Prakash, A. (2015). Who survived? Ethiopia's regulatory crackdown on foreign-funded NGOs. *Review of International Political Economy*, 22(2), 419-456. <https://doi.org/10.1080/09692290.2014.903854>. On a positive note, the civil society law was recently amended in February 2019, marking a significant reversal from the increasingly restrictive environment for civil society. <https://addisstandard.com/in-depth-analysis-can-ethiopia-make-the-transit-to-stability/>

7. Oram, J., & Doane, D. (2017). *Why Shrinking Civil Society Space Matters in International Development and Humanitarian Action*. Brussels: European Foundation Centre and Funders' Initiative for Civil Society. Retrieved from <http://efc.issuelab.org/resource/why-shrinking-civil-society-space-matters-in-international-development-and-humanitarian-action.html>

national legislation and international agreements'. In addition, under Goal 17, one target is to 'encourage and promote effective public, public-private and civil society partnerships'. The closure of civic space puts progress towards these goals at risk. CSOs also play a critical role in advocating for the achievement of the remaining SDGs, holding the government to account for delivering on its commitments, while in many cases helping provide services directly to the most vulnerable of citizens.

The struggle for an effective response

Both the democracy support community and the international development community have struggled to develop effective responses to the challenge of closing civic space. Experts have observed that while actors like the European Union (EU) have developed relatively good 'crisis response' tactics, they have yet to develop strategies that allow them to 'get ahead of the curve'.⁸ For example, while the EU has established an effective mechanism for channelling and coordinating emergency support to 'at risk' human rights defenders, it has had less success at identifying ways to pre-empt attempts to restrict civil society. Other experts have called for more forceful and coherent diplomatic responses to closing civic space.⁹ However, this can also be risky, as more forceful interventions can trigger backlash.

The issue of closing civic space has **important consequences for the work of democracy assistance providers**. Parliaments play a critical role in shaping civic space. Governments often use new legislation to close civic space by stressing the need for effective regulation and oversight (often highlighting the value of preventing fraud, deterring terrorist funding, or stopping 'foreign agents' from unduly influencing domestic affairs). This argument provides a veneer of legitimacy, deflecting international and domestic criticism while ignoring the main purpose of this legislation: to weaken any potential opposition.

8. Youngs, R. (2017). *Shrinking space for civil society: the EU response* (Paper requested by the European Parliament's Subcommittee on Human Rights). Brussels: Directorate-General for External Policies, European Parliament.

[http://www.europarl.europa.eu/RegData/etudes/STUD/2017/578039/EXPO_STU\(2017\)578039_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/578039/EXPO_STU(2017)578039_EN.pdf)

9. Brechenmacher, S. (2017). *Civil Society Under Assault: Repression and Responses in Russia, Egypt, and Ethiopia*. Washington, D.C.: Carnegie Endowment for International Peace. Retrieved from <http://carnegieendowment.org/2017/05/18/civil-society-under-assault-repression-and-responses-in-russia-egypt-and-ethiopia-pub-69953>

Part I: Overview

1. Civic space and civil society

1.1 What is civic space?

There is no single agreed definition of civic space in academic literature. Organisations, such as CIVICUS, the International Center for Not-for-Profit Law (ICNL), ARTICLE 19, and The Civic Space Initiative (CSI), provide a useful definition most commonly used by practitioners.

Civic space is the set of conditions that allow civil society and individuals to organise, participate and communicate freely and without discrimination, and in doing so, influence the political and social structures around them.

They go on to explain the importance of civic space: 'By forming associations, by speaking out on issues of public concern, by gathering together in online and offline fora, and by participating in public decision making, individuals use civic space to solve problems and improve lives. A robust and protected civic space forms the cornerstone of accountable, responsive democratic governance and stable societies.'¹⁰ Civic space is also critical to economic growth and fosters entrepreneurship.¹¹

1.2 How does civil society impact civic space?

Civic space affects every citizen in a country. The free exercise of fundamental rights by citizens and civil society is a key condition of the respect of civic space. As CIVICUS observes:

'Civic space is the bedrock of any open and democratic society. When civic space is open, citizens and civil society organisations are able to organise, participate and communicate without hindrance. In doing so, they are able to claim their rights and influence the political and social structures around them. This can only happen when a state holds by its duty to protect its citizens and respects and facilitates their fundamental rights to associate, assemble peacefully and freely express views and opinions. These are the three key rights that civil society depends upon.'

1.3 Uncivil society, conservative civil society and 'government non-governmental organisations'

Civil society has generally been considered as a positive factor contributing to the wellbeing of society. However, research has shown that civil society can also have negative effects, including negative effects on democracy and political stability.¹² Although the assumption that civil society is not necessarily beneficial for democracy is not new, this idea has recently raised more attention with a rise of dissenting voices that assert themselves in the arena of civil society and represent threats to the values of democracy. This 'uncivil society'¹³ does not accept fundamental rights and the fight for the common good. While it is important to acknowledge that different points of view enhance the democratic debate in society, 'uncivil society' uses nationalist, illiberal, extreme religious and exclusionary motives to defy democratic values. These organisations mostly flourish in countries where the concept and values of democracy and fundamental rights are undermined by regressing governments. These organisations create a confusion as to what civil society really is and this confusion benefits these autocratic regimes.¹⁴ They use violent and antidemocratic tactics to threaten civic space. 'Conservative civil society' is

10. CIVICUS, Guide to Reporting on Civic Space: Media Toolkit, page 4, <http://www.civicus.org/documents/reports-and-publications/reporting-civic-space/Guide-to-Reporting-Civic-Space-Media-Toolkit>

11. <https://www.ids.ac.uk/publications/what-does-closing-civic-space-mean-for-development-a-literature-review-and-proposed-conceptual-framework-2/>

12. Berman, Sheri. 1997. 'Civil Society and the Collapse of the Weimar Republic'. *World Politics* 49 (3): 401-29.

13. Petr Kopecky and Cas Mudde, *Uncivil Society? Contentious Politics in Post-Communist Europe* (London: Routledge, 2003)

14. CIVICUS, *State of Civil Society Report 2018*, <https://www.civicus.org/index.php/state-of-civil-society-report-2018>

not necessarily a synonym of 'uncivil society'.¹⁵ While some parts might be uncivil, others might be peaceable and democratic, even if they remain critical of social liberalism. Finally, some governments establish or sponsor 'government non-governmental organisations' (GONGOs) to further their political interest by imitating civil society organisations. These organisations are dangerous because they allow undemocratic governments to manage their domestic politics while appearing democratic,¹⁶ including through fake citizen engagement efforts, thereby undermining the people's views of civil society.

Case study: Uganda's conservative alliance against gender justice and equality¹⁷

In Uganda, conservative Muslims and Christians created an alliance to fight against the introduction of an amendment to the Marriage Law that would have given men and women equal rights in marriage and divorce. This amendment would have strengthened Uganda's democratic values of dignity, justice and equality in marriage. The alliance against gender justice and equality, acting as Uganda's conservative civil society, managed to rally support from many parliamentarians across different political parties, including many women members of parliament, who ended up voting against the law. The alliance did so by using many tactics to delegitimise this bill, including distortion and disinformation.

As this example shows, one area where conservative civil society has been particularly active is in relation to gender equality and LGBT+ rights.

2. What do attempts to close civic space look like?

At the heart of civic space rights are the rights to freedom of association, freedom of peaceful assembly, freedom of expression, human rights protection and civic engagement in rulemaking. Despite the fact that these rights are guaranteed in robust international and regional human rights instruments and frameworks, inclusion of these into domestic law and decrees remains an issue in many parts of the world.

The Open Government Partnership (OGP) has developed a useful classification¹⁸ that identifies five dimensions of civic space and the various ways in which governments have attempted to close that space.

Key fact: The International Centre for Not-for-Profit Law (ICNL)¹⁹ reports that 120 restrictive civil society laws were adopted in 60 countries between 2012 and 2015. One third of the restrictions were on international funding, half applied to the general legal framework for CSO operations and 20% were directed specifically against freedom of assembly.²⁰

The classification - set out below - is based on some of the tools developed to measure civic space (which are discussed in section 3). One thing it makes clear is that there are many different ways in which governments can close civic space. Some are more explicitly repressive while others are relatively subtle. This variety in the ways that civic space can be constrained is one reason why it is difficult to protect.

15. Youngs, Richard. 2018. *The Mobilization of Conservative Civil Society* https://carnegieendowment.org/files/Youngs_Conservative_Civil_Society_FINAL.pdf

16. Naím, Moisés. Democracy's Dangerous Impostors, The Washington Post, 21 April 2007.

17. Larok Arthur. 2018. 'The Conservative Alliance against Gender Justice and Equality in Uganda' in *The Mobilization of Conservative Civil Society* <https://carnegieeurope.eu/2018/10/04/conservative-alliance-against-gender-justice-and-equality-in-uganda-pub-77378>

18. OGP, *The Right Tools for the Right Job*, 2018, https://www.opengovpartnership.org/sites/default/files/Right-Tools_Civic-Space_20180508.pdf

19. The International Center for Not-For-Profit Law (ICNL) is an international not-for-profit organisation that promotes an enabling legal environment for civil society, freedom of association, and public participation around the world.

20. Rutzen, Douglas. 2015. 'Civil society under assault', *Journal of Democracy*, No 26(4), 2015

2.1 Freedom of association

Governments may seek to close civic space by restricting freedom of association. This may take the form of excessive interference, delay, or costs associated with the formation of non-commercial organisations. Specific examples of this include:

- barriers to CSOs entering public life and obtaining legal status;
- excessive interference in CSO operation, including their activities, structure, and governance;
- restrictions on civil society's access to resources, including on how they can conduct fundraising, how their income is taxed, and how they can receive and use foreign funding (including caps on administrative costs);
- excessive demands on CSOs with respect to reporting, supervision, and enforcement;
- application of pejorative labels, such as 'foreign agent', to CSOs with links to international actors.

Restrictions on freedom of association can include laws expressly targeted at CSOs, such as NGO registration laws. However, they can also include laws that apply to everyone - such as taxation laws - but which are enforced selectively against CSOs.

2.2 Freedom of assembly

Governments may seek to close civic space by restricting freedom of assembly. This may take the form of interference with people's ability to come together to collectively express, promote, pursue, and defend their ideas. Specific examples of restrictions of freedom of assembly include:

- Restrictions on assembly, including limits on the size of meetings (to as little as five or fewer people), restrictive permitting processes, or excessive responses to unpermitted assembly.
- Incidences of police violence, or failure to protect assemblies from violence by non-state actors.

2.3 Freedom of expression

Governments may seek to close civic space by eroding freedom of expression. This can include interference with people's ability to voice opinions and share and impart ideas. Specific examples of this include:

- bans on speaking out against the government, monarchy (lese majeste), or other institutions or groups;
- highly imbalanced application of laws related to defamation and slander that discourage free speech on pain of high financial penalties;
- censorship of the media;
- web blackouts, including closing down the internet or various social media platforms during major protests or controversies;
- online discrimination, such as blocked political content; and spying, surveillance, and intrusive government requests for organisational membership and participation.

2.4 Human rights protections

Governments may seek to close civic space by undermining the protection of human rights. This can include:

- The harassment of individuals and organisations by state actors (for example, the police), paramilitary groups, and other government-associated organisations.
- Failures to prevent the killing of civic activists and other violence directed towards them, or failure to prosecute such attacks when they occur.
- Specific harassment of groups in society, particularly political opposition, minority groups, and women.
- The use of 'suspended sentences' to ensure activists remain docile as well as the unlawful expulsion or removal of citizenship of CSO activists.

2.5 State-civil society relations

Civic space is narrowed when state-civil society relations are weak or antagonistic. Governments seeking to close civic space may adopt formal and informal measures to restrict which CSOs can access public officials and how much access they have. Governments may only infrequently consult civil society on policy decisions, or not at all. The existence of 'anti-system' groups within civil society may also be a sign that state-civil society relations are poor.

3. Measuring changes in civic space

As repressive governments have increasingly used complex tactics to close space for civil society, it is important to recognise this when it occurs and to be able to measure the extent of the problem.

Some organisations have developed tools, which measure civic space in a country. These different tools consider various factors comprised in civic space. Their objectives vary and can range from providing resources for advocacy purposes to detailed legal analysis of the situation in-country to pursue litigation in court. To identify the full extent of the challenges, it is useful to simultaneously review several of these tools especially because of the wide variety in geographic coverage or scope of these tools.

3.1 CIVICUS Monitor

<https://monitor.civicus.org/>

'This is an online tool which allows you to access live updates from civil society around the world, track threats to civil society and learn about the ways in which our right to participate is being realised or challenged. It rates 195 countries on a five point scale from open to closed. It tracks news and developments in real time related to civic freedoms.'

Source: <https://monitor.civicus.org/>

This tool is useful to amplify civil society advocacy in-country. It is not an annually-updated international index of democracy and key human rights indicators.



Key fact: According to this tool, only 3% of people on the planet live in a country which is genuinely open.

3.2 ICNL's Non-Profit Law Research Monitor

<http://www.icnl.org/research/monitor/index.html>

'ICNL's Civic Freedom Monitor provides up-to-date information on legal issues affecting civil society and civic freedoms - the freedoms of association, expression and peaceful assembly. Currently, ICNL presents reports on 54 countries and 8 multilateral organizations. Each country report provides an overview of key legal issues relating to civic freedom, with a focus on legal barriers to civil society activity. Each multilateral organization report provides an overview of the organization, with a focus on legal issues affecting civic freedom and civic participation.'

Source: <http://www.icnl.org/research/monitor/index.html>

This monitor is useful for reviewing the country's legal framework and analysis. It provides an analysis of the following legal framework for civil society: barriers to entry, barriers to operations and activities, barriers to speech and/or advocacy, barriers to international contact, barriers to resources and barriers to assembly, as well as a legal snapshot of the national frameworks and international human rights treaties. The ICNL monitor does not score countries and as such is best used for research purposes.

3.3 World Bank's Regulatory Governance Indicators

<http://rulemaking.worldbank.org/>

'The Global Indicators of Regulatory Governance project explores how policymakers interact with stakeholders when shaping regulations. The dataset covers 187 countries and does not rank countries, but it publishes a score which ranges from 0 (worst performance) to 5 (best performance). The areas of importance to identify whether a country's civic space is restricted are whether a specific regulation has been consulted with civil society and whether there has been a report-back of the consultative process.'

Source: <http://rulemaking.worldbank.org/>

This tool only gives a very partial picture of the situation with regard to civic engagement (civic engagement in rulemaking) in a specific country. Yet, it is specifically the angle explored in this tool that might provide a useful analysis, including for programming purposes.

3.4 Varieties of Democracy (V-Dem) Database

<https://www.v-dem.net/en/news/core-civil-society-index/>

'V-Dem represents a worldwide collaborative effort of 3,000 scholars and experts, which seek to measure democracy through a multidimensional lens from 1789 to today. This tool provides an analysis from a dataset of 450 V-Dem indicators in 201 countries. V-Dem extracts embedded expert knowledge to create a novel set of civil society indicators. The Core Civil Society Index provides a measure of how robust a nation's civil society is. Specific V-Dem indicators relevant to the issue of civic space (some of which are included in the Core Civil Society Index) include:

- CSO Entry and Exit, which measures the extent to which the government controls entry and exit by CSOs into public life.
- CSO repression, which measures whether the government attempts to repress civil society.
- CSO Consultation, which measures whether major CSOs are routinely consulted by policymakers on policies relevant to their members.
- CSO anti-system movements, which measures whether there are anti-system opposition movements among CSOs.

V-Dem also gives useful scores on a very detailed set of indicators, including indicators that measure respect for political and civil rights.'

Source: <https://www.v-dem.net/en/news/core-civil-society-index/>

V-Dem provides a useful way of looking for trends in a country over time, and comparing countries to others in their region. This may help to identify countries where closing civic space is occurring, or is a significant risk. However, V-Dem does not provide detailed analysis on why particular scores have been assigned and by whom, and is therefore of limited value in designing programming responses.

3.5 Bertelsmann Transformation Index

<https://www.bti-project.org/en/home/>

'The Bertelsmann Stiftung's Transformation Index (BTI), which is published every two years, analyses and evaluates whether and how developing countries and countries in transition are steering social change toward democracy and a market economy. Guided by a standardized codebook, country experts assess the extent to which a total of 17 criteria have been met for each of the 129 countries. These experts ground the scores they provide in assessments that comprise the country reports, all of which are available online. Based on a comprehensive set of seven threshold values, such as the freedom of association and expression, the index determines whether a country is classified as a democracy or autocracy.'

Source: <https://www.bti-project.org/en/home/>

The country reports put these scores into context by providing a short analysis. However, the analysis is not always very comprehensive and might not enable country offices to identify programmatic actions.

3.6 Freedom House Report

<https://freedomhouse.org/report/freedom-world/freedom-world-2018>

'Freedom in the World is Freedom House's flagship annual report, assessing the condition of political rights and civil liberties around the world. It is composed of numerical ratings and supporting descriptive texts for 195 countries and 14 territories.'

Source: <https://freedomhouse.org/report/freedom-world/freedom-world-2018>

Freedom House's ranking on civil liberties provides a good analysis of the question of civic liberties and in particular of questions related to 'Associational and Organizational Rights'.

3.7 Which source to use to measure what?

Some data sources are more useful for measuring certain types of problems relating to civic space. Table 1 provides a guide to which sources are most useful for measuring different aspects of the problem.

Table 1: Summary of how different sources are useful

Dimensions of civic space	Useful sources of information
Freedom of assembly	ICNL and CIVICUS Monitor
Freedom of association	CIVICUS Monitor, Bertelsmann Transformation Index, Freedom House Report
Freedom of speech	CIVICUS Monitor, Freedom House, Freedom on the Net, Bertelsmann Transformation Index
Human rights protections	CIVICUS Monitor
State-civil society relations	World Bank Regulatory Governance Indicator, V-Dem

4. The role of parliaments in shaping civic space

Parliaments play a critical role in shaping civic space because governments often use legislation to close civic space. Restrictive laws are not the only way governments can do this: governments can also intimidate and harass civil society in non-legislative ways. However, legislative restrictions can be particularly effective because they allow governments to control civil society without outright repression. Indeed, these legislative proposals often look reasonable at first glance. For example, proposals may be framed in terms of improving the financial accountability of CSOs, combating money-laundering, protecting citizens from 'scam' NGOs, and ensuring that the work of civil society is in the national interest.

One reason why legislation is a popular tool for closing civic space is that parliamentary endorsement of these laws provides a veneer of legitimacy. Authoritarian rulers know this, and some use parliamentary votes very strategically to justify their actions as 'democratic'. For example, when Kazakhstan introduced a restrictive civil society law in 2015, the human rights activist Amangeldy Shormandaev observed, 'It's a [government] tactic to say, "the members of the parliament did it", so what can we do about it?'.²¹ Thus, by using democratic processes and institutions to close civic space, governments are able to deflect international criticism.

It is tempting for organisations to assume that parliaments will act to defend democracy by resisting the closure of civic space. However, some parliaments (such as that of Bangladesh, in 2016)²² are willing to ignore diplomatic appeals from international actors, as well as campaigns from domestic civil society, and approve restrictive laws. Parliamentary approval of laws that seek to restrict or repress civil society is not, however, automatic. In some cases, parliaments do resist. For example, in 2016, Kyrgyzstan's parliament surprised many observers by rejecting the proposed 'Foreign Agents Law'.²³

Partly as a result, it has been difficult for democracy supporters to develop effective responses to the use of legislation to close civic space. Another complicating factor has been that in many places, relationships between parliamentarians and civil society are adversarial and characterised by distrust. CSOs may be more focused on protest and opposition to the government rather than engagement with representative bodies such as the parliament. In such contexts, parliamentarians may genuinely believe that increased regulation of CSOs is necessary.

21. Quoted in Grishin, Andrei. 'Dismay as NGO Law Goes Through Kazakhstan.' *Kazakhstan International Bureau for Human Rights and Rule of Law*, December 12, 2015. https://bureau.kz/en/news/kibhr_information/dismay_as_ngo_law/

22. Human Rights Watch, 2016. <https://www.hrw.org/news/2016/10/19/bangladesh-new-law-will-choke-civil-society#>

23. Dodsworth, Susan, and Nic Cheeseman. 2017. 'Defending Democracy: When Do Parliaments Protect Political Space?' Policy Paper. London: Westminster Foundation for Democracy. <https://www.wfd.org/2018/07/19/wfd-policy-paper-defending-democracy/>

5. The role of political parties in shaping civic space

Political parties can be considered as political civil society organisations that reflect the interests of a particular group (or several groups)²⁴ and can be seen as conduits between citizens and civil society and the decision-making institutions. In multiparty democracies, this requires states to safeguard a pluralism, in which citizens, political leadership and civil society can function, and fair elections.

However, most political parties do not focus on promoting and protecting civic space even though the gradual restriction of civic space often corresponds to an advanced warning for upcoming restrictions on the media and opposition parties. Therefore, stressing the need for a vibrant civic space for democracy in political party manifestos and policymaking, should be an obvious course for political parties.

Research suggests that political parties have an important role to play if resistance to closing civic space is to be effective over the long term. In order for this resistance to closing civic space to be successful in illiberal regimes, campaigns for political reform often need to build coalitions between political parties and civil society: neither group can achieve sustainable reform on its own.²⁵

Reformasi movement in Malaysia

The Reformasi movement was initially established in 1998, by a collaboration between civil society and opposition parties, to call for the resignation of Malaysia's longest serving prime minister and induce political transformation. Civil society, which is usually quite resistant to aligning itself with political parties, realised that broad-based cooperation on common aims, such as the promotion of human rights and good governance, including repeal of unjust laws, expunging corruption, press freedom, judicial independence and social justice, was the best strategy available.

Thanks to the Reformasi movement, the opposition won over 40% of the votes in the 1999 elections with three times the usual number of people registered to vote, and the government was pressured to respond and initiate reforms. The Reformasi movement led to a change in Malay political culture away from blind loyalty and clientelism and towards more critical engagement with political processes, and the development of a dominant opposition coalition, hence ushering in a more liberal form of parliamentary democracy.²⁶ This ultimately led, in 2018, to the Barisan Nasional administration being ousted after 61 years in power, marking the first ever transition of the Federal Government of Malaysia.

6. The role of international actors

Depending on the country context and political situation, organisations can face challenges in terms of getting registered, facing harassment, or being able to obtain entry visas for certain countries. Here, there are several issues to consider.

6.1 The rationale for action by international actors

International law and resolutions provide an important part of the rationale for action by international actors with respect to civic space. This means that in helping to protect civic space, 'outside' values are not being imposed onto other countries, but instead they are being supported to live up to their own international commitments and obligations.

24. Mexhuani, B., Rrahmani, F., 'The Relationship between Political Parties and Civil Society', Journal of Political Sciences & Public Affairs, 2017: <https://www.longdom.org/open-access/the-relationship-between-political-parties-and-civil-society-2332-0761-1000295.pdf>

25. Weiss, M., 'Protest and Possibilities: Civil Society and Coalitions for Political Change in Malaysia'. Stanford: Stanford University Press, 2006.

26. Weiss, M., 'Protest and Possibilities: Civil Society and Coalitions for Political Change in Malaysia'. Stanford: Stanford University Press, 2006.

International and regional human rights instruments include commitments to protect a variety of rights and freedoms that constitute a critical part of civic space. These include the Universal Declaration of Human Rights (UDHR) and similar regional instruments such as the European Charter of Human Rights (ECHR), the African Charter on Human and Peoples' Rights (ACHPR), the American Convention on Human Rights (ACHR), and the ASEAN Human Rights Declaration (AHRD). These instruments commit states to the protection of rights to personal liberty and security, as well as freedoms of expression, assembly and association. In other words, they include protections for several of the dimensions of civic space set out in section 2.

In recent years, some of these obligations have been articulated more expressly in terms of civic space. In July 2016, the United Nations Human Rights Council (UNHRC) passed a resolution that urges states 'to create and maintain, in law and in practice, a safe and enabling environment in which civil society can operate free from hindrance and insecurity'.

This resolution calls for states to:

- ensure that civil society actors can seek, secure and use resources;
- maintain accessible domestic procedures for the establishment or registration of organisations;
- ensure that civil society can give input into potential implications of legislation when it is being developed, debated, implemented or reviewed;
- adopt clear laws and policies providing for effective disclosure of information; and
- ensure access to justice, accountability and an end to impunity for human rights violations and abuses against civil society actors.

6.2 Protecting the right to operate

In cases where the executive power attempts to restrict civic space, parliamentary development and political party support programmes might be used to fight for the existence of democratic principles. But in some cases, these types of programmes might jeopardise the right to operate in a country. For example, the Friedrich Ebert Stiftung has remained in Ethiopia, despite a highly restrictive environment for democracy and human rights, but has chosen to work directly with the ruling party, hoping to support positive change from within the power establishment. In contrast, the Heinrich Böll Stiftung chose to leave Ethiopia in 2012 after encountering significant limits on its work there.²⁷ Another example can be found in the Open Society Foundation that decided to close its office in Hungary after a systematic anti-Soros campaign orchestrated by the Hungarian government. Engaging the wider diplomatic and international NGO (INGO) community - in particular the UK embassy - may be necessary, as evidence has shown that international pressure can be effective in many contexts, especially where donor funding provides critical resources and services.²⁸

6.3 Risk of triggering further repression or undermining civil society legitimacy

Research shows that support from international actors to civil society can, in some contexts, trigger further repression by governments. For example, statistical evidence shows that governments are more likely to introduce laws that restrict civil society if international donors channel large amounts of foreign aid through NGOs.²⁹ In addition, when governments restrict civic space, they often argue that they are protecting the country from 'foreign agents'. High profile efforts by international actors to support civil society can inadvertently reinforce this narrative, making it harder for CSOs to convince the public that

27. Heinrich Böll Stiftung, 'Closure of the Heinrich Böll Foundation Office in Ethiopia', November 21, 2012, <http://www.boell.de/en/intlpolitics/africa-closure-heinrichboell-foundation-office-ethiopia-background-16060.html>.

28. Dodsworth, Susan, and Nic Cheeseman. 2017. 'Defending Democracy: When Do Parliaments Protect Political Space?' Policy Paper. London: Westminster Foundation for Democracy. <https://www.wfd.org/2018/07/19/wfd-policy-paper-defending-democracy/>

29. Dupuy, Kendra, James Ron, and Aseem Prakash. 2016. 'Hands Off My Regime! Governments' Restrictions on Foreign Aid to Non-Governmental Organizations in Poor and Middle-Income Countries'. *World Development* 84 (August): 299-311. <https://doi.org/10.1016/j.worlddev.2016.02.001>.

they are legitimate and independent actors. For example, in Kyrgyzstan, CSOs campaigning against the 'Foreign Agents Law' reported that forceful statements from Western actors were sometimes counterproductive, making it more difficult for them to persuade deputies in the national parliament to vote against the law. However, private feedback can sometimes prove critical: the EU's threat to the Kyrgyz President to slash aid if the law was passed was seen by some as decisive in causing the government to relent.³⁰

This does not make it impossible to support civil society; however, it does mean that programming needs to be designed to take these risks into account. For example, it may be more effective to design programmes that 'open the door' to parliament for civil society than to make high-profile public statements that criticise government actions.



30. Dodsworth, Susan, and Nic Cheeseman. 2017. 'Defending Democracy: When Do Parliaments Protect Political Space?' Policy Paper. London: Westminster Foundation for Democracy. <https://www.wfd.org/2018/07/19/wfd-policy-paper-defending-democracy/>

Part II: Key Programmatic Action Points

Based on good practices and case studies, the second section of this guide will attempt to provide some programmatic guidance and useful tips to colleagues on how programmes can support the creation of an enabling environment and positive engagement between civil society actors and political institutions, in particular parliaments and political parties, and defend civic space when it is threatened.

What role can democracy providers play?

Several roles can be played depending on the political context and the relationship with the parliament and political parties. These roles are framed into the following actions:

Action 1: Assess current trends in the legal and political context

Action 2: Assess factors shaping political incentives

Action 3: Promote participation of civil society in parliamentary business

Action 4: Supporting civil society organisations

Action 5: Building coalitions

Action 6: Developing long term, flexible and adaptive programming

Action 7: Measuring the impact of programming

Action 1: Assess current trends in the legal and political context

Overall assessment of civic space trends and identification of warning signs

The first step in developing programming responses in this area is to assess the overall trend in civic space in the country at hand. This means asking: *on the whole, is the relationship between civil society and government improving or getting worse?* This question can be answered using the information sources identified in section 2, as well as informal discussions with networks of in-country contacts, including the diplomatic community, leading human rights organisations, or large grant-giving organisations and foundations.

It is also important to identify whether there are any potential triggers for increased repression or warning signs on the horizon. Experience shows these can take a variety of forms, including:

- elections, particularly where elections are expected to be quite competitive;
- proposals for constitutional change, such as proposals to remove or weaken presidential term limits;
- attempts by civil society to reach out to international mechanisms (such as the International Criminal Court) to hold incumbents accountable;
- large increases in international donor funding to civil society, for example as a result of a corruption scandal that leads to a suspension or reduction of aid provided to the government; and
- negative news reports around international NGOs, local civil society, or more broadly 'international interference'.

Local knowledge plays an important role at this stage, as local civil society may become aware of warning signs before they are reported in sources, such as the CIVICUS Monitor.

Identify laws and decrees restricting civic space

It is important to identify existing laws and decrees that restrict civic space, as well as any proposed laws that might have this effect. A good place to start when doing this analysis is the ICNL's Civic Freedom Monitor. Broadly speaking, this will involve looking for laws that affect the five dimensions of civic space set out in section 2. Three types of laws will be relevant here:

- laws that are expressly about civil society, such as NGO registration laws;
- laws that are expressly about political activities, such as laws that regulate protests or the media; and
- laws that are more general, but which may be selectively enforced so as to constrain civic space, for example taxation or defamation laws.

Tip: For a survey of the different types of legal restrictions that can be used to constrain foreign funding for civil society, as well as examples of these, see Douglas Rutzen's (2015) article on Aid Barriers and the Rise of Philanthropic Protectionism: <http://www.icnl.org/research/journal/vol17ss1/Rutzen.pdf>

He identifies the most common legal constraints as follows:

- requiring prior government approval to receive international funding;
- enacting 'foreign agents' legislation to stigmatise foreign funded CSOs;
- capping the amount of international funding that a CSO is allowed to receive;
- requiring that international funding be routed through government-controlled entities;
- restricting activities that can be undertaken with international funding;
- prohibiting CSOs from receiving international funding from specific donors;
- constraining international funding through the overly broad application of counterterrorism and anti-money laundering measures;
- taxing the receipt of international funding, including cross-border philanthropy;
- imposing onerous reporting requirements on the receipt of international funding; and
- using defamation laws, treason laws, and other laws to bring criminal charges against recipients of international funding.

Particular attention should be paid to:

- laws that include very broad and/or unclear definitions, giving implementation agencies considerable discretion for enforcement;
- laws that restrict the receipt and use of foreign funding (note that this may not necessarily take the form of a complete ban - for example, the law might require CSOs to open bank accounts in the national bank, where their finances can be more easily controlled by the government); and
- laws that are extremely complex or contradictory, creating (potentially deliberately) an environment of uncertainty about what civil society is, and is not, allowed to do.

Tip: Some recurring arguments used by governments to close civic space are that these restrictive laws are necessary to promote NGO accountability, protect state sovereignty, or preserve national security.

However, it is useful to note that, as per international law, restrictions on the exercise of freedom of association are justifiable only where they are:

(a) prescribed by law;

(b) in pursuance of one of the four legitimate state interests: (i) national security or public safety, (ii) public order, (iii) the protection of public health or morals, and (iv) the protection of the rights and freedoms of others; and

(c) necessary in a democratic society which amounts to a proportionality test between the restriction and the legitimate aim pursued.³¹

Certain groups, such as LGBT+ groups,³² women's groups and environmental groups have been more often targeted by these restrictive laws.

Identify laws and decrees promoting civic space

Ideally, programmes and projects should not just respond to problems but pre-empt them. This means that in addition to protecting existing civic space from new restrictions, an enabling environment for civil society should be created. Identifying cases of good practice, both in the countries where this happens, and in neighbouring countries, might provide context-appropriate examples of 'good practice'.

In some cases, 'good practice' might exist on paper, but not in practice. This could create an opportunity to facilitate the creation of a more enabling environment for civil society by supporting the implementation of existing laws. In other cases, proposed reforms of new initiatives could be supported to improve on existing laws.

Positive initiatives that organisations could support may include:

- reforms that make it easier for CSOs to register (or choose not to register at all);
- the creations of tax incentives to improve the financial sustainability of CSOs;
- the removal of restrictions on external funding for CSOs; and
- improved mechanisms for CSOs to access government grants and contracts.

Action 2: Assess factors shaping political incentives

In protecting civic space, organisations should be informed by the political incentives that influence the behaviour of domestic actors. These incentives will be shaped by a wide variety of factors. Three of the most important are the electoral system, the composition of the parliament, and public attitudes to civil society.

Electoral system

The electoral system is important because it shapes the incentives of parliamentarians. In particular, the electoral system will affect:

31. ICNL 'Defending Civil Society', 2012. 2nd edition. http://www.icnl.org/research/resources/dcs/DCS_Report_Second_Edition_English.pdf

32. For more information: <https://www.theguardian.com/world/2017/jun/20/russian-gay-propaganda-law-discriminatory-echr-european-court-human-rights> and https://www.ilga-europe.org/sites/default/files/Attachments/ws_11_-_shrinking_spaces_for_civil_society_-_charhon_dombos_mihajlov.pdf

- The extent to which parliamentarians are dependent on party leaders. For example, in countries with closed party-list proportional representation, parliamentarians may be more focused on retaining the support of party leaders who control party lists.
- The extent to which parliamentarians are sensitive to the concerns of a clearly defined, geographically limited constituency. For example, multi-member districts may make it harder for voters to hold parliamentarians to account for laws that close civic space.

These aspects of the electoral system may affect how parliamentarians respond to efforts to protect civic space. Previous research has shown that the electoral system shapes the incentive of MPs to cultivate a 'personal vote' within their constituency. First-past-the-post or single member districts mean MPs have more incentive to build their personal vote, whereas in proportional representation systems the party is often more important, especially if closed lists are used, since party leaders generally pick the order in which candidates appear on the ballot.³³

Electoral systems also seem to influence how voters interact with MPs. Research from Afrobarometer shows that in first-past-the-post systems citizens are more likely to contact their MP, but in proportional systems citizens are more likely to protest.³⁴ This research therefore suggests that in first-past-the-post systems, persuading MPs to resist laws that close civic space might be a worthwhile investment but only if they can be convinced that it will damage their personal vote. This is why campaigns from civil society are crucial.

Case study

Kenya has single member constituencies with first-past-the-post voting. This makes it easier for Kenyan voters to hold MPs to account for their voting records. When the government proposed capping the ability of CSOs to receive foreign funding, this made it easier for CSOs to convince MPs that restrictions on foreign funding would have an adverse effect on critical services (such as health, and water and sanitation) in vulnerable areas, and that voters in those areas would blame their MPs for this outcome.

In contrast, **Kyrgyzstan's** electoral system blurs the chain of accountability between voters and their representatives. Deputies are elected using party-list proportional representation from a single nation-wide electorate. This means it is harder for citizens to hold deputies to account for decisions that have a negative impact on specific parts of the country. This helps to explain why civil society's critique of the 'Foreign Agents Law' was phrased in reference to its impact on the nation, rather than particular regions.³⁵

Parliamentary composition and capacity

The composition of the parliament will also affect how receptive parliamentarians are to initiatives designed to protect and strengthen civic space. Programmes will need to consider:

- The balance of power between political parties, and any existing relationship between those parties and different parts of civil society.
- The backgrounds of individual members of parliament. Those who have previously worked in civil society may be more receptive.

33. Rocha Menocal, A., 'Why electoral systems matter: an analysis of their incentives and effects on key areas of governance', ODI, 2011: <https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/7367.pdf>

34. Lockwood, S.; Krönke, M., 'Do electoral systems affect how citizens hold their government accountable? Evidence from Africa', Afrobarometer, May 2018: https://www.africaportal.org/documents/18283/afropaperno181_electoral_systems_and_democratic_accountability_0_1.pdf

35. Dodsworth, Susan, and Nic Cheeseman. 2017. 'Defending Democracy: When Do Parliaments Protect Political Space?' Policy Paper. London: Westminster Foundation for Democracy. <https://www.wfd.org/2018/07/19/wfd-policy-paper-defending-democracy/>

- The personal interests of MPs, who may have existing relationships with CSOs working in areas of particular concern to them or their constituencies.
- The extent to which MPs and researchers lean on civil society for necessary research, policy advice, and data.

If a ruling party or coalition has a majority in parliament, this does not necessarily mean that it will vote in favour of laws that restrict civic space. However, it is important to remember that *voting against a law is not the only way that parliamentarians can resist* attempts to close civic space, such as in Kenya for instance (see case study above). Voting against a law proposed by the government may be politically costly for individual MPs, but they have other options. Parliamentary procedures can be used to delay votes (giving CSOs more time to campaign against laws) or to prevent votes from happening at all. For example, government MPs might be 'strategically absent,' ensuring that parliament lacks the quorum necessary for a vote to occur. This allows them to avoid voting against their own parties and so makes the rejections of restrictive laws less politically costly.

Public attitudes to civil society

Public attitudes to civil society vary widely and can have a strong influence on how political leaders, including parliamentarians, respond to programmes on civic space. For example, in countries like Russia and Kyrgyzstan, public opinion surveys typically find that citizens express strong distrust of NGOs. In contrast, in countries such as Indonesia, surveys find reasonably high levels of public trust in NGOs.

Tip: Typically, public opinion surveys ask people to indicate how much trust or confidence they have in NGOs or civil society on a scale, ranging between 'do not trust them at all' and 'trust them a great deal'.

Sources of information on public attitudes to civil society include:

- The Edelman Trust Barometer, which primarily covers developed countries, but also covers 'emerging markets' such as Indonesia, Malaysia, Colombia and Turkey. <https://www.edelman.com/trust-barometer>
- The World Values Survey, which asks questions about the public's confidence in particular types of CSOs, including women's organisations, environmental organisations, trade unions, and charitable or humanitarian organisations. This survey covers many of the countries in the Middle East and North Africa (MENA) region and Asia, as well as some countries in sub-Saharan Africa. <http://www.worldvaluessurvey.org/WVSONline.jsp>
- Afrobarometer, which sometimes includes questions about trust in civil society, but only for a small number of countries. <http://www.afrobarometer.org/online-data-analysis/analyse-online>

Note: In Afrobarometer Round 7 (2016/2018), surveys in 25 countries asked people whether the freedom of independent groups or non-governmental organisations to speak, hold meetings, or advocate their views freely, including criticising the government if they choose, had got better or worse.

Higher levels of public trust in civil society may make it easier to secure 'buy-in' from parliamentarians for programmes on civic space. For example, evidence that the public is concerned about civic space may make it easier for organisations to demonstrate that its input is driven by local demands, rather than outsiders.

Where levels of public trust in civil society are low, projects and programmes will need to be carefully designed to generate this kind of support. In these cases, it may be useful to focus civic space programmes around specific issues that are high priorities for parliamentarians, making it easier to get them to 'buy-in' to activities.

Action 3: Promote participation of civil society in parliamentary business

Broadening participation in democracy means actively reaching out to all citizens, including the underrepresented or marginalised voices. Within the context of parliament, it is useful to expand participation in parliamentary business to different areas of civil society.

There are multiple ways for civil society to **formally** participate in parliamentary business and the institutionalisation of this cooperation varies across different parliaments. The most common way for civil society to participate in parliamentary business is through providing oral evidence in public or closed hearings and/or providing written evidence to a committee. Committees are the ideal place to foster this type of collaboration with civil society as they discuss public problems and seek public input beyond constituency concerns and party politics. A parliamentary committee can request written or oral submissions through civil society organisations that have expert knowledge on an issue. Civil society may wish to participate in formal parliamentary business for a variety of reasons, including to amend or contribute to a piece of legislation, provide expert advice on a policy issue or raise awareness and provide the point of view of a certain group which is directly affected by the decision. There are also **informal** ways for parliaments to engage civil society in conferences, round tables or Open Parliament Days.



Formal and informal participation of civil society in parliamentary business can be supported, but relationships can be brokered to introduce parliament to international initiatives, such as the *Open Government Partnership*,³⁶ which promote civil society participation in parliament. It can foster collaboration with UK civil society organisations, such as *MySociety*,³⁷ to show how civic tech tools can open parliament to citizens or *Involve*,³⁸ to establish citizen assemblies that develop recommendations, which can be used by parliamentary committees. It can connect civil society organisations to relevant parliamentary committees, such as *PRS in India*.³⁹

Parliaments have begun to innovate in this field, realising that civil society is not just a spectator of parliamentary business but has a real added value and role to play. It is not surprising that parliamentary committees have been at the forefront of these types of innovative practices as they deal with policy issues at the heart of the work of civil society. These types of innovations are mostly formal mechanisms, which have been very useful in creating an enabling environment for civil society to strive in. Establishing a mechanism for formal participation of civil society in parliamentary business might make it more difficult for

36. <https://www.opengovpartnership.org/>

37. <https://www.mysociety.org/>

38. <https://www.involve.org.uk/>

39. <https://www.prsindia.org/>

the government of the day to challenge the role of civil society. Unfortunately, these practices cannot be seen as the panacea to the problem of shrinking space, but are nonetheless enablers for fostering greater trust and understanding between civil society and the parliament, which might make it more difficult to restrict civic space over time.

Institutionalising civil society representation in parliamentary committees

There are a wide variety of ways in which civil society representation in parliamentary committees can be institutionalised. All have advantages and disadvantages, meaning some options may work better in certain contexts than others.

Civil society as a 'member' without voting rights

One of the most recent examples has been the institutionalisation of civil society participation in the work of standing committees. It is common practice in most parliaments to invite civil society to attend a public hearing. However, some parliaments have gone further to include **formal** participation of civil society in all meetings of standing committees. Civil society has the right to participate as a full member but as it is not an elected representative, it does not have any voting rights.

The benefits of this approach have been evident. First of all, it strengthens the cooperation between parliament and civil society as they have the opportunity to develop a positive working relationship, which is built on mutual trust. Secondly, institutionalising this cooperation in the Rules of Procedure gives it a more permanent status, which entails that it cannot simply be amended with a new Speaker or a change in government unless there is cross-party political support to do so. Finally, as is the case in Serbia, it can motivate civil society to organise themselves and collaborate better providing a stronger counterpart to parliament.

Case study: Serbia's Green Chair

The Green Chair represents the only functional mechanism of civil society cooperation in the Serbian National Assembly and has been considered internationally as an example of good practice.

The Green Chair enables the participation of civil society organisations in the work of the National Assembly's Committee for the Protection of the Environment. It was established in June 2013 and has since become an integral part of the Committee's work. To establish the Green Chair concept, article 63 of the Rules of Procedure of the National Assembly of the Republic were amended to state the following: 'The Committee may allow the participation of the citizens' or citizens' associations representatives at the committee meeting, when deliberating on environmental issues.' The Green Chair representative can actively participate in the work of the committee, asking questions and participating in mobile sessions and hearings, thus articulating interests and better informing the committee MPs.

To ensure a fair representation of civil society and guarantee that the CSO representative would not speak in their own name but on behalf of all CSOs, Serbian civil society established a platform of more than 60 CSOs. The work of the platform is managed by the Green Chairs Coordination Team, which consists of three CSOs, which are at the same time the initiators of the Green Chair: Young researchers of Serbia, Center for Modern Skills and the Belgrade Fund for Political Affairs Excellence.

This innovative initiative has been considered as a success in the Assembly of Serbia as it has allowed civil society to submit many amendments to the text of laws, such as for instance to the law on waste management or the law on the protection of nature.

For more information: <https://www.mis.org.rs/wp-content/uploads/zelena-stolica-brosura-1.pdf>

Case study: United Kingdom's Lay members

In 2010, the Standards and Privileges Committee established the principle of lay members with the adoption of Standing Orders No. 148A and 149A and the amendment of Standing Order No. 149. Lay members are citizens from civil society and other parts of society who have never been members of parliament. The lay members are an integral part of the Standards and Privileges Committee, working together with elected members on both disciplinary cases and inquiries related to standards matters. As the Committee's role is to safeguard compliance of members of parliament with the Code of Conduct, lay members ensure that members of parliament are subject to effective scrutiny.

The role of lay members within the committee is very similar to that of elected members without voting powers. However, they also bring an independent and external perspective to the Committee's deliberations, sharing examples of what may happen on standards or ethical issues outside of Westminster. They have the right to append a 'minority report' to Committee publications to attract attention.

The first three lay members of the Committee on Standards were appointed in December 2012. In 2015 the House agreed with the recommendation included in the Sixth Report of Session 2014-15, that the Committee on Standards should have an equal number of MPs and lay members for a total of 14 members. Consequently, four new lay members were recruited and officially appointed on 18 May 2016.

For more information: <https://www.parliament.uk/t-e-s-t/lay-members/>



Civil society as member of ad hoc committee

Some parliaments have been quite innovative by creating a specific ad hoc committee which allows for the participation of civil society. This has strengthened the relationship between civil society and the parliament and has allowed civil society to participate permanently in these ad hoc committees through regular interactions.

Case study: Georgia's Open Governance Permanent Parliamentary Council

The Permanent Parliamentary Council on Open and Transparent Governance was established by the #195/3 Order of the Chairperson of Georgia. Primary functions of the Parliamentary Council are to establish parliamentary openness, elaborate the Open Parliament Action Plans within the scopes of the Open Government Partnership Initiative (OGP) and monitor their implementation process.

The legal base for establishing the Parliamentary Council was enacted in the Parliament's Rules of Procedure on 18 December 2015, when the Parliament of Georgia adopted the amendments to the Parliament's Rules of Procedure. Particularly, according to the amendment (Article 107 (23)), the Chairperson of the Parliament of Georgia is obliged to create a Parliamentary Council in order to ensure transparency of the legislative activities, and coordinated and effective management of the issues related to openness of the Parliament. Provision and composition of the Permanent Parliamentary Council on Open and Transparent Governance is regulated by the order of the Chairperson of the Parliament (Rules of procedure of the Parliament of Georgia, Article 2831).

The Permanent Parliamentary Council is supported by a Consultative Group. The aim of the Consultative Group is to assist the Parliamentary Council in implementing and monitoring the Action Plan. The Consultative Group is composed of non-governmental and international organisations and is tasked with facilitating the work of the Permanent Parliamentary Council on Open and Transparent Governance.

For more information: <http://www.parliament.ge/en/saparlamento-saqmianoba/komisiebi-da-sabchoebi-8/ppcotg>

Useful tip: The Open Government Partnership (OGP) initiative, which places parliaments and civil society as equal partners in creating and advancing legislative openness commitments, has created a favourable environment for the establishment of a permanent mechanism of dialogue. The initiation and institutionalisation of this dialogue, mostly through the creation of ad hoc committees, which regularly meets with civil society, should be encouraged when a new parliament develops an OGP action plan. Civil society should be positioned as a strong accountable partner in parliament.

For more information: <https://www.opengovpartnership.org/resources/parliaments-partners-open-government-reform>

Political parties as an entry point

In some countries, where parliamentary business is closed to civil society engagement, it would be worth considering supporting programmes where civil society can work directly through political parties to influence parliamentary business in an informal way. Most political parties will be interested to engage on policy issues, particularly those very high on the political agenda. In some cases, the engagement might be cross-party but in other cases the support might be offered directly to one political party. The timing of engagement with political parties might be essential; electoral campaigns always create a window of opportunity for increased interest and engagement. For example, CSOs could work with political parties to enhance their understanding of the importance of civic space and encourage parties to sign a public pledge to support its protection post-election.

Case study: Civil society engagement in developing policy positions on resource governance

Because resource governance is such a technical topic, many parties have found it useful to use information gathered by civil society actors to inform their resource policy positions. In Norway, for example, parties frequently consult civil society organisations to understand the technical intricacies behind various stances. Civil society organisations in Colombia conducted extensive research analysing the links between subnational revenue sharing and development, to inform party debates about how best to share mining royalties with subnational areas. Similarly, political parties in Ghana invited civil society actors to make presentations about resource governance while they were trying to formulate positions on the issues.

<https://www.idea.int/publications/catalogue/political-parties-and-natural-resource-governance>

For more information on 'civic engagement in the extractives sector', please visit: <https://agora-parl.org/extractives/citizen-engagement/about>

Action 4: Supporting civil society organisations

Civil society's ability to exercise the fundamental rights of association, assembly and expression is what defines its space to exist and operate in a country. The challenges of closing civil space often go hand in hand with the closing of political space.

What kind of civil society organisations should be supported?

Human rights versus issue based CSOs

There are many expressions of civil society, with multiple types of actors, roles and mandates. This diversity is essential but also allows implementers to provide different types of support. When governments decide to restrict civil space, it is often the human rights organisations that are first targeted.⁴⁰ As the CIVICUS 2017 report⁴¹ notes: 'Governments tolerate and often welcome the work of CSOs to deliver services, support development projects and engage in social welfare and charitable activities, but become more hostile when CSOs seek to advance human rights, promote good governance and accountability, and engage in advocacy. This is observed, for example, in Cambodia, Ethiopia, India, Mozambique, Nigeria, Panama, South Africa, Uganda and Zambia.' Therefore, focusing on supporting civil society organisations that deliver basic services, rather than CSOs that work on human rights, can be extremely useful in a context of shrinking civic space. However, it is also important to avoid 'depoliticising' civil society,⁴² as this might inadvertently reinforce government narratives that civil society should focus on service delivery and 'stay out of politics'.

Case Study: Enhancing political rights of persons with disabilities in Sierra Leone

In 2017, Westminster Foundation for Democracy (WFD), in partnership with Sierra Leone Union on Disability Issues, launched a National Agenda for the inclusion of persons with disabilities in the electoral and political process ahead of Sierra Leone's 2018 elections. The agenda focused on six pro-disability public policy priorities identified by the disability community following inclusive nationwide stakeholder consultations with nearly 1400 persons with disabilities across Sierra Leone's 14 administrative districts. The focus on political and electoral rights of persons with disabilities is seen by most as less controversial than other human rights.

40. Council of Europe, Commissioner for Human Rights, 2014. <https://www.coe.int/en/web/commissioner/-/the-shrinking-space-for-human-rights-organisations>

41. Firmin, Andrew, 2017. 'Contested and under Pressure', CIVICUS. http://www.civicus.org/images/EENA_Report_English.pdf

42. Dodsworth, Susan, and Nic Cheeseman. 2017. 'From Strategy to Implementation: The Case of Civil Society'. Policy Paper. London: Westminster Foundation for Democracy. <https://www.wfd.org/2017/09/05/strategy-implementation-case-civil-society/>

Advocacy versus service delivery CSOs

Civil society plays an important role in both democratisation and development and is therefore often categorised into two distinct groups: those CSOs focusing on advocacy, and those focusing on service delivery. In practice, however, these are not mutually exclusive categories as many CSOs do both. One of the tactics repressive governments have used has been to try and divide the 'good' (that is, service delivery) CSOs from 'bad' (that is, advocacy CSOs). Therefore, an important part of the response to closing space needs to be awareness raising that stresses how the different roles and functions of CSOs are interconnected and mutually reinforcing to counter government narratives that certain sorts of work (political advocacy) are not necessary or appropriate for civil society.

Local versus national CSOs

Local CSOs are often less controversial as they work at a local level and have a limited impact at the national level. Therefore, they are often seen as less 'threatening' and are provided with more space to operate without government interference.

What type of support?

Different types of support for civil society can be considered, including creating an enabling environment, brokering access between CSOs and political institutions, building the capacity of civil society and providing technical capacity to civil society. These different types of support might warrant a prior analysis of the causes of closing civic space and the approach might be different as the context varies. Therefore, it is important to regularly monitor the civic space trends using the tools as described in section 3 (measuring civic space).

Brokering access and building capacity on parliamentary procedure

Parliaments and CSOs both play a key role in keeping the government accountable as oversight actors. For civil society, parliament can be a valuable ally for supporting their cause. Hence, improving understanding in civil society of the different entry points into parliamentary processes is the first step to successfully engage parliament. Civil society needs to be able to grasp the opportunities for influencing national decision making during the law making, oversight and budget cycle, and particularly when legislation is developed that impacts civic space.

In Macedonia, for instance, the project 'Citizens in the Assembly: A Legal Initiative for Human Rights', implemented from 2015-2018 with support from WFD, worked with Macedonian CSOs nationwide to produce well researched reports and public policy papers on legislative and EU acquis related reforms, advocate for their research reports, and ultimately try and affect the legislation through dialogue with parliamentary committees. In the framework of the project, it produced a 'toolkit for advocacy and lobbying'⁴³ to assist the civil society organisations, particularly those with modest experience in cooperating with the Assembly of the Republic of Macedonia. This toolkit provided knowledge about the functioning of the Assembly, identified entry points for future cooperation, explored (formal and informal) options for better 'access' to the Assembly and the MPs, and identified how to best use the comparative advantages and knowledge of civil society to 'access' parliament and the MPs.

Strengthening financial systems

In many countries, governments cite a lack of financial transparency as an argument for not allowing particular civil society organisations to operate. Technical assistance can be provided to committed civil society organisations so that they can improve their financial management skills and accountability. Strategies to increase sustainability and reduce financial reliance on international actors could be provided; for example, in India the parliamentary-focused organisation PRS Legislative Research receives all its funding from the Indian private sector.

43. 'Toolkit for Lobbying and Advocacy in the Assembly of the Republic of Macedonia', WFD. 2017. http://iks.edu.mk/attachments/Priracnik-za-zastapuvanje-vo-Sobranie_EN_PREVIEW.PDF

A different type of support?

The traditional forms of support to organised civil society, which entail international funding to civil society organisations, might not be the most effective in a context of closing civic space.

Depending on the context, support to non-traditional civil society that organises in new ways, rather than the traditional model of professional non-governmental organisations, might be most effective. These social movements advocate for a temporary cause and, as they are not registered, they are more difficult for the government to shut down. Organisations could work with the parliament to promote some of these initiatives, such as providing technical advice on matters related to tax incentives, which falls under the competence of the parliament as budget holder.

Different forms of support have been suggested by various authors,⁴⁴ include crowdfunding, mobilising funding by private companies or local benefactors, and supporting the creation of tax incentives for local funding, in order to make local civil society organisations less vulnerable to foreign funding restrictions.

Action 5: Building coalitions

Coalitions are informal ways to gather support from members of parliament, politicians and civil society for the establishment of an enabling environment for civil society and for challenging the closing of civic space when under attack.

Working cross-party

Cross-party parliamentary groups exist in many parliaments and offer great informal opportunities for members of parliaments across parties to galvanise support for civil society. They allow for the research and opinions of civil society to be imparted into parliamentary business because members of all-party parliamentary groups are also members of standing committees in parliament.

Organisations should consider advocating for the establishment and support of a cross-party group on democracy, where civic space issues are debated.

Case study: UK All-Party Parliamentary Group (APPG) on Democratic Participation

The APPG on Democratic Participation was established in 2016 and had as its aim to serve as a platform to inspire democratic participation and innovation in the UK. Its membership was composed of ten members of parliament from all political parties. It has tackled issues such as citizenship education, online voter registration and inclusive democracy in the UK. This APPG has allowed for members of parliament to come together to discuss issues related to democratic participation in the UK together with civil society. On December 2016, for instance, Clear View Research, a youth-led organisation, was able to present its five steps needed to make voter registration easier, convenient and accessible.

These types of APPG are often difficult to sustain over time. One way to ensure sustainability would be for CSOs to provide support through a secretariat over time.

<https://twitter.com/appgdp?lang=en>

44. Carothers, Tomas, 2015. 'The Closing Space Challenge'. Carnegie Endowment for International Peace. https://carnegieendowment.org/files/CP_258_Carothers_Closing_Space_Final.pdf

Working with donors and international organisations

As civic space continues to close, more international civil society organisations are experiencing problems with their operations. Most of these organisations have developed tools to examine the issue of closing civic space, including through better risk assessment before engagement. Some organisations have developed solutions, which until quite recently were not shared externally. However, as of 2014, a group of 40 organisations concerned with closing civic space issues established a working group to share experiences and lessons learned amongst international donors and funders. In May 2015, the ICNL convened a Global Forum dedicating to the closing of civil space with participants from more than 200 organisations.⁴⁵ Since then, multiple conferences, fora and donor coordination meetings have been organised to discuss the issue of closing civic space and share lessons learned concerning the way forward.

Creating a coalition of like-minded international organisations and donors can put pressure on a government or parliament when civic space is being restricted. However, this is not necessarily always the case and a prior context analysis is useful to evaluate the risk and opportunities to join such a coalition.

Do No Harm

The first basic principle to decide whether to join a coalition of donors and international organisations to strengthen the voice of civil society should be the 'do no harm' principle. It is generally accepted that attention (financial or other) by donors and international organisations directed to organisations or causes, in the midst of a crisis, can cause harm when it represents power and wealth. This can exacerbate the crisis when it is used by one side of the conflict to strengthen its position or weaken the other side.

Donors and international organisations often have little understanding about the different ways groups within civil society are linked with political organisations and therefore how their support for these groups may indirectly affect parameters of the political settlement. Supporting certain civil society organisations through strong international coalitions can lead to giving voices to certain political tendencies.

Example: Nepal's donor support to civil society organisations

With the 1992 political incidents, many donors channelled their funding to local NGOs for the delivery of their programmes. This led to a surge of NGOs, some of which substituted the role of the state in the delivery of public services. This proliferation of NGOs made it very difficult to track who was behind the organisations, including which ones were directly controlled by political parties. The financial support of some of these organisations meant that donors were directly supporting the delivery of activities of specific political parties. In doing so, donors unknowingly indirectly influenced the political process in Nepal.

For more information on the do no harm principle: <https://www.oecd.org/dac/conflict-fragility-resilience/docs/do%20no%20harm.pdf>

Supporting local CSO coalitions or networks

It has been widely acknowledged that advocacy in favour of civic space is most successful when it has a broad base of support, representing a diversity of civil society organisations and perspectives.⁴⁶ Therefore, supporting local civil society coalitions - rather than individual CSOs - can be extremely useful to raise awareness on civic space restrictions being imposed in a country. These coalitions gather civil society members at national and local level that advocate for a similar cause. Organisations could support these

45. Carothers, Tomas, 2015. 'The Closing Space Challenge'. Carnegie Endowment for International Peace. https://carnegieendowment.org/files/CP_258_Carothers_Closing_Space_Final.pdf

46. ICNL Report from the African Regional Workshop, 2014, University of Pretoria. <http://www.icnl.org/programs/africa/Africa%20Regional%20Workshop%20on%20Protecting%20Civic%20Space%20-%20Final%20Report.pdf>

coalitions by creating a space for dialogue and discussion among civil society actors. These coalitions could also be connected to the parliament. Depending on the context, supporting these coalitions could have adverse effects, such as exacerbating accusations by the government of foreign influence.

Useful tip: Connect local CSOs with online networks

A list of 69 national NGO coalitions and seven regional NGO platforms from five continents can be found here: <http://forus-international.org/en/about-us/who-we-are>

Innovation for Change (I4C) is a global network of people and organisations who want to connect, partner and learn together to defend and strengthen civic space and overcome restrictions to basic freedoms of assembly, association and speech. I4C is curated by CIVICUS and Counterpart International. <https://innovationforchange.net/>

Table 2: The difference between coalitions and networks⁴⁷

	Coalition	Network
Timeframe	Short-term	Long-term
Focus	Issue- or campaign- based	Thematic or geographic base
Structure	Informal (minimal administrative hierarchy, no board of directors, etc.)	Formalised (secretariat, general assembly, board of directors, etc.)
Advantages	Flexible; events-driven	Accountable; sustainable
Challenges	Unregistered coalitions are often not recognised by governments and/or donors; Lack of operational cohesion or leadership	Registration processes often do not account for networks that have organisational (as opposed to individual) members; Administrative costs are relatively high
Examples	African Lawyers for Defense of Civil Society, CSO Reference Group (Kenya), Brainforest coalition (Gabon)	Pan African Human Rights Defenders Network, Nigeria Network of NGOs, International Commission of Jurists

47. ICNL Report from the African Regional Workshop, 2014, University of Pretoria. <http://www.icnl.org/programs/africa/Africa%20Regional%20Workshop%20on%20Protecting%20Civic%20Space%20-%20Final%20Report.pdf>

Case study: Kenya's Civil Society Reference Group

The Public Benefits Organisation (PBO) Act, which was elaborated by the Civil Society Reference Group, is a progressive law to regulate CSOs. This law is seeking to provide a more enabling environment for NGOs, with clear criteria regarding NGOs' registration, enhanced accountability, set timelines for processing applications, as well as tax incentives and benefits. It was passed by the Parliament in 2012 and signed into law in January 2013. However, five years after its adoption, the PBO is still not implemented. In the meantime, civil society in Kenya remains subjected to the outdated Non-Governmental Organizations Coordination Act of 1990. Despite the government's continuous attempts to amend or annul the PBO Act, civil society has been very successful in fighting back. These campaigns were successful in providing evidence of the number of jobs that would be lost if the bill passed and convinced MPs that social services, including health services, would be badly affected in more vulnerable parts of the country.⁴⁸

To date, two High Court rulings were triggered by civil society legal action trying to hold the Kenyan government accountable for its inaction. On 13 May 2017, Nairobi High Court declared that the Kenyan government was clearly in contempt of court over its failure to comply with a similar ruling eight months previously.

When awareness raising with members of parliament does not work, taking legal action in court might be the only way forward. As seen in many countries across the globe, these coalitions have been extremely successful in fighting restrictive legal amendments or restrictive interpretations of laws in court. Despite these successes, the implementation of court decisions remains a challenge in many countries.



48. Dodsworth, Susan, and Nic Cheeseman. 2017. 'Defending Democracy: When Do Parliaments Protect Political Space?' Policy Paper. London: Westminster Foundation for Democracy. <https://www.wfd.org/wp-content/uploads/2018/07/WFD-POLICY-PAPER-DEFENDING-DEMOCRACY.pdf>

Case study: Pakistan

In recent years, Pakistan has gradually restricted the operations of international non-governmental organisations (INGOs) and their local partners by refusing visas, introducing labyrinthine registration requirements, and requiring layered approvals for new projects. In October 2015, the Interior Minister announced the Policy for regulation of International Non-governmental Organizations (INGOs) in Pakistan. According to the policy, all INGOs working in Pakistan had to apply online for registration with the Interior Ministry or else cease operating. The Ministry had the power to reject NGO registrations or arbitrarily rescind permissions to work in the country for virtually no objective reason. On 2 October 2018, the Interior Minister of Pakistan refused to renew the licence of 18 international non-governmental organisations.

The intelligence agency, from which the INGOs have been refused a security permit needed to get the licence, has accused the INGOs of 'working as front offices of hostile intelligence agencies, trying to influence our electoral system, weapon smuggling, illegal data collection, hiding presence of foreign employees, supporting the sub-nationalist and anti-state movement'.⁴⁹

Since the introduction of this law, some organisations, such as the South Asia Partnership - Pakistan (SAP-PK) have brought the case to court with good results. The Lahore High Court (LHC) has suspended orders to stop the SAP-PK from operating in different districts.⁵⁰

Tip: Connecting with human rights defenders online

Movements.org is an online platform that links human rights activists in closed societies with people around the world with skills to help. Movements is aimed at activists and individuals dedicated to defending and expanding human rights.

<https://movements.org/>

The Lifeline Embattled CSO Assistance Fund provides emergency financial assistance to civil society organisations (CSOs) under threat or attack and rapid response advocacy and resiliency grants to support CSOs in responding to broader threats against civic space. Lifeline is comprised of a consortium of seven international NGOs, including: Freedom House, CIVICUS, Asian Forum for Human Rights and Development, Front Line Defenders, The International Center for Not-for-Profit Law (ICNL), People in Need (PIN) and the Swedish International Liberal Centre (SILC). Lifeline is supported by a Donor Steering Committee of 19 governments.

<https://www.csolifeline.org/>

49. Naviwala, Nadia. 2017. 'Pakistan uses regulations to tighten grip on INGOs' in DEVEX series Civil Society in Peril. <https://www.devex.com/news/pakistan-uses-regulations-to-tighten-grip-on-ingos-91003> and Toppa, Sabrina, 2018, 'As Pakistan cracks down on NGOs, civil society questions next steps' in DEVEX series Civil Society in Peril. <https://www.devex.com/news/as-pakistan-cracks-down-on-ngos-civil-society-questions-next-steps-91840>

50. IRIN News, 2017 'Pakistan NGOs go to court to fight government crackdown' <https://www.irinnews.org/news/2017/01/25/pakistan-ngos-go-court-fight-government-crackdown>

Appealing to international initiatives and peer-to-peer pressure

Besides formal legislation, joining certain international initiatives or peer-to-peer pressure can positively influence the environment for civic space in a given country.

For instance, within its Enlargement policy, the European Union adopted Guidelines for EU support to civil society in enlargement countries, 2014-2020, which state that a country needs to ensure that there is a 'conducive environment' for CSOs before it can join the EU.⁵¹

Similarly, international initiatives, such as the Open Government Partnership (see case study below) require countries to sign the Open Government Declaration, which creates a non-binding agreement to supporting civic engagement.

Organisations can create linkages with these initiatives, which create pressure on governments. When a government takes proactive steps to reduce civic engagement, these linkages are particularly helpful for creating peer-to-peer pressure to refrain from restricting civic space.

Case Study: The Open Government Partnership (OGP)

The Open Government Partnership brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive and accountable. To join this international platform, governments must sign the Open Government Declaration, which commits the government to supporting civic participation.

Since 2014, OGP has also developed a 'Policy on Upholding the Values and Principles of the Open Government Partnership' with the aim to 'ensure that all Participating Countries uphold OGP values and principles', including those stated in the Open Government Declaration. A country can be rendered inactive if this policy is triggered and concerns justified. This was the case for Azerbaijan: concerns were raised by three civil society organisations - Publish What You Pay, CIVICUS, and Article 19 in March 2015 about difficulties faced by civil society in Azerbaijan, including restrictions on the operations of foreign funders. After reviewing the allegations, the OGP Steering Committee found that these concerns were valid. Following this process, Azerbaijan was designated inactive in 2016 and again in 2017. The effect of being made inactive has not triggered direct reactions by the government. However, since 2016, the government of Azerbaijan has requested several meetings with OGP to update on progress (<https://www.opengovpartnership.org/countries/azerbaijan>) which shows a willingness for continued engagement on OGP.

Since 2018, WFD has been working in collaboration with OGP to open the parliament's doors to citizen participation and oversight with the support of committed civil society actors. WFD is also part of the OPeN Consortium: a collaboration with the National Democratic Institute (NDI), Parlaméricas, Latin American Legislative Transparency Network, Directorio Legislativo, and OSCE/ODIHR to grow and strengthen the legislative openness movement. For more information, please visit: <https://www.openparliamentnetwork.org/>

More information on OGP and civic space can be found here: https://www.opengovpartnership.org/sites/default/files/Right-Tools_Civic-Space_20180508.pdf

https://www.opengovpartnership.org/sites/default/files/OGP-ICNL_Guide-Opening-Government_20180508.pdf

https://www.opengovpartnership.org/sites/default/files/OGP-Civicus_Closing-Space-Open-Gov_20180508.pdf

51. Guidelines for EU support to civil society in enlargement countries, 2014-2020: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/civil_society/doc_guidelines_cs_support.pdf

Action 6: Developing long-term, flexible and adaptive programming

The type of programme that will promote an enabling environment for civil society depends very much on the country context during the inception phase and throughout the programme implementation. It is therefore important that Political Economy Analysis (PEA) is conducted when the programme is designed to identify opportunities and spaces for creating an enabling environment. Once the programme has started implementation, the political context might change, and spaces may be reduced. It is therefore important that the programme is flexible and adapts to respond to these unforeseen circumstances.

Promoting long-term engagement

Many democracy implementers develop programmes to defend civic space once a crisis has emerged and civil society is under attack. However, in those circumstances, it is often too late to provide a programmatic response and diplomatic responses might be most appropriate.

Working on long-term engagement to support the creation of an enabling environment, providing civil society space in parliament, establishing a positive working relationship between parliamentarians and civil society actors and building long-term coalitions are probably the best guarantees to avoid the shrinking of civic space. This is for instance the case in Kenya (see case study above) where long-term engagement with parliament, parties, CSOs, and the media - aimed at tracking the issue of civic space on a continuing longer-term basis rather than just when the draft bill made it to parliament - proved critical to fighting off efforts to introduce regressive amendments.⁵² Moreover, most successful advocacy campaigns have been built over longer periods of time as it takes members of parliament and political parties time to forge their point of view on an issue, let alone amend it.⁵³ Finally long-term support should be adapted in innovative ways as the nature of the challenges evolves.

Approaches may differ according to context

There is no 'one size fits all' approach that will work in every country. The political landscape is different from one country to the next and power dynamics keep changing within a country. It is important to recognise and utilise the spaces offered in a particular context in order to enable civil society to play a useful role within institutions. It is equally important to recognise when civil society is under attack and to try to support it to fight back.

Political Economy Analysis (PEA)

Political economy analysis is essential to establish the power relationships in a given context. This could include an analysis of the country's policies, institutions and processes affecting citizen engagement (such as the legal instruments, the formal means of engagement, the electoral system) and a stakeholder analysis, including engagement of women and vulnerable groups.

Within the 'Strategic Partnership Approach to Creating A Conducive Environment' (SPACE), the European Partnership for Democracy has developed, in collaboration with WFD, a methodology to assess how democratic institutions drive or hinder the development of a conducive environment for civil society in a given country. The **Democratic Institutions for a Conducive Environment (DICE)** uses tools for stakeholder mapping and Political Economy Analysis (PEA) to identify opportunities for influencing positive change. DICE identifies country-specific issues of concern, which could be an inadequate policy or legal framework regulating civil society, the co-optation of civil society by political parties or movements, a lack of accountability of CSOs and other civil society actors and the resulting lack of support from their supposed constituencies, or an overreliance of CSOs and activists on external funding for instance.

52. Dodsworth, Susan, and Nic Cheeseman. 2017. 'Defending Democracy: When Do Parliaments Protect Political Space?' Policy Paper. London: Westminster Foundation for Democracy. <https://www.wfd.org/2018/07/19/wfd-policy-paper-defending-democracy/>

53. Dodsworth, Susan, and Nic Cheeseman. 2017. 'Defending Democracy: When Do Parliaments Protect Political Space?' Policy Paper. London: Westminster Foundation for Democracy. <https://www.wfd.org/2018/07/19/wfd-policy-paper-defending-democracy/>

Regional and out of context approaches

In highly sensitive political situations, organisations may wish to consider developing regional approaches. Such a regional approach could, for instance, entail the establishment of a regional coalition of members of parliament that champion the defence of civic space. It provides members of parliament with an open space to exchange inspiring good practices and challenges they face if they defend such a politically sensitive issue, such as personal security concerns, independence of the parliament from the executive, or independence from political parties' positions. This approach enables members of parliament to be less isolated in their opinions on the role they can play defending civic space.

A regional approach is a potentially effective way to engage countries remotely, in cases where organisations would not be able to engage with them directly otherwise due to visa or security restrictions. It also allows engagement with regional bodies such as ASEAN, ECOWAS, the Arab League, or the African Union, for example, which may have an ability to develop or appeal to regional conventions and legislation protecting civic space, human rights, and democratic principles. However, translating the lessons at the regional level into actions at country level is sometimes more challenging and requires comprehensive approaches.

Case study: The Coalition of women MPs from Arab countries to combat violence against women⁵⁴

The Coalition of women MPs from Arab countries to combat violence against women was established in January 2014 with WFD support and provides an example of a successful regional coalition of members of parliament. The Coalition unites women MPs from thirteen countries: Libya, Jordan, Sudan, Lebanon, Egypt, Bahrain, Tunisia, Morocco, Palestine, Iraq, Djibouti, Kuwait and the Kingdom of Saudi Arabia. Calling for change at the national and regional level, the Coalition is a network that helps MPs share experience on what works and unite together for greater impact.

In tense political situations, it might also be useful to bring members of parliament out of context into another country. This approach has been successful in a number of cases but is very context dependent.

Human rights programming approach

Framing civic space restrictions in terms of human rights violations can be extremely useful, particularly when support is already provided to the Human Rights Committee in parliament. Activities related to capacity building of members of the committee on issues of civic space, legislative amendments to promote or defend civic space, and awareness raising on issues of particular concern for organisations fighting for women's rights or rights of people with disabilities, could be included.

Action 7: Measuring the impact of programming

It might be difficult to assess the impact of the outcome because there will always be a multitude of factors influencing civic space. However, as the logical framework is developed, it is important that the impact is identified in terms of longer-term outputs rather than single activities that might have limited direct impact.

In terms of quantitative and qualitative indicators, organisations might consider assessing whether the programme has contributed to creating an enabling environment for civil society by the development of a positive relationship between civil society and the parliament. This can be measured in multiple ways; for example, quantitatively through the number of formal or informal meetings with participation of civil society. Indicators could also assess qualitative shifts in the relationship between parliament and civil society through policy outcomes and attitude surveys.

54. For further reading, please visit: <https://www.wfd.org/programmes/mena-women/>

Case study: Macedonia

The indicators to assess impact in the project 'Citizens in the Assembly: A Legal Initiative for Human Rights' (described above) project are:

- (1) number of CSOs that have knowledge and expertise to prepare policy papers based on research;
- (2) number of CSOs who engage or meet with MPs and decision makers to present and advocate for their legislative initiatives; and
- (3) CSOs are able to set their initiatives on the agenda of parliamentary committees.



Part III: Addressing Some Tough Questions

Some tough questions arise when international actors develop and implement programmes relating to civic space. Colleagues may find themselves dealing with a range of issues, including:

- distrust or hostility between parliamentarians and civil society;
- polarised political landscapes in which civil society is seen as partisan;
- 'crowded markets' for democracy support, where the presence of other international actors makes it critical to identify the right 'niche' for outreach.

This section provides some advice on how colleagues can work through these challenges.

Issue 1: Distrust and hostility towards civil society

In some instances, the relationship between parliamentarians and civil society is antagonistic. Parliamentarians may see civil society as potential competitors, or as self-interested actors motivated primarily by a desire to access foreign funding. In some countries there are also legitimate questions about the representativeness of civil society, which is often dominated by more highly educated professionals and based primarily in urban areas.

Members of parliament in my country do not want to work with civil society as they are not elected and do not represent citizens.

Where this is the case, colleagues may need to work to shift the attitudes of parliamentarians towards civil society. In seeking to build better relationships between parliamentarians and civil society, programmes may need to focus on smaller, repeated interactions between these groups over time, rather than on larger 'one-off' events. This approach can help to build trust and reveal common interests, but it will take time: attitudes to civil society will not change overnight.

Case study: Increasing democratic participation in the DRC's Province Orientale

In this sub-national programme WFD worked to strengthen the capacity of the Provincial Assembly of the Province Orientale (PAPO) in the DRC. One component of the programme targeted female members of the Provincial Assembly, bringing them together with a small group of civil society activists working on women's issues. Together, these participants identified a specific substantive problem - women and traditional chieftaincies - that they agreed was a top priority. This acted as a focal point for capacity building activities over an extended period. By focusing on a small group with repeated interactions over time, and using a specific issue to draw out common interests, these activities gradually built trust between women in the provincial legislature and women in civil society. This helped to transform their relationship from competitive to cooperative.

Depending on public attitudes towards civil society, sources of public opinion data may be useful tools for convincing parliamentarians that civil society has an important role to play and is a legitimate political actor. If surveys show that the public values the work of civil society and is concerned about the closure of civic space, initiatives to address these issues can be presented to parliamentarians and political parties as a way of winning votes.

Issue 2: Polarised politics and partisan civil society

In some countries, politics is highly polarised. For example, in Ukraine, politics has tended to be polarised along an East-West divide. Where politics is polarised, civil society actors are often criticised for being partisan. This can create barriers for organisations which need to avoid taking political sides.

Civil society in my country is not apolitical and impartial.

It is often assumed that 'good' civil society must be apolitical and impartial. International actors are themselves guilty of perpetuating this assumption, which is sometimes described as 'depoliticizing' civil society. Accepting that civil society can be political is difficult, not just for parliamentarians, but for organisations that provide democracy assistance. Historically, providers of democracy assistance have focused on supporting more apolitical, professionalised NGOs because this made it easier to avoid allegations that they were interfering in domestic politics. However, many NGOs, CSOs and think tanks in the West have certain ideological bents and appeal to specific audiences based on their policy priorities, without undermining the health of the civic environment.

This makes it particularly difficult – but not impossible – for some organisations to work with parts of civil society that are more explicitly political. The first step is to accept that it is possible for civil society to have a political agenda, but also to be critical in its work: it is possible to be objective without being neutral. It is also possible to support a range of civic actors representing multiple sides of the ideological spectrum; this is why PEA and 'do no harm' analysis is important for organisations who do not want to be seen as taking a political or ideological position.

Issue 3: Crowded markets for democracy support

Some countries are crowded markets for democracy support, where there is a large number of international actors working in the sector. This often occurs because international donors identify a crucial window of opportunity for democratic change, or because a country is strategically important. The former explains why there has been a sharp increase in the number of actors working on democracy support in Myanmar over recent years. The latter explains the very high number of international actors working to support democracy in the Ukraine.

Where the democracy market is crowded, it can be difficult for organisations to identify how they can make a difference. Drawing on specific strengths of the organisation in certain areas can make a valuable contribution.

When it comes to the issue of civic space, the initiatives of many larger providers of democracy support, such as those of the EU, have tended to focus on 'crisis response', working to counter increases in repression including proposals for new laws that would close civic space.⁵⁵ Experts have highlighted that the international community still needs to develop responses that are more pre-emptive and sustainable over the long term: they need strategies that put them 'ahead of the curve'.

In particular, experts have suggested that support to civil society should shift away from capacity building to ensuring that civil society activities channel into representative bodies, such as parliaments, rather than protests.⁵⁶

55. Youngs, Richard. 2017. 'Shrinking Space for Civil Society: The EU Response'. Paper requested by the European Parliament's Subcommittee on Human Rights. Brussels: Directorate-General for External Policies, European Parliament.

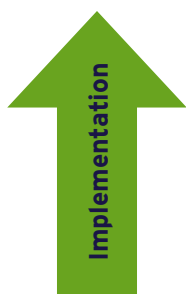
56. Youngs, Richard. 2015. 'Rethinking Civil Society and Support for Democracy'. Stockholm: EBA. <http://carnegieeurope.eu/publications/?fa=60000>

Part IV: Summary Matrix



How to assess civic space

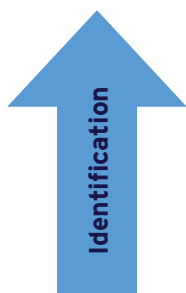
- Measure different dimensions of civic space (freedom of association, freedom of peaceful assembly, freedom of expression, human rights protection and the civic engagement in rulemaking).
- Engage in dialogue about local trends with civil society organisations and parliament.
- Identify factors shaping political incentives to protect or close civic space (electoral system, parliamentary composition, public opinion).
- Use the DICE methodology to identify opportunities for influencing positive change.
- Analyse trends in the legal environment.



How to devise a long-term strategy

Look for ways to :

- Shape laws and decrees promoting civic space pro-actively.
- Foster relationships between civil society and parliamentarians via formal and informal mechanisms.
- Build capacity and support civil society organisations pre-emptively.
- Build and participate in national and international coalitions.
- Support regional and international approaches.



How to monitor and evaluate the impact

- Measure changes in civic space by monitoring different tools.
- Use relationships with civil society and parliamentarians to track changes in national context.
- Adapt to changing circumstances through flexible programming.

Part V: Additional Resources

General

- Carnegie Endowment for International Peace, Civic Research Network resources: <https://carnegieendowment.org/specialprojects/civresearchnetwork/>
- CIVICUS resources: <https://www.civicus.org/index.php/what-we-do/defend/civic-space-initiative>
- Human Rights Funders Network resources on civic space: https://www.hrfn.org/resources/?search_query=&tax_resources_topics%5B%5D=defending-civic-space&date_y=&order=DESC&wpas_id=resources-form&wpas_submit=1
- The International Centre for Not-for-Profit Law (ICNL) resources on defending civil society: <http://www.icnl.org/research/resources/dcs/index.html>
- Task Team on CSO Development effectiveness and enabling environment: <https://taskteamcso.com/resources/> and in particular: <https://taskteamcso.com/wp-content/uploads/2019/04/TSKTM-01C-Guidance.pdf>

Civic space and the media

- Guide to Reporting Civic Space: Media Toolkit
This toolkit was produced to be a useful, informative tool for connecting journalists and media with the challenges and opportunities currently happening in civil society. Most importantly, it provides story ideas, angles, and prompts designed to help media and journalists cover these issues better. <https://www.civicus.org/documents/reports-and-publications/reporting-civic-space/Guide-to-Reporting-Civic-Space-Media-Toolkit.pdf>
- CFI France: media and governance programme: <https://www.cfi.fr/en/programs/media-governance>
- BBC Media Action: media and governance: <https://www.bbc.co.uk/mediaaction/research-and-insight/governance/rights>
- FCO 2019 media freedom campaign: Global Conference for Media Freedom, London, 10-11 July 2019: <https://www.gov.uk/government/topical-events/global-conference-for-media-freedom-london-2019>, the launch of a Media Freedom Coalition and House of Commons Foreign Committee Report 'Media Freedom is under Attack': 04 September 2019 (<https://publications.parliament.uk/pa/cm201719/cmselect/cmfaff/1920/1920.pdf>)

Civic space and trade unions

- International Trade Union Confederation ITUC Global Rights Index 2018 notes a shrinking of democratic space: <https://www.ituc-csi.org/ituc-global-rights-index-2018-20299>
- On the linkages between workers' rights and closing of civic space: <https://www.solidaritycenter.org/worker-rights-attacks-part-of-human-rights-crackdown/>
- Human rights and business: <https://www.ihrb.org/uploads/reports/2015-12-Human-Rights-Defenders-and-Business.pdf>

Westminster Foundation for Democracy
Artillery House, 11-19 Artillery Row, London, SW1P 1RT
🐦 @WFD_Democracy | 📘 @WestminsterFoundation
www.wfd.org